

Development Management Report

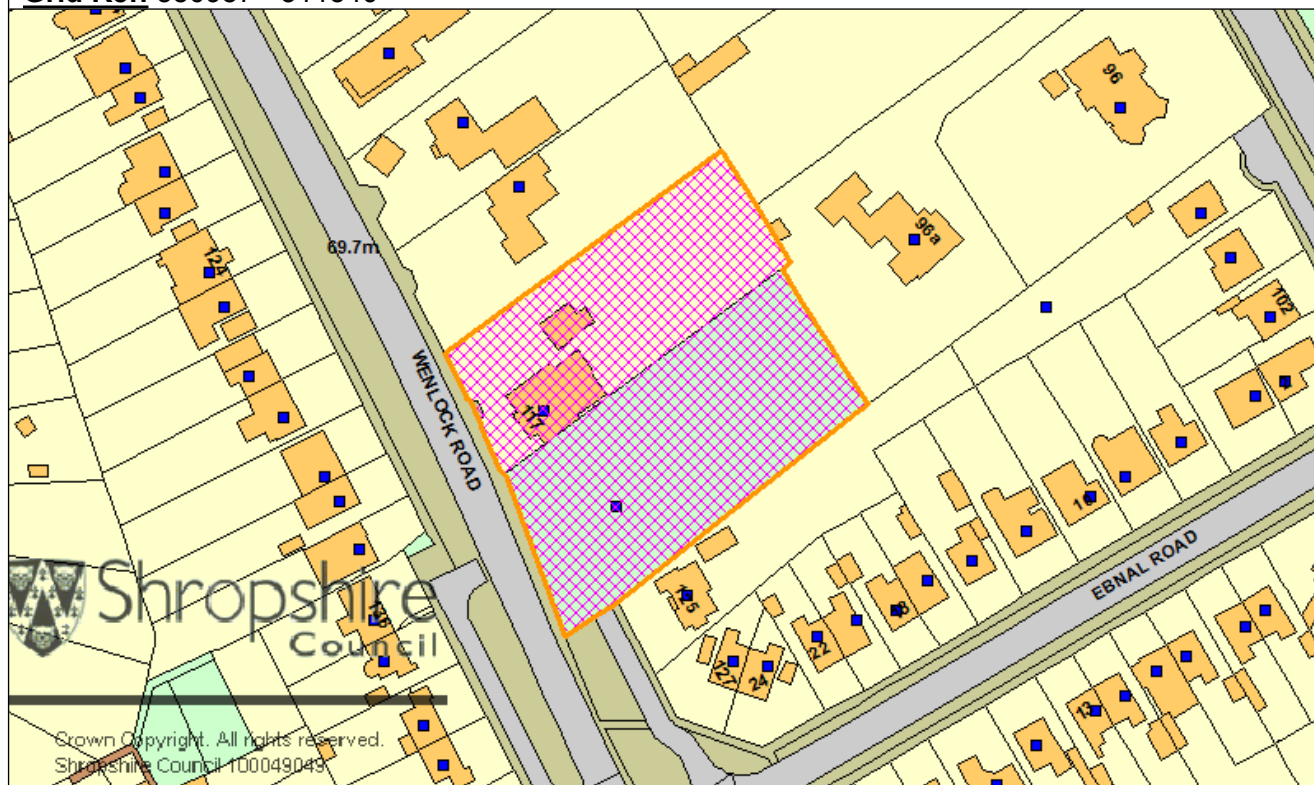
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Summary of Application

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| Application Number: 16/04590/FUL | Parish: | Shrewsbury Town Council |
| Proposal: Erection of 32 retirement living apartments including communal facilities, landscaping and car parking; formation of vehicular access following demolition of existing property (amended description) | | |
| Site Address: Land At 117/125 Wenlock Road Shrewsbury Shropshire | | |
| Applicant: McCarthy & Stone Retirement Lifestyles Ltd | | |
| Case Officer: Jane Raymond | email: planningdmc@shropshire.gov.uk | |

Grid Ref: 350957 - 311340



Recommendation: That members resolve to approve the application but give officers delegated authority to agree the amount of Affordable Housing Contribution (AHC) and issue the decision notice subject to a S106 to secure the agreed AHC and a financial highways contribution of £7,500.00 for the purposes of introducing any appropriate waiting restrictions or Traffic Regulation Orders on Wenlock Road, or any adjacent streets, should any overspill car parking take place.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of 32 retirement living apartments including communal facilities, vehicular access, landscaping, car parking and mobility scooter parking following demolition of existing building.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site comprises the house and garden of 117 Wenlock Road and the vacant field/paddock adjacent to 117 which is proposed to be demolished.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the Area Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Conservation (comments following receipt of amended plans):

Background

We had previously noted at the formal planning application stage that the proposal would need to demonstrate that a development would be of a required standard to justify the loss of 117 Wenlock Road, deemed to be a non-designated heritage asset. A heritage assessment was subsequently submitted and revised plans prepared.

