

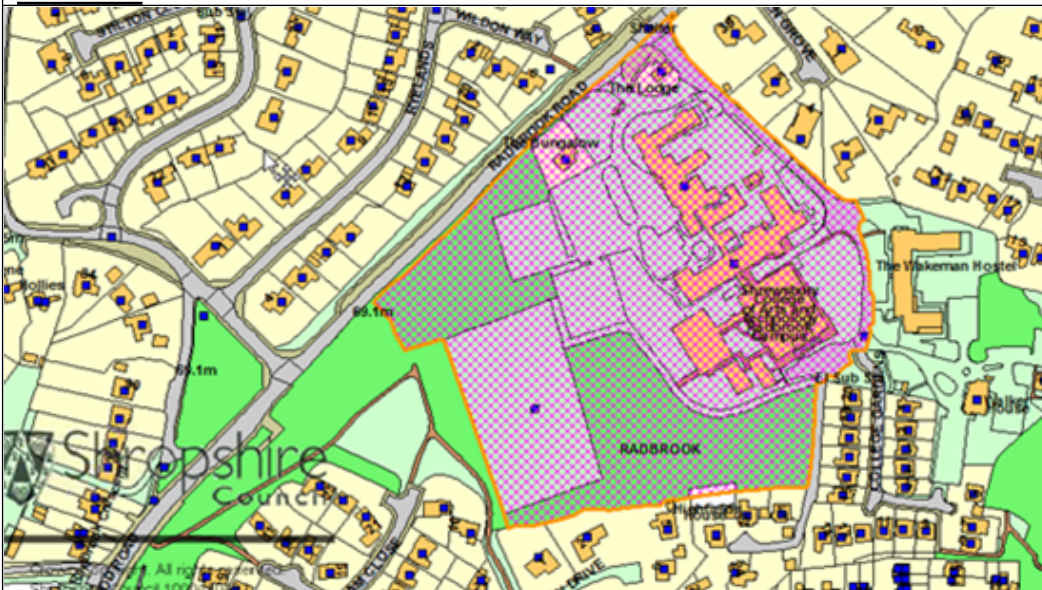
## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b><u>Application Number:</u></b> 17/00821/REM	<b><u>Parish:</u></b>	Shrewsbury Town Council
<p><b><u>Proposal:</u></b> Approval of reserved matters (siting, design, appearance, landscaping) pursuant to 15/00491/OUT for mixed residential development of 104 residential units including affordable housing and conversion of college building into 16 apartments; highway works; formation of estate roads; landscaping works including felling of trees; formation of open space; discharge of conditions 10(European Protected Species), 11(Construction Method Statement) and 12(Badger Mitigation Plan) attached to 15/00491/OUT (amended description)</p>		
<p><b><u>Site Address:</u></b> Shrewsbury College Of Arts And Technology Radbrook Centre Radbrook Road Shrewsbury Shropshire</p>		
<p><b><u>Applicant:</u></b> Floreat Living Ltd</p>		
<p><b><u>Case Officer:</u></b> Jane Raymond</p>		<p><b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a></p>

**Grid Ref:** 347389 - 311794



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application relates to approval of reserved matters (siting, design, appearance and landscaping) pursuant to 15/00491/OUT for mixed residential development of 104 residential units including affordable housing and conversion of college building into apartments and conversion and extension to the Lodge to provide a single dwelling, highway works, formation of estate roads, landscaping and formation of public open space.
- 1.2 The proposal also includes details to be required to be submitted by conditions 5 to 9 of the outline consent:
- Condition 5 -Landscape and habitat management
  - Condition 6 – Bat mitigation strategy
  - Condition 7 – Arboricultural assessment
  - Condition 8 – Footpath and cycle link to Sparkham Close
  - Condition 9 – Surface water drainage
- 1.3 The submission also includes details to discharge pre-commencement conditions 10 to12:
- Condition 10(European Protected Species)
  - Condition 11(Construction Method Statement)
  - Condition 12(Badger Mitigation Plan)
- 1.4 The proposal has been amended to that first submitted to address some of the issues raised by the community and consultees. The most significant amendments relate to a reconfiguration of the building footprint and a change to the roof form of the independent living/affordable housing block, to reduce the overall massing and allowing it to be moved further into the site away from the site boundary with Radbrook Road. The other changes include the loss of one of the new build 'Coach Houses' at the front of the site (which enables retention of a single storey wing within the original Radbrook College building) and an increase in height from single storey to two storey of a section of the 'Villa' type house at the site entrance. The majority of the plans for all the house types have also been amended but these relate to very minor alterations to their design and appearance including changes to floor areas, window and door details and the addition of feature brick banding.
- 1.5 The overall layout has also been amended and includes the re-siting of the independent living/affordable block, repositioning the proposed access road North of College Gardens to increase the landscaping buffer along the boundary and the omission of the wood land walk (with the path re-aligned to the road side) and the play areas omitted with an off-site payment to improve local play areas in lieu of this. The landscaping plans have also been amended in line with the changes to the layout and include more tree planting between Radbrook Road and the affordable homes, and revisions to the soft landscaping proposals in accordance with the tree officer's recommendations.

## 2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed development site is part of a larger area of land previously in educational use and the former site of Radbrook College. This application relates to the land previously owned by the Radbrook Foundation which is the largest part of the college site adjacent to the smaller part of the site to the East which was previously owned by Shropshire Council. A separate Reserved Matters application (17/00822/REM) has been submitted concurrently with this application in addition to an application for change of use of additional land to provide public open space (17/00823/COU).

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Members approved the outline application subject to any subsequent application for reserved matters to be considered by Committee.

## 4.0 Community Representations

### 4.1 - Consultee Comments

4.1.1 **SC Conservation:** Following on from a recent site meeting and subsequent meetings with the applicant and agent, a number of details of the scheme have been satisfactorily revised, including most particularly from a historic environment perspective, the retention of a return element of the existing services range of the original Radbrook College building, which in our view provides for a more satisfactory level of retention of the heritage asset and improved visual presentation at this main entrance to the larger site along with a better built form relationship with the adjacent existing Lodge building. No further comments on the current revised scheme, and conditions requiring agreement of all external materials, decorative finishes, boundary features and hard and soft surface materials should be included in the Decision Notice.

4.1.2 **SC Parks and Recreation:** Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision.

The Design and Access Statement acknowledges the need for open space as set out under SAMDev Policy MD2. As there are more than 20 dwellings, the number of bedrooms needs to be considered.

The development includes 379 bedrooms equating to 379 people. Working on 30 m<sup>2</sup> per person it equates to an area of 11,370 m<sup>2</sup>.

The full development plan attached to the application shows the OS area extending to 11,946 m<sup>2</sup>, which we consider fulfils the planning criteria.

4.1.3 **SC Trees:** No objection to this application subject to conditions.

The proposed development seeks approval of reserved matters (siting, design, appearance and landscaping) pursuant to outline planning permission granted under 15/00491/OUT for mixed residential development of 104 residential units and the conversion of the existing building to provide 16 apartments and associated, site road, POS, infrastructure and landscaping.

