

Development Management Report

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Summary of Application

<u>Application Number:</u> 17/00822/REM	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Approval of reserved matters (siting, design, appearance, landscaping) pursuant to 15/00490/OUT for mixed residential development of 22 units including conversion of Walker House; highway works; formation of estate roads; landscaping works including felling of trees; formation of wetland area; discharge of condition 10(Construction Method Statement) attached to 15/00490/OUT		
<u>Site Address:</u> Shrewsbury College Of Arts And Technology Radbrook Campus Radbrook Road Shrewsbury Shropshire		
<u>Applicant:</u> Floreat Living Ltd		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 347389 - 311794



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 15/00490/OUT for mixed residential development of 22 units including conversion of Walker House into two dwellings to include formation of estate roads, landscaping works (including felling of trees) and formation of wetland area.

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 Torrin Drive
Condition 9 – Surface water drainage

1.3 The submission also includes details to discharge pre-commencement conditions 10:

Condition 10(Construction Method Statement)

1.4 The proposal has been amended slightly to that first submitted to address some of the issues raised by the public and consultees. On this part of the site the amendments to the layout include the repositioning of the proposed access road slightly further North of College Gardens, to increase the landscaping buffer along the boundary with 20 College Gardens, and revisions to the soft landscaping proposals in accordance with the tree officer recommendations. The majority of the plans for all the house types have been amended but these relate to very minor tweaks to their design and appearance including changes to floor areas, porch/entrance detail and window and door design.

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 Shropshire Council which is the smaller part of the site adjacent to and accessed via the larger site to the West which was previously owned by the Radbrook Foundation. A separate Reserved Matters application (17/00821/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 m² per person it equates to an area of 11,370 m².

The full development plan attached to the application shows the OS area extending to 11,946 m², 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 22 residential units, including the conversion of Walker House, and associated, site roads, 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 complements 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 provided is sufficient to support REM application 17/00822.

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.

Nesting Birds

Existing swift nest locations should 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: Bats

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

- 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 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 form 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

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 is recommended to seek a full Technical Assessment of the proposed highway works, as part of the required Highway Agreements.

Footway link to Torrin Drive

Condition 8 of Planning permission 15/00490/OUT required provision of a footpath/cycleway up to the South East of Walker House to enable a footway/cycleway link be provided between the proposed development site and the existing footpath to Torrin Drive It is considered that a suitable link has been provided.

Construction Management Plan

Condition 10 of Planning Permission 15/0490/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:** Having considered the gas monitoring information I can confirm that I am in agreement and no mitigation is necessary. I generally have no objection to the proposed development. I would however recommend that in order for the development to be classed as sustainable there is a need to ensure that the development provides electric charging points suitable for vehicle charging in properties that have off road parking.
- 4.1.8 **Shropshire Council Learning and Skills:** Reports that the local primary and secondary schools to this development have no excess capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary at those schools. It is recommended that additional capacity pressures from a development of this size is addressed by way of CIL tariff.
- 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.

- ② 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.
- ② 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'.*
- ② 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..
- ② 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 South of the site in College Gardens

- ② 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.
- ② The proposed road to the North (and footpath to the West) of College Gardens is too close to the boundary of existing houses resulting in noise, disturbance and loss of privacy and would also affect security (especially affecting 20 College gardens).
- ② The house on plot 130 to rear of no 3 College Gardens will overlook the rear garden of 4 College Gardens leading to a loss of privacy and will overshadow a number of existing dwellings in College Gardens.
- ② 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.

Summary of comments from or regarding the aspects of the proposal affecting residents North of the site in High Ridge Way and Perivale Close and to the East of the site in Torrin Drive

No response has been received from residents to the neighbour notification in these locations.