Assessment

The main dwelling currently on the site, albeit not present at the time of the first edition OS mapping, is felt to be representative of the period of early 20th century development on the site and in the vicinity, and has a strong connection with the large Edwardian property known as Woodville, which faces London Road. The boundary walls and garden features are believed to be contemporary with the building of Woodville, and should be protected and restored as part of the scheme. Whilst it is believed that the dwelling itself is worthy of recording prior to any

demolition, it has been extended significantly and its historic form has been largely subsumed by modern extensions.

It has been emphasised that the design of the development should minimize any harmful impact on the character and appearance of the area and the street scene in particular, making a positive contribution to ensure compliance with policies on design and the protection of the historic environment.

The amendments to the plans in terms of scale, design, stepping back the footprint of the central atrium, and varying gables and chimneys to enhance traditional design and detailing, generally reflect the context and local vernacular of the area. In order to further enhance this, the scheme will be expected to deliver a high standard of construction, which should be addressed through a series of conditions ensuring the selection of materials and finishes are appropriate to its context. With regard to this, there are some refinements and clarifications on materials and finishes, which would be welcomed; these are largely in terms of the surface finish, detail and materials of rainwater goods to the linking blocks, and window details including materials and depth of reveals to these elements – these should be the subject of pre-commencement conditions as detailed below and not on the basis of current plans.

Recommendation:

Generally no objection on conservation or design grounds as on balance the scheme is considered to accord with the relevant policies, guidance and legislation noted above, subject to the inclusion of the following conditions: CC1 (External Materials), JJ20 (Joinery – with revised Reasons), pre demolition recording of the main house and retention of any garden features, plus conditions to agree hard and soft surfaces for the driveway access, parking and amenity areas, as well as any boundary walling or enclosure features.

4.1.2 **SC Highways** (final comments on proposal as amended):

Recommendation

No Objection - Subject to the development being carried out in accordance with the approved details and the following conditions/informatives

Observations/Comments:

It is considered that the currently submitted details supporting the revised development proposals have been robustly presented and justified. However, given the site location, 'retirement living' occupancy type and the precedent set by the similar McCarthy & Stone development on Copthorne Road, Shrewsbury. An absolute minimum allocation of one parking space per apartment should be provided to support this development proposal.

In the circumstances, if a minimum of 32 car parking spaces can be incorporated within the application site, then it is considered that this development could be acceptable from a highway & transport perspective.

Notwithstanding the above, should the developer choose not to improve the car parking ratio within the site, it is recommended that the Developer enters into a Section 106 Agreement with the Council. For the purposes of securing a financial contribution of £7,500.00, to be held for 5 years following the full occupation of the development. This contribution could then be used, by the Council, for the purposes of introducing any appropriate waiting restrictions or Traffic Regulation Orders, on Wenlock Road (or any adjacent streets), should any overspill car parking take place, associated with the development, which is considered to be contrary to the interests of highway safety.

Would also support an appropriately worded condition that restricts the age of the occupants, this will seek to reduce the level of car ownership and associated demand on parking. Mouchel have recommended that a condition is placed upon any permission granted that requires details of access to be submitted, and would welcome this condition as the details of the current access do not show the visibility splays and swept paths.

On receipt of additional information confirmed that the proposed layout of the access is sufficient to accommodate two-way car movements, as requested. However, the details presented in the applicant's email dated 24th May 2017, does not provide all the detail required to discharge the recommended conditions (i.e. no construction specification or visibility splays shown.)

- 4.1.3 **SC Waste Management:** It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: <http://new.shropshire.gov.uk/media/2280/shropshireplusrefuse-and-recycling-planning-guidanceplusseptemberplus2015plusversionplusa.pdf>

We would prefer to see vehicle tracking of the refuse vehicle to ensure the vehicle can manoeuvre the roads of the development. Collection crews would need a code or fob to access the site as it is gated.