An Arboricultural Impact Assessment (AIA) has been submitted with the planning application. The preparation and format of the AIA has followed the recommendations of BS 5837: 2012 'Trees in relation to design, demolition & construction; Recommendations' and seeks to identify the impacts to trees and shrubs that would result from the proposed development, provide reasons and justification for tree removal and propose mitigation to ameliorate the impact identified. The AIA includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

As a whole the proposed development would result in the loss of 83 individual trees, (1 Cat. A, 23 Cat B and 59 Cat C) along with 20 groups of trees (3 Cat B and 17 Cat C). The majority of the tree removal was considered under the outline application and was approved subject to extensive new tree planting being provided by way of a landscaping scheme attached to the development as part of the reserved matters and that the retained trees would be accommodated within the site layout in a way that was harmonious with the proposed future land use and that they would be satisfactorily protected during the construction phase of the development.

I have reviewed the site layout, tree protection plans and am satisfied that the key landscape and amenity trees on the site have been retained and that the layout of the site has been arranged to ensure that these retained trees are harmonious with the new land use and do not negatively impact on the long-term residential amenity of any of the proposed dwellings, infrastructure or amenities. I am also satisfied that the proposed tree protection measures will satisfactorily protect the trees to at least the minimum standard recommended by BS 5837, subject to conditions requiring the submission of engineering details for the proposed 'no dig' low impact paths and that all works are in accordance with the submitted Tree Protection Plans and Arboricultural Method Statement referenced above.

The landscaping of the site has been the subject of much discussion and I am now satisfied that the proposed scheme referenced above will provide a satisfactory level of compensatory planting, uses appropriate species and planting locations to ensure that the development is integrated into its environment and that the visual impact of the new buildings in the landscape is softened at key public viewpoints

and the verdant character of the area is retained and that the layout of the scheme compliments the development and enhances the appearance of the site and surroundings and will provide adequate canopy cover for the site, which is sustainable in the long-term.

On balance I consider that the proposed development is compliant with policy CS 6 of Shropshire Council Core Strategy, policies MD2 & MD 12 of the adopted SAMDev scheme and the general principles of sustainable development described in the NPPF.

- 4.1.4 **SC Ecology:** The information submitted is sufficient to discharge conditions 5, 6, 10 and 12 in relation to planning permission 15/00491/OUT.

Condition 5: (landscape and habitat management plan)

*5. As part of the first application for Reserved Matters a landscape and habitat management plan shall be submitted to and approved by the local planning authority. The plan shall include:*

- a) Description and evaluation of the features to be managed;*
- b) Ecological trends and constraints on site that may influence management;*
- c) Aims and objectives of management;*
- d) Appropriate management options for achieving aims and objectives;*
- e) Prescriptions for management actions;*
- f) Planting plans, including wildlife habitat and features (e.g. hibernacula)*
- g) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)*
- h) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)*
- i) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works*
- j) Implementation timetable*
- k) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);*
- l) Personnel responsible for implementation of the plan;*
- m) Monitoring and remedial/contingencies measures triggered by monitoring*

*The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.*

An updated ecological survey has been undertaken in order to create a landscape and habitat management plan which takes into account the current biodiversity features of the proposed development site.

Badgers

The development site has been surveyed for evidence of badgers on a number of occasions between March 2016 and 25th April 2017. No evidence of badger was found on the application site or within 30m of the surveyor accessible land surrounding the application site.

### Great Crested Newts

eDNA analysis of 3 ponds within close proximity of the site has been undertaken. eDNA is an accepted survey technique by Natural England for determining presence/absence of great crested newts in a pond. The survey was conducted at the appropriate time of year (April 2017). The ponds recorded absence of great crested newts.

SC Ecology has made a site visit to inspect the proposed development site and has concluded that due to the lack of water the wet areas present would not be suitable for breeding great crested newts. The habitat enhancements as part of this planning application will ensure that a suitable breeding pond is available for amphibians in the future. This will therefore enhance the area for biodiversity. As there has been a great crested newt recorded in the surrounding area an Ecological Clerk of Works will be provided to oversee site clearance work, including the removal of vegetation. If a great crested newt is found at any stage of the development, works must halt and the ecologist and Natural England contacted for advice. The developer is aware of this.

### Reptiles

A reptile survey has been conducted. A map has been provided by Star Ecology which shows the locations of the reptile mats during the survey work. No reptiles were recorded. The Great Crested Newt method statement will protect reptiles and amphibians if they are present in low numbers.

### Nesting Birds

Existing swift nest locations will be retained and protected. Additional bird nesting opportunities will be provided as indicated on the Landscape Plan prepared by AHR Architects.

### Landscape & Habitat Management Plan

The information included within the Landscape & Habitat Management Plan provides an implementation timetable. Works on site will be completed by 2021, and it will be the responsibility of Floreat Homes. The Landscape Plan prepared by AHR Architects Ltd dated 10/27/2016, drawing number 691-AHR-DR-L-ZZ-90-018, shows the bat and bird enhancements that are proposed. Ecological connectivity is being retained through the site and an existing area of wet woodland is being restored to a pond, swift nests are being retained, and bird and bat boxes are being installed. The landscape and habitat management should be carried out as approved.

Providing SC Tree Team are able to support the landscape proposal and they are of the opinion that appropriate species are used, SC Ecology is able to confirm that the information provided is sufficient to cover REM condition 5.

### Condition 6 and 10 (Bat mitigation and licence)

6. *As part of the first application for Reserved Matters a Final Bat Mitigation Strategy shall be submitted, which must comply with the principals set out in the Outline Bat Mitigation Strategy by Red Kite dated May 2015, including submission of a revised Preliminary Bat Roost Assessment, lighting, landscaping and artificial*

*bat roosts.*

*Reason: To ensure the protection of bats, a European Protected Species*

10. *The conversion of the main campus building shall not in any circumstances commence unless the local planning authority has been provided with either:*

*a) A licence by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or*

*b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specific activity/development will require a license.*

*Reason: To ensure the protection of bats, a European Protected Species*

Update bat survey work has been conducted by Star Ecology in 2016;

- The Lodge

A Dusk Bat Emergence Survey (29th July), a search for physical evidence of bats (11th August), and a dawn bat re-entry survey (27th August) was conducted on the Lodge by Star Ecology in 2016. Survey results indicate that the Lodge is not used by bats for roosting purposes.

- Walker House

A Dawn re-entry survey (13th June), a dusk bat emergence survey (22nd July), and physical evidence of bats was searched for (11th August) at Walker House by Star Ecology in 2016. Survey results indicate that Walker House is not used by bats for roosting purposes.

- Modern Type Buildings

The Modern-Type buildings within the Radbrook Village Site do not provide potential bat roost habitat.

- Main Building

A Dawn Bat re-entry survey (11th June), a dusk bat emergence survey (18th July) and a search for physical evidence of bats and their roosts was conducted on the Main Building by Star Ecology in 2016. Survey results indicate that the Main Building is not used by bats for roosting purposes.