5.0 THE MAIN ISSUES

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 RM 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
- ☒ Highways, access and footpath links
- ☒ 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 a total of 22 units includes the conversion of Walker house into 2 dwellings and the erection of 20 detached dwellings. The principle of which buildings would be demolished was established at the outline stage and on this part of the site Walker House was the only building considered to be of any architectural and historic merit. It is considered that the proposed conversion of Walker House into 2 dwellings would have no adverse impact on its character and appearance and its new use would ensure its long term preservation, and the wider development of the site will enhance its setting.
- 6.1.3 The new build development on this part of the site includes detached 3 and 4 bedroom houses of a modern design and include a variety of house types including 'The Stables', 'The Woodland' and '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.
- 6.1.4 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 Walker House would be converted to 7 flats and 30 new dwellings erected. This scheme is significantly reduced in density to provide a total of 22 dwellings and 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 is the development closest to existing boundaries with existing homes. Residents to the top end of College Gardens adjacent to this development site expressed concern about the proximity of the proposed road and footpaths to their boundaries resulting in noise and disturbance and a loss of privacy. The layout has been amended and the proposed access road North of College Gardens has been re-positioned slightly further North to provide a landscape buffer with the boundary with 20 College Gardens. 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. It is considered that the revised position of the new road and footpaths will not introduce any noise and disturbance adjacent to private rear gardens significantly greater than that which currently exists.
- 6.2.2 The proposed dwelling that will be closest to the boundary with existing houses is the 'Stables' type house for plot 126 to the rear of 2, 3 and 4 College Gardens. The 'Stables' house type is a two storey detached house with a single storey element to the side. The two storey element will be over 18 metres from the rear of the house on plot 3 and the single storey element will be over 13 metres. At this distance it is considered that the building would not appear overbearing or obtrusive. It is also situated to the East so will not overshadow or result in a loss of light. There are also no first floor windows proposed in the West facing elevation so there is no potential for overlooking and a loss of privacy. A condition can be imposed to ensure that none are added in the future.
- 6.2.3 The majority of the 'Brook' and larger 'Woodland' type houses are positioned far enough away from existing boundaries so as not to have potential to impact on existing residential amenity. The closest is the 'Woodland' proposed on plot 119 but as it will be situated to the side of 9 Perivale Close and as the only first floor windows that would face this house are the proposed first floor bathroom windows the proposal would not result in overlooking and a loss of privacy. The 'Woodland' house on plot 120 does have first floor windows that face properties in Torrin Drive but as they will be facing the side of the nearest house (37 Torrin Drive) and at a distance of almost 17 metres they will not result in a loss of privacy.
- 6.2.4 The only other houses closest to existing boundaries are the 'Stables' type on plots 104 – 107 that share a rear boundary with the existing houses on High Ridge Way. However due to the distance between the rear of the existing and proposed houses of approximately 20 metres it is considered that the proposed dwellings would not appear obtrusive or overbearing or result in a loss of privacy or loss of light. The side of the house on plot 107 will be approximately 12 metres from the side of 15

High Ridge Way but as this part of the proposal is not full height two storey and as there are no windows in the gable end elevation it would have no significant adverse impact on this existing property.

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

Condition 5 -Landscape and habitat management

Condition 7 – Arboricultural assessment

- 6.3.1 There is one main area of landscaped open space on this site which will be located in between College Gardens to the South and the new 'Brook' and 'Stable' type properties to the North. The revised landscaping plans indicate that the area of open space will include the retention of existing trees in this location and additional landscaping and the provision of footpaths through the space. It also includes the provision of earth mounds of varying heights and earth depressions of varying depths sown with species rich grassland and wild flowers.
- 6.3.2 The revised landscaping proposals and tree protection details also indicate 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 arboricultural report includes a construction method statement to deal with the installation of this road.
- 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 Outline report to committee 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 the above apply Sport England have 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 only 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.

6.4 **Ecology and protected species**

Condition 5 -Landscape and habitat management
Condition 6 – Bat mitigation strategy

- 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 Councils 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 across all three sites 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 consents. 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 that 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. As mentioned above 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 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. 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 also 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 Torrin Drive
Condition 10(Construction Method Statement)

- 6.5.1 Access to the site is via the adjacent site and the provision of a new roundabout on Radbrook Road. 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 Condition 8 attached to the outline permission required that the layout should include the provision of a footpath/cycleway up to the boundary of the application site to the South East of Walker House to enable a footway/cycleway link be provided between the proposed development site and the existing footpath to Torrin Drive. A footpath link has been provided and Highways officers have confirmed that this is acceptable.
- 6.5.5 The applicant has submitted a Construction Management Plan to discharge condition 10 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 on the adjacent site to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors. However they have not recommended that this is required for this site and having considered the gas monitoring information have confirmed that no further investigation or mitigation is necessary on this particular site.

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 therefore considered acceptable. It is 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 17/00822/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.

2. 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.

3. 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

4. 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 Landscape Plan and thereafter retained for the lifetime of the development.

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

5. 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.

6. 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 5.

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

7. 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.

8. 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.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

9. No first floor windows or other openings shall be formed in the West facing elevations of the house on plot 126, the North facing elevation of the house on plot 119 and the South East facing elevation of the house on plot 107.

Reason: To preserve the amenity and privacy of adjoining properties.