- Trees

Trees were inspected for bats and the Radbrook Village Site does not provide potential roosting habitat and trees are not (likely to be) used by bats for roosting purposes.

Star Ecology has concluded that there are no bat roost features on the buildings or the trees. Star Ecology discounted bat roost features previously identified in 2015. It is not clear why bat activity survey work was conducted when there were no identified bat roost features, however the detailed survey allows SC Ecology to conclude that works can proceed without the need for an EPS licence from Natural England.

In order to cover condition 6 a Bat Mitigation and Enhancement Plan has been

submitted.

- Three groups of three Schwegler 2FR Bat Tubes will be installed within exterior walls of the Main Building within The Radbrook Village Site
- 10 Schwegler 1FD Bat Boxes will be installed on mature trees (to remain) within The Radbrook Village Site
- A bat light sensitive scheme has been devised
- As a precautionary measure the Ecological Clerk of Works will oversee the removal of all roof structures of the Main Building, The Lodge and Walker House

The updated bat survey has recorded no bats using the trees or buildings as a place of rest or shelter. The condition 1 and 2 below will ensure the potential to impact bats is low. The applicant is aware that if a bat is found roosting then works must halt and Natural England contacted for advice. Condition 10 can be discharged.

#### Condition 12 (badger setts)

*12. No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of any development involving excavation. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority. If active badger sett(s) are identified, then prior to the commencement of the development, a detailed badger mitigation plan shall be submitted for the approval of the Local Planning Authority. The mitigation shall be undertaken in accordance with the approved mitigation plan.*

*Reason: To ensure the protection of badgers. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc. by the Protection of Badgers Act 1992.*

The development site has been surveyed for evidence of badgers on a number of occasions between March 2016 and 25th April 2017. No evidence of badger was found on the application site or within 30m of the surveyor accessible land surrounding the application site. The information provided is sufficient to discharge condition 12.

#### **4.1.5 SC Highways:**

##### Observations/Comments:

The scale of this proposed development is considered acceptable, Shropshire Council as Highway Authority raises no objection to the granting of consent for the above.

##### Access and Layout.

It should be noted that the proposed access and layout of the proposed development is acceptable based on a general horizontal appraisal of the layout submitted, for the purposes of fulfilling the consultation on this reserved matter application. The developer will be required to seek a full Technical Assessment of the proposed highway works, as part of the required Highway Agreements. The



technical assessment will include details of the proposed roundabout. This process will include a review of all construction details to ensure they comply with the relevant standards; all works will be subject to a full road safety audit.

#### Footpaths and Footway link to 'Sparkham Close'

Condition 8 of Planning permission 15/00491/OUT required provision of a footpath/cycleway up to the South West boundary of the application site to enable a footway/cycleway link to be provided between the proposed development site and Sparkham Close. It is considered that whilst the most desirable location for a connection to Sparkham Close would be between Plots 40-61 to Plot 76, the proposed connection through the open space is acceptable and will provide a suitable link to Sparkham Close.

A scheme to provide a footway link along Radbrook Road, is currently in the Highways and Transport Capital Programme, these works will seek to improve connectivity along Radbrook Road, and will be funded through neighbouring developments. It is therefore not considered appropriate that this development provides additional footway provision along Radbrook Road.

#### Construction Management Plan

Condition 11 of Planning Permission 15/0491/OUT requires the submission of a Construction Management Plan to be submitted and approved, whilst the details submitted are acceptable in principle, there are incomplete sections therefore, further information will need to be submitted for approval once a Principal Contractor has been appointed and prior to works commencing.

4.1.6 **SC Drainage:** The surface water drainage proposals are acceptable.

4.1.7 **SC Public Protection:** When Public Protection assessed application 15/00491/OUT we had no knowledge of known industrial or past uses of the site that could have resulted in contamination of the land and having regard to our knowledge of nearby potential ground gas sources, we did not see the need to recommend contaminated land conditions on the approval.

This reserved matters application is supported by a Phase 2: Geotechnical Investigation and Contamination Assessment Report; ref. TB/JF /SR/15469/GICAR, dated March 2016 by Ruddlesden Geotechnical. A contamination risk assessment has shown that the levels of contamination recorded across the majority of the site are not potentially harmful to human health given the proposed end use or to the water environment. However, elevated levels of cadmium, nickel, zinc, arsenic and lead were recorded at two locations in the made ground to the east of the former college buildings. These levels of contamination are considered to be potentially harmful to human health given the proposed end use and further work is required to delineate the extent of what are significant levels of contamination.

In addition, amosite asbestos fibres have been recorded in the made ground in TP10. The report advised that if this area is to be developed, further work, including asbestos quantification, would be required to confirm its extent and whether or not any construction work in this area would be licensed work. Having regard to the proposed site layout the area where asbestos (amosite fibres) has been identified

is to be developed.

The report concludes that the investigation has identified several uncertainties. Further work is recommended to provide more certainty and to provide information for design, including:

- Contamination: Boreholes and/ or trial pits with contamination laboratory testing are required following demolition of the existing building, to establish the extent of the contamination in the area of TP01 WS02 (where elevated levels of contamination have been recorded) and hence extent and most suitable method of contamination remediation; and

- Asbestos: Amosite asbestos fibres have been recorded in the made ground in TP10. If this area is to be developed, further work, including asbestos quantification, would be required to confirm its extent and whether or not any construction work in this area would be licensed work.

- Infilled Pond: The location of the infilled pond in the northwest of the site has not yet been confirmed, but it is considered most likely to be at the location of the current bee hives. Although its location does not affect the foundation recommendations, as piled foundations are recommended in this area, the origin and nature of any infill material is currently unknown. Additional contamination testing should be undertaken on samples obtained from the infill material, if encountered, to confirm the presence/ absence of harmful levels of contamination.

There is clear evidence that confirms further assessment is required and therefore having regard to this additional information, I strongly recommend that the Council's conditions in respect of contaminated land are included in this Reserved Matters Approval to ensure that the site can be safely developed and the Council receives the necessary validation to demonstrate that any unacceptable risks have been dealt with.

## 4.2 - Public Comments

4.2.1 Shrewsbury Town Council: The Town Council has no objection to this parcel of land being incorporated within the development site to facilitate the provision of open space provided that the necessary landscaping conditions and S106 agreement for future maintenance. In relation to open space we believe that the provision of infant and junior play provision cannot be accommodated on site and meet the 25m/50m buffer zones between play and the nearest property. We would like to see that play space is removed in lieu of improvements to neighbouring infant and junior space for which a sum of £60k for provision being conditioned.

4.2.2 Cllr Keith Roberts: (Comment received in relation to application as first submitted). As the Radbrook Councillor I object to this application because of the proposed build up of road way at the rear of 20 and 22 and old Farm house at College Gardens, it is proposed that it will be built up by 2 metres with no indication of materials to be used and it would allow visual access into rear Gardens and rooms of these dwellings. I object to the play areas being located where they are as they do not come up to the Town Council play policy into close to current dwellings. I

object to the location and size of the independent living unit it is proved to tower alongside Radbrook Road totally out of keeping for the area, there is also inadequate parking (17) for this block.

- 4.2.3 Shropshire Wildlife Trust: (Comment received in relation to application as first submitted). The development will result in the loss of a significant area of habitat from the site and from the documents provided we are unable to agree with the claim that the remaining area of green space will in fact provide a greater wildlife or amenity value.

Given our experience of habitat management plans for other developments we would ask that a clearer but more detailed document is produced. The current plan does not contain sufficient detail to ensure that biodiversity gains will be delivered and that this could be demonstrated for the life of the development. It also makes reference to numerous other documents and so generates confusion.

For example:

- We can find no details of swift nesting features, bird nesting features, bat roosting features. What are the specifications? Where are the locations?
- No details of pond excavation methods.
- Inclusion of inappropriate species in planting plans, e.g. *Cotoneaster simonsii* (a non-native invasive listed in Schedule 9 Part 2 of the Wildlife & Countryside Act 1981 and advised against by Plantlife and RHS).
- No details of grass/wildflower seed mix or subsequent management.
- No details of management after 5 years from completion (condition 5 requires the plan shall be carried out for the lifetime of the development).

We have additionally been made aware of a recent sighting of a gravid female great crested newt within 75m of Pond 1 on the development site. It would therefore appear likely that despite the low HIS scores pond 1 still provides a breeding opportunity for great crested newts and this should be further investigated and measures and enhancements incorporated into an updated and improved habitat management plan.

- 4.2.4 CPRE: Object - When viewing the proposed site plan one cannot help but think that the developer's intention is to maximise the number of dwellings on the site to the exclusion of all other considerations.

In particular we object to the absence of any sport and recreational facilities. For many years the Radbrook College playing field has been available for the leisure and recreation of local people. The loss of this facility is totally contrary to Core Strategy Policy CS16 which aims to "*deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital roll that these sectors play for the local economy*".

The current high level of development in and around Shrewsbury is in danger of creating a total imbalance between local green space, recreational areas and housing. CPRE consider that the existing College playing field should be retained as an undeveloped area.

- 4.2.5 Shropshire Playing Field Association: Object to the application and object that Sport England have not been consulted on this application as a statutory consultee as there is clearly a loss of a high quality playing field on this site.

The Radbrook College site includes a flat rectangular piece of grassed land measuring approximately 0.47 ha; this land was formerly part of the Radbrook College Site.

According to historic photos and local intel this land is high quality playing field land (a former high quality hockey field) which has been maintained as mown grass, (upto the College closure in 2014) being used by students for a multi functional facility including sport, walking etc. It has not been used for horticulture and is not brownfield.

It should be noted that Shropshire Council has failed to provide an open space needs assessment as required by NPPF 73.

Shropshire Playing Field Association are of the opinion that the last use of the rectangular piece of land is playing field therefore, it would normally be expected that Sport England as a non-statutory consultee would be consulted on such a matter, but according to Sport England they to date have not.

Our shared view is that an application for the loss of a playing field even if it had not been in formal use for the past 5 years should be protected and should follow nppf74 guidelines.

Sport Englands playing field policy is clear and should be applied to all developments affecting all playing fields regardless of when the field was last in use, it should be noted government planning policy in paragraph 74 of the nppf does not distinguish between current and former playing field sites.

We believe the local planning authority should give due regard to this point and at the very least consult sport England on this matter before making a decision.

#### 4.2.6 **Comments from local residents**

Summary of objections received from the public in relation to the proposal as first submitted and as amended. This is only a summary of public comments received and full comments can be viewed on the file.

##### Summary of comments regarding the development as a whole

- ☒ Concerned about the effect on the trees and the harsh clearance of the hedges and trees next to Radbrook Road
- ☒ Concerned about the effect of increasing the population on the infrastructure of the area by hundreds of new residents on top of previous recent developments.
- ☒ The proposed roundabout and splitter island are unsafe and the increase in

traffic that is going to occur is going to be intolerable and another road access should be included in this design to reduce the traffic.

- ❑ Childrens play areas for up to 5 years must be 25 metres from any buildings and for 6 to 12 years 50 metres from buildings.
- ❑ The two proposed equipped play areas are too small for their purpose and of limited use and welcome the town clerk's proposal that the developers should contribute to the development of the existing Radbrook play areas, which would benefit the community as a whole.
- ❑ Building on an existing playing field is contrary to national and local policy and disagrees that because it has not been used for more than 5 years it is not a playing field.
- ❑ The evidence base documents when preparing SAMDev noted at EV13 that *'In light of the importance of outdoor sports facilities to residents, and their role in increasing physical activity, it will be important to ensure that all sites are protected from development unless it can be proven that the site is surplus to demand'* and that *'developments should make provision for the open space, sport and recreation needs that they generate'*.
- ❑ Residents of the development should have access to a playing field within walking distance, and maintaining, improving and opening up the playing field, or part of the playing field to the wider community would benefit all residents..
- ❑ The plans are different to those viewed at the outline stage resulting in a very different type of development.

#### Summary of comments from or regarding the aspects of the proposal affecting residents NW of Radbrook Rd in Ryelands and Wildon Way

- ❑ The developers have already decimated the roadside hedge and young trees along the Radbrook Road boundary, and cleared the whole area behind of any growth.
- ❑ A wide landscaping strip should be provided between Radbrook Road and the new housing to tie in with the strip that already exists from the southern site boundary down to Bank Farm Drive so that the wildlife corridor is extended and not reduced and to enhance the appearance of this entry to town rather than degrading it.
- ❑ A carefully thought out landscaping/screening scheme is required together with possible groundworks as the embankment to Radbrook road is in places very steep.
- ❑ What will the boundary fence be to the rear of properties that back onto Radbrook road.

- ② Some thought should be given to the provision of a footpath so that the pavement continues on the south-east side of Radbrook Road and links the current college site entrance to the bus stop opposite Crowmeole Lane. The developer should provide this path and/or make good the existing footpath on the opposite side.
- ② The apartment building (independent living units/affordable housing) will be situated on higher ground close to and above Radbrook Road will appear as a dominant, over-bearing mass and would be a major visual intrusion that will be detrimental to residential and public visual amenity.
- ② The proposed independent living units will dominate the area and their appearance, character and scale will not be in keeping with the current pleasant, spacious, detached residential area.
- ② The amendments made to the position of the two storey independent living accommodation flats will make no significant change to the impact of the proposed development and the photo montage is misleading.
- ② The development will overlook residents of the Ryelands resulting in a loss of privacy and the rear elevation of the block, which incorporates access walkways, and fronts directly onto Radbrook Road will exacerbate this situation. These walkways will likely be used for the drying of washing and storage and will be unsightly.
- ② The residents of the flats would be subjected to both traffic noise and pollution from the road.
- ② The front elevation, which would face South, is mostly glass, which would be very unpleasant in the heat of the day.
- ② Suggests that the balconies face inwards towards the development rather than out towards the Radbrook Road as this would enhance the vista into town, create a more integrated community and provide independent living residents the opportunity to sit out on the balcony and enjoy a sunnier (southerly) and quatter aspect with a more pleasant outlook over the 'village'.
- ② The apartment building would result in a loss of light in the day and the illuminated external walkways will add to the existing street lighting that throws sodium light onto the Rylelands by night.
- ② Within the design of the flats there is no provision for communal areas or care which would mean a procession of carers coming and going day and night. A purpose built facility would be preferable for elderly infirm people who need assistance.
- ② Inadequate parking provision especially for apartment block resulting in street parking in Ryelands and Wildon Way.
- ② The three storey link detached houses/villas to be built on the brow of the hill

on the entrance to the site will also dominate the skyline with balconies and roof terraces overlooking Radbrook Road and Wildon way which is inappropriate.

- ② The proposed roundabout and splitter island are unsafe and Plot 001 and 0034 should be reduced so that there is a greater distance and additional landscaping between the round about and the top of Wildon Way to reduce road noise and pollution.
- ② The increase in traffic that is going to occur at the end of Wildon Way is going to be intolerable and another road access should be included in this design to reduce the traffic here.

Summary of comments from or regarding the aspects of the proposal affecting residents North East of the site at 39 Radbrook Rd and Aspen Grove

- ② The extended Lodge, Lodge garage, The Coach House on Plot 002 and The Stables house on Plot 003 will all combine to present the appearance of an almost continuous façade of brick as seen from 39 Radbrook Road
- ② The proposed redesign of The Lodge almost doubles the length of the house along the boundary with the house on Aspen Grove. The extension to the existing building is also all two storeys. This significant addition would contribute to the excessive over-bearing affect that the combined buildings on this part of the development would create.
- ② The first floor windows of the extended Lodge will overlook 39 Radbrook Rd.
- ② The existing properties in Aspen Grove are already at a lower level and are 1 or 1&1/2 storey dwellings. The proposed dwellings on plots 2, 3 and 4 and 062 and 063 will be close to the boundary on higher ground and will appear dominant and overbearing and will result in a loss of light, overlooking and a loss of privacy.
- ② Additional windows in the Stable house type will add to the issue of overlooking of properties in Aspen Grove.
- ② As many of the neighbouring properties are situated at a lower level the proposed drainage needs to be properly addressed to ensure that the adjoining gardens are not adversely affected due to additional surface water run-off resulting in flooding.
- ② The proposed Lodge garage and Plot 002 are very close to the boundary fence with 39 Radbrook Road and no tree protection is proposed for the trees along this boundary.
- ② The cross sections give a misleading picture of how the development will appear.
- ② The 3-storey villas at the entrance of the site - Plots 034 - 039- appear to be

out of character with the existing street scene of Radbrook Road and will be very dominant at the entrance of the site.

- ❑ Whilst the proposed roundabout is good for traffic calming, it is difficult to understand how larger vehicles will be able to turn right into Radbrook Village from Radbrook Road as no simulations are provided to demonstrate this manoeuvre.
- ❑ The roundabout and Splitter island are unsafe for pedestrians.

Summary of comments from or regarding the aspects of the proposal affecting residents South of the site in College Gardens and Gransden Drive

- ❑ The entrance to College Gardens in the outline plan shows an area of grass between no 20 and the road to Walker House and the retention of an established flowering cherry tree and wishes this to be reinstated.
- ❑ The proposed footpath to the West of College Gardens and the road to the North is too close to the rear boundary of existing houses resulting in noise, disturbance and loss of privacy and would also affect security (especially affecting 20 College gardens).
- ❑ Play area and woodland path to the North of College Gardens and Gransden Drive are too close to rear gardens resulting in noise, disturbance and loss of privacy and will also encourage ant-social behaviour.
- ❑ The land and path is proposed to be raised by 1-2 metres exacerbating overlooking and a loss of privacy.
- ❑ Much of the land will be infilled with rubble from the demolition of buildings on the site, thus raising the height of the land which we believe will affect the privacy of properties on all boundaries (Gransden Drive, College Gardens, Ryelands and Aspen Grove).
- ❑ Question the need for the woodland walk as a thoroughfare and suggest that a proper pavement and cycle path on the planned adjacent street, with access to Sparkham Close as originally planned would make more sense and be more convenient to the residents of the development.
- ❑ Removing the Woodland Walk would also allow better tree planting in the wooded area and better movement for wildlife.
- ❑ Objects to the fronts of the new houses, which will be overlooking the garden of 22 College Gardens at a higher level. As well as looking into the garden and property there will be the problem of lights from cars entering and exiting the driveways, due to the increase levels in the plans.
- ❑ Requests as a material consideration that either the levels of the road and footpath behind 23 College Gardens are dropped or that the planting plan incorporates taller and/or denser trees along this boundary.



- ❑ The drainage from Gransden Drive and College Gardens currently drains onto the development site and was established by Shropshire Homes and does not appear on any current plans. The proposed drainage does not take account of this and proposed raising of ground levels and the building of a new road and new properties at the new level will increase water levels and surface water and will cause flooding in College Gardens and Gransden Drive
- ❑ Unless the issue of drainage is addressed, the proposal could have a detrimental and even dangerous effect on buildings in the area around the proposed development.
- ❑ Concerned that the footing design (Piling in particular) will have a severe impact on the structural integrity of a 170 year old property (23 College Gardens)
- ❑ Concerned about the loss of selected trees and loss of ecological habitats and that the proposed building and construction on and the destruction of, the southern woodland wildlife area behind the houses in College Gardens is wrong.
- ❑ Existing residents frequently see badgers, foxes, squirrels, bats, frogs, toads, newts and many species of birds in the field and gardens, and the removal of trees and hedgerows, not to mention building up and upon, the land that they forage on, will leave them with little food and endanger them when they have to travel further afield to find green space.
- ❑ The effect on wildlife will be considerable, with the loss of one of the last open, wooded and unbuilt pieces of land in the area, especially since the building of the Darwin's Walk estate.
- ❑ The ultra modern new house designs although far better than the old council building currently awaiting demolition, will clash with the traditional housing currently in College Gardens and most importantly the imposing Victorian College and Walkers House.

## 5.0 THE MAIN ISSUES

5.1 The principle of development including the means of access to the site has already been established by the Outline application. The purpose of this reserved matters application is to determine whether the matters reserved for approval and required to be submitted by the Outline permission at this Reserved Matters stage are acceptable, and in this instance include the following:

- ❑ Layout, scale and appearance
- ❑ Impact on residential amenity
- ❑ Landscaping, tree protection and open space provision
- ❑ Ecology and protected species

- ② Highways, access and footpath links
- ② Surface water drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Layout, scale and appearance

- 6.1.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.1.2 This proposal to provide 104 units includes the conversion of the main part of the original Victorian College building (Radbrook Hall) to provide 16 apartments and conversion and extension of the Lodge to form a four bedroom detached house. The new build element of the proposal includes the erection of a mix of three and four bedroom houses with a variety of house types of different styles and design. to provide 63 houses and a two storey apartment building to provide 22 (one and two bed) affordable apartments, designed for independent living. The occupancy of the 22 apartments will not be restricted by age although it is envisaged that there will be high demand for the accommodation from the elderly and also from households with disabilities but that do not need 24 hours care.
- 6.1.3 The principle of which buildings would be retained on the site was established at the outline planning application stage. The conversion of the buildings which are of greater architectural and historic merit (including retention of the return element of the existing services range of Radbrook Hall following the omission of one of the 'Coach house' style properties) is welcomed. It is considered that the proposed alterations and additions to the buildings to be retained would have no adverse impact on their character and appearance, their new use would ensure their long term preservation, and the wider development of the site will enhance their setting.
- 6.1.4 The part of this proposal which would have most visual impact on the character and appearance of the locality are the new build 'Villa' type houses at the entrance to the site and the two storey apartment building adjacent Radbrook Road. Amendments have been made and include a reduction and reconfiguration of the footprint of the independent living/affordable housing block including a change to the roof design, the loss of one of the new build 'Coach Houses' at the front of the site and retention of a return element of the existing services range of the original Radbrook College building, and an increase in height from single storey to two storey of the projecting section to the side of the 'Villa' type house at the site entrance.
- 6.1.5 It is considered that the amendments to the size and position of the apartment building has reduced its overall scale and massing. Although the land where it is proposed to be sited is at a higher level than Radbrook Road due to the distance from the road and the height of the embankment itself, only the upper parts of the

building (and not the whole of the building) will be viewable from road level, and once the significant belt of tree planting has established it will largely be screened from view.

- 6.1.6 With regards to the three storey crescent of 'Villa' type houses the design of the plot at the entrance to site has been amended so that the projecting section to the side of the house (and facing the road) has increased from single storey to two storey to be more in keeping with the scale and proportions of the rest of the house. The 'Villa' type houses have been designed as predominantly three storey to reflect the mass of the three storey Radbrook Hall and continue as a crescent shape opposite the Hall with a landscaped area in between. It is considered that the proposed 'Villas' of a similar scale and height to Radbrook Hall, but of a modern design rather than a pastiche, are appropriate for this part of the site.
- 6.1.7 The modern 'Coach House' building originally proposed for the front of the site has been omitted as it was considered that it detracted from the character and appearance of the entrance to the site and the setting of the Lodge and the Hall. Its omission has enabled the retention of a single storey part of the rear service wing of the Hall, which provides a visual link to the Lodge and has an anchoring effect to the hall which otherwise would have stood as a vertical bookend. It is considered that the changes to the part of the site that fronts Radbrook Road are acceptable and would have no adverse impact on the character and appearance of the locality and would enhance the appearance to the new single entrance to this site compared to its current condition.
- 6.1.8 The remainder of the development on this part of the site includes detached and link detached 3 and 4 bedroom houses of a modern design and include a variety of house types including the 'The Stables', 'The 'Mews' and the 'The Brook'. As the majority of the house types will not be viewed in the context of existing housing their fresh and modern design is acceptable and will result in a high quality living environment comprising bespoke and individually architect designed homes rather than an 'off the peg' houses found on modern housing estates.
- 6.1.9 Some existing residents have expressed concern that the layout and house types are significantly different to that indicated at the outline stage. However those plans were for illustrative purposes to show what might be achieved on this site. The illustrative masterplan for this part of the site indicated that the main college building would be converted to provide 13 flats, the Lodge converted to a dwelling and 96 new dwellings erected (a total of 110 dwellings). The proposal overall was indicated to provide up to 150 dwellings. This proposal is significantly reduced in density to provide a total of 126 dwellings (with 104 on this part of the site and 22 on the adjoining site. This provides for a much more spacious layout with more open green space. It is considered that the layout of the development is acceptable and the reduced number also reduces the number of vehicle movements generated and the amount of hard surfaced parking areas required thus enhancing the overall appearance of the development.

## 6.2 Impact on residential amenity

- 6.2.1 The parts of the site that have the potential to impact on existing residents are the

new buildings closest to the boundaries with existing homes. The residents of the Ryelands and Wildon Way to the North West are concerned about the impact of the apartment building and the 'Villa' type houses parallel with Radbrook Road and that they will appear overbearing and obtrusive and result in a loss of light and loss of privacy. However the apartment building has been moved further away from Radbrook Road and although this and the 'Villas' will be built on higher ground it is considered that at a distance of over 30 metres and taking into account existing and proposed trees on both sides of Radbrook road, that will partly screen the building, this part of the proposal would have no significant adverse impact.

- 6.2.2 The proposed Lodge extension and the proposed 'Stables' and 'Mews' type houses proposed for the North East boundary have the potential to impact on the residents of Aspen Grove and 39 Radbrook Rd that are situated on land at a lower level. However due to the distance of over 20 metres between the backs of the existing and proposed houses it is considered that the proposed two storey houses would not have an overbearing impact or result in overlooking and a loss of privacy.
- 6.2.3 The front of the proposed dwellings to the South of the site (plots 93 – 99) will face the rear of houses in College Gardens and Gransden Drive. However due to the significant distance between the proposed and existing dwellings and the proposed woodland area and landscaping the development will not result in overlooking and a loss of privacy. Concern had been raised regarding the raising of land levels adjacent to the rear gardens but this land is currently at a significantly lower level and the raising of the land levels in this area will only bring the land level up to the neighbouring properties. Footpaths were originally proposed to be run adjacent to the boundary with College Hill Gardens and Gransden Drive but these footpaths and the woodland walk have been omitted and the footpaths re-aligned to the road side. The layout will actually improve the current situation as the existing road adjacent to the boundary with the rear of 15 – 20 College Gardens will be re-located further West and a landscaped buffer provided. The proposed access road North of College Gardens has also been re-positioned further North to increase soft landscaping along the boundary. It is considered that the revised positions of the new roads and footpaths will not introduce any noise and disturbance adjacent to private rear gardens significantly greater than that which currently exists.

### 6.3 **Landscaping, tree protection and open space provision**

Condition 5 -Landscape and habitat management

Condition 7 – Arboricultural assessment

- 6.3.1 There are three main areas of landscaping on this part of the site and include the larger area of landscaping and tree planting between the affordable block and Radbrook Road to the North, the large area of landscaped public open space between the crescent of 'Villa' type houses and Radbrook Hall to the North East and the woodland area to the South of the site adjacent to College Gardens.
- 6.3.2 Revised landscaping proposals and tree protection details have been submitted and these indicate an increase in the area of landscaping and tree planting to the North adjacent to Radbrook Road, the omission of the 'woodland walk' and re-alignment of footpaths in the Southern area of the site and alterations to planting positions and the species selection for trees and hedgerow as some originally

chosen were considered inappropriate by the tree officer. The moving of the internal site road further North of College Gardens has moved the road into the RPA of a retained lime tree and the submitted arbroicultural report includes a construction method statement to deal with the installation of this road way.

- 6.3.3 The tree officer has confirmed that the tree protection measures and landscaping proposals are acceptable and the recommended conditions will ensure that the landscaping proposals are fully implemented and maintained and the trees to be retained are adequately protected during construction.
- 6.3.4 The CPRE and Shropshire Playing Fields Association object to the application due to the loss of what they consider to be a playing field and that Sports England should have been notified about this planning application. However the requirement to notify Sports England as a Statutory Consultee is outlined in the NPPF and NPPG and this issue was covered in the report to committee for the outline planning permission and is reproduced here:

*At the pre-application stage the matter was raised regarding the existing recreational facilities on the Radbrook Foundation site and the potential loss of sports pitches. The English Sports Council (Sport England) should be consulted on Planning applications where the development is likely to result in the loss of use of land being used as a playing field or land that has been used as a playing field at any time in the last 5 years. A playing field means a site which encompasses at least one playing pitch. The planning statement outlines that an area of land (approximately 0.47ha in size) in the South West corner of the Radbrook Foundation application site was historically used as a single sports field associated with the former college but has not been used as a sports pitch for a number of years. The field was never used for its intended purpose by Shrewsbury College and this part of the site was made available to Walford College for horticultural activity and was not used for sports purposes during their tenancy (1992 – 1997) or since. This part of the site has therefore not been used as a playing pitch for in excess of 30 years.*

*As there are currently no playing pitches at the site and have not been in the previous 5 years then Sport England do not need to be consulted regarding this application. Furthermore although the planning statement refers to guidance in paragraph 74 of the NPPF regarding development of sports pitches and the criteria provided by Sport England to prevent the redevelopment of sports pitches this is not relevant to the determination of this application. However the planning statement has addressed these matters and in summary concludes that the requirements of paragraph 74 of the Framework and the Sport England document 'Sporting Future for the Playing Fields of England' are in any case satisfied. A relatively small part of the application site was formally used as a sports pitch but this use ceased many years ago (believed to be in excess of 30 years). The Council's Playing Pitch Strategy does not identify a shortfall in sporting facilities that can be met on this site and new sporting facilities are proposed at the Shrewsbury College of Arts and Technology site as consequence of the relocation of Radbrook Campus. There will therefore not be a net loss in sporting facilities as a consequence of the replacement facilities and no adverse impacts on sporting facilities as a consequence of the proposed development.*

6.3.5 The NPPG advises that local planning authorities are statutorily required to consult Sport England in certain cases where development affects the use of land as playing fields. But as explained in the outline committee report and reproduced above Sport England are not statutorily required to be consulted as the proposed development does not affect a playing field. The NPPG also advises that where there is no statutory requirement to consult, local planning authorities are advised to consult Sport England in cases where development might lead to:

- *loss of, or loss of use for sport, of any major sports facility;*
- *proposals which lead to the loss of use for sport of a major body of water;*
- *creation of a major sports facility;*
- *creation of a site for one or more playing pitches;*
- *development which creates opportunities for sport (such as the creation of a body of water bigger than two hectares following sand and gravel extraction);*
- *artificial lighting of a major outdoor sports facility;*
- *a residential development of 300 dwellings or more.*

As none of these criteria apply in this case Sport England has not been consulted.

6.3.6 With regards to public open space (including playing fields) Paragraph 74 of the NPPF states the following:

*74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Paragraph 74 relates to existing public open space, sports and recreational facilities and playing fields. The applicant provided a full assessment of the above points within their planning statement at the outline stage and the officer report noted that a consideration of these points with regards to sports pitches is not relevant in determination of the application as there are no existing sports pitches at the Radbrook site and have not been for several years. The development of this site would not result in the loss of existing public open space or playing fields.

6.3.7 With regards to the provision of public open space the Council's Parks and Recreation Manager has confirmed that the amount of Public Open Space proposed (when looking at all three sites together and based on the total number of houses and bedrooms) exceeds the MD2 policy requirement of 30sqm per person (equivalent to 3 hectares per 1,000 population). The amount of open space proposed is almost 12,000 square metres (1.2 hectares) which is considered acceptable and in accordance with National and Local Policy. It is proposed that all the open space across the three sites will be managed by the Town Council and this will be subject to a separate agreement between the Town Council and the

developer.

- 6.3.8 Equipped children's play areas were indicated to be included within the open space on this part of the development site which would have been adopted by Shrewsbury Town Council. However local residents agree with the Town Council that the developers should contribute to the development of the existing infant and junior play areas in the Radbrook ward, which would benefit the community as a whole. The sum of £60,000 requested for this will be secured by a S106 attached to the application for change of use of scrub land to provide formal public open space. The layout plan has been amended to omit the provision of on site equipped play areas on this particular site.

#### 6.4 **Ecology and protected species**

Condition 5 -Landscape and habitat management

Condition 6 – Bat mitigation strategy

Condition 10(European Protected Species)

Condition 12(Badger Mitigation Plan)

- 6.4.1 Although the proposal will result in the loss of some areas of habitat suitable for a range of wildlife the proposed open space provision and managed green areas across all three sites will provide greater ecological enhancement and amenity value. The Council's Ecologist has confirmed that the submitted Landscape and Habitat Management plan shows an existing area of wet woodland to be restored to a pond that will ensure a suitable breeding pond is available for amphibians in the future. The plan also shows the bat and bird enhancements that are proposed including swift nests being retained, and bird and bat boxes being installed. Ecological connectivity will also be retained and enhanced throughout the site and the proposal will enhance the area for biodiversity.
- 6.4.2 An Ecological survey and report was submitted at the Outline stage and the updated surveys and ecological reports include a final bat mitigation strategy and badger mitigation plan as required by condition 6 and 12 attached to the Outline consent. No evidence of badger was found on the application sites or within 30m of the surveyor accessible land surrounding the application sites. The updated bat survey has recorded no bats using the trees or buildings as a place of rest or shelter and there were no bat roost features on the buildings or the trees. Although a great crested newt (GCN) has been recorded in the area the ponds recorded the absence of GCN and the Councils Ecologist has made a site visit to inspect the proposed development site and has concluded that due to the lack of water the wet areas present would not be suitable for breeding GCN. The submitted surveys and reports also conclude that an EPS licence is not required.
- 6.4.3 Shropshire Wildlife Trust objected to the proposal as first submitted but the revised landscaping details have addressed the issues that they raised. This includes the restoration of a pond, and bat and bird enhancements including swift nests being retained, and bird and bat boxes being installed. The planting has also been amended in accordance with the Councils tree officer and ecologists recommendations, the ecological connectivity will be retained and enhanced across all three sites and it is considered that that the proposal will enhance the area for

biodiversity. The Councils Ecologist is satisfied with the landscape and habitat management plan (required to be submitted by condition 5) and has confirmed that the proposed landscaping of the site will provide significant ecological enhancement of the site. In addition private rear gardens as they mature often offer opportunities for enhanced bio-diversity.

- 6.4.4 The details required to be submitted by conditions 5 and 6 (including the submitted landscape and habitat management plan that includes an implementation timetable, preparation of works schedule, details of personnel responsible for implementation of the plan and monitoring and remedial/contingencies measures) are considered acceptable and conditions 10 and 12 are also discharged. However condition 5 required details of *'a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually'*. It is understood that Floreat Homes intend to transfer their responsibilities for maintaining and managing these areas to Shrewsbury Town Council.
- 6.4.5 It is therefore necessary to impose a condition to ensure that the landscaping and habitat management plan is implemented as approved and that further details of the short term and long term management are provided. Although it is understood that the developer will enter into a separate agreement with the Town Council to ensure the long term management and maintenance of these areas a condition is still required to secure this.

## 6.5 Highways, Access and footpaths

Condition 8 – Footpath and cycle link to Sparkham Close  
Condition 11(Construction Method Statement)

- 6.5.1 Access to the site is via the provision of a new roundabout. Highways have reviewed and have no objection to the submitted and amended plans and information including details of the roundabout access and the internal road layout.
- 6.5.2 The technical approval of the new roundabout and improvements to the existing highway will be subject to a Section 278 agreement and works cannot commence on this aspect of the proposal until the engineering details have been approved under a Section 278 agreement.
- 6.5.3 The internal road layout is satisfactory, adequate parking provision is indicated and the construction of the internal roads to adoptable standard will be subject to a Section 38 agreement.
- 6.5.4 Some residents have commented that the applicant should provide a footpath on the development side of Radbrook Road. Highways have commented that a scheme to provide a footway link and improve connectivity along Radbrook Road is currently in the Highways and Transport Capital Programme and that these works will be funded through contributions already received from neighbouring developments. As this footpath link is not necessary to make this development acceptable it is not reasonable to secure this by either a S106 or planning condition attached to this planning permission. If highways had considered it necessary it would have been secured at the Outline stage.



- 6.5.5 Condition 8 attached to the outline permission required that the layout should include the provision of a footpath/cycleway up to the South West boundary of the application site to enable a footway/cycleway link be provided between the proposed development site and Sparkham Close. A footpath link has been provided and Highways have confirmed that this is acceptable.
- 6.5.6 The applicant has submitted a Construction management plan to discharge condition 11 but as Highways have confirmed that this is not yet acceptable further details will be required to be submitted and an application for discharge of conditions submitted prior to commencement of development.

## 6.6 Drainage

### Condition 9 – Surface water drainage

- 6.6.1 Some residents (particularly those in College Gardens and Gransden Drive) have expressed concern that the raising of land levels and the proposed surface water drainage will impact on neighbouring land. The applicants drainage engineer has provided a response to explain the proposed drainage and address these concerns:

*The land to the south of the Radbrook College site currently receives surface water run-off from parts of the existing college building, parts of the undeveloped areas and hardstanding to the south side of the site.*

*An existing culvert that exits the site from this area is partially blocked outside of the site boundary. Due to this, the water draining in this direction has caused the land to become boggy and flooded.*

*The redeveloped site will remove the majority of the water that is currently draining to this area by intercepting it in a designed surface water drainage system, where it is attenuated before being discharged into the Severn Trent surface water sewer in Radbrook Road.*

*The only areas of the site which will discharge into this area are the wooded areas to the south of the estate road.*

*No development is planned in the southeast part of the site which is currently a wooded area and contains the soakaways serving College Gardens. No changes are proposed to the soakaways themselves, and no additional surface water flows will enter this area so they will continue to work as they currently do.*

- 6.6.2 The Councils Drainage engineer has confirmed that the submitted surface water drainage strategy (required to be submitted by condition 9) is acceptable. They would not confirm that the submitted details were acceptable unless they were confident that the discharge rate from the site would be equivalent to or less than a greenfield run off rate and that the proposal would not result in increased flooding of any adjacent land or highway.

## 6.7 Contaminated land

- 6.7.1 A Geotechnical Investigation and Contamination Assessment Report have been submitted. Public Protection has confirmed that due to the findings the standard pre-commencement contaminated land condition is required to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

## 7.0 CONCLUSION

- 7.1 The principle of development has been established by the Outline permission. It is considered that the proposed layout and landscaping of the site, the scale and appearance of the new dwellings and the conversion of the buildings to be retained is acceptable in scale, density, pattern and design and would not adversely impact on the character and appearance of the locality or residential amenity and therefore accords with CS6 and MD2. When all three sites are considered as a whole more than sufficient open space will be provided and the proposal includes satisfactory ecological enhancement, appropriate measures for the protection of the significant trees to be retained, and the proposed landscaping and tree protection plans are considered acceptable. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS17, MD2, MD12 and MD13 and the aims and provisions of the NPPF.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☒ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☒ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and SAMDev Policies: CS6, CS17, MD2, MD12 and MD13

### RELEVANT PLANNING HISTORY:

15/00490/OUT Outline application (access for approval) for residential development with demolition of existing buildings GRANT 26th April 2016

15/00491/OUT Outline application for residential development including partial demolition of buildings to include means of access GRANT 26th April 2016

16/05163/ADV Signage (freestanding wooden sign erected on a plinth) to advertise new residential development GRANT 24th January 2017

## 11. Additional Information

List of Background Papers: File 17/00821/REM

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Keith Roberts

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

2. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

3. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the last building for its permitted use.

- a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.
- b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan ref: 691-AHR-DR-L-ZZ-90-026 P13 & Arboricultural Method Statement ref: AMS-AIA-IC-050717-V7 have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.
- c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

4. No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until full engineering details of the 'no dig' footpaths have been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that retained trees that provide a significant amenity are not damaged by the construction work approved.

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

5. Prior to first occupation / use of the building, full details for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be sited in accordance with the approved Landscape Plan , and thereafter retained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

6. All development, demolition, site clearance, landscaping and biodiversity enhancements shall occur strictly in accordance with the Bat Mitigation and Enhancement Plan prepared by Star Ecology (2nd May 2017), and the Risk Avoidance Measures (RAMs) for Great Crested

Newts (22nd May 2017). Works shall be overseen and undertaken, where appropriate, by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of and enhancements for Bats and Great Crested Newts, a European Protected Species.

7. Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority for approval demonstrating implementation of the Bat Mitigation and Enhancement Plan and the Risk Avoidance Measures (RAMs) for Great Crested Newts and ecological enhancement as required by condition 6.

Reason: To demonstrate compliance with the Great Crested Newt, Bat RAMS and ecological enhancements.

8. All hard and soft landscape works (including wildlife habitat and features ) shall be carried out in accordance with the approved plans. The landscape works shall be carried out prior to the occupation of any part of the development hereby approved (or in accordance with a time table to be submitted to and approved by the LPA). Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

9. On completion of the approved landscaping, a landscaping, habitat and open space management plan shall be submitted to and approved in writing by the LPA. The plan shall include full details of the future maintenance, management and monitoring of all landscaped areas and open space (other than privately owned, domestic gardens) including a 5 year project register, annual work plan and the means by which the plan will be rolled forward annually and details of who shall take responsibility for implementation of the plan. The future maintenance, management and monitoring of the site shall be implemented in accordance with the approved details in perpetuity or in accordance with an alternative management plan to be submitted to and approved in writing by the LPA.

Reason: To ensure the adequate future management and maintenance of the public open space and landscaped areas.