With regards to refuse vehicles Highways have confirmed that normal waste collection arrangements for existing residents along Wenlock Road is currently undertaken at kerbside, so this particular operation, if it is only once a week, is probably going to be acceptable.

- 4.1.4 **SC Trees:** Recommends a condition in order to protect the retained trees on site and adjacent important amenity trees.

4.1.5 SC Ecology:

Bats

A bat survey was carried out on this site between July and August 2016 by Environmental Services.

During an initial inspection, approximately 50 pipistrelle droppings 'were discovered in the loft space of the original structure', 'scattered below the central beam of the original building and at each gable end. The droppings were old suggesting the loft space has not been used by bats in 2016, and given the number found was used by a single or small number of individuals.'

A re-entry survey was carried out on 13th July and emergence surveys were carried out on 11th August and 22nd August. Static detectors were also used.

A 'possible emergence' was recorded during the first emergence survey 'from the Northwest facing elevation. As a result, the loft space was checked for a second time and an additional surveyor added to the third survey effort in order to specifically watch this area. No fresh droppings were discovered and no bat emergence was identified from the building. Therefore the 'possible' emergence is highly likely to have been a bat flying over the building foraging between the gardens and the vacant plot of land.'

Common pipistrelles were recorded foraging around 'the main property and over the vacant plot of land' during the surveys. No roosting behaviour was identified.

Bats do not appear to be currently using the building but 'the loft space was likely used by a single or small number of Pipistrellus sp. during summer 2015'. Therefore, the works will need to take place under a European Protected Species licence from Natural England.

Environmental Services have produced a Soft Strip Method Statement (December 2016) which sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- 3 Schwegler bat boxes will be erected on a suitable mature tree on the site.
- Works will take place under the supervision of a licensed bat ecologist.
- The roof should be removed between December and March.
- Toolbox talks will be provided.
- A pre-commencement inspection will be carried out.
- Areas of the roof with potential roosting features will be soft stripped by hand.
- 'Once these parts of the roofs are stripped, the open loft areas will be left open to the elements overnight to let any bats present (if any) to disperse naturally. Once the soak period has passed a further inspection will take place and the complete demolition of the building can proceed immediately after this inspection.'
- Should a bat be discovered, it will be relocated by the licensed bat worker.
- 4 bat tubes will be 'installed in to the fabric of the [new] building in groups of two.'
- 'All external lighting during construction to be angled downwards and away

from any bat sensitive areas.’

- ‘All new lighting within areas of the gardens and on external walls to be kept as low as possible and on short PIR timers.’

A European Protected Species 3 tests matrix is provided and the planning officer needs to complete sections 1 and 2, ‘over riding public interest’ and ‘no satisfactory alternative.’ The EPS 3 tests matrix must be included in the planning officer’s report for the planning application and discussed/minuted at any committee at which the application is considered.

RammSanderson Ecology Ltd was commissioned to undertake a single nocturnal survey of this site to update the previous survey work. One bat survey was conducted following the negative result of roosting bats during the 2016 nocturnal surveys. RammSanderson Ecology has concluded that the roosting features identified are not currently in use.

SC Ecology considers that the existing bat roost cannot legitimately be regarded as no longer legally protected.

Natural England require a period of monitoring for a bat roost prior to its ‘de-designation’. If it can be demonstrated that a former bat roost had not been occupied by bats for a period of five years or more, it might no longer constitute as a bat roost and therefore no longer fall under the legal protection of the Habitats Regulations, but to my knowledge, this timeframe has not yet been tested in Court, so one ought to be cautious.

Natural England advises on a timeframe of ‘after a number of years’. A sufficient level of survey work would be needed to demonstrate long-term absence of bats. When applying for an EPS licence, it is often the case that an estimate of the number of bats using the roost during a typical calendar year is not known accurately, but the total(s) applied for must be strongly indicative and supported evidentially. The status of the roost is equally important. This evidence can be based on counts of bat droppings, their age, distribution, setting; looking at the potential bat features within a structure and all with the bat’s ecology – typical sizes of roosts etc. all taken into account.

The Bat Survey Guidelines state (the main information relevant here is in Chapter 7):

Section 7.2.8 states:

Dusk and dawn surveys should be repeated until the information outlined in sect 5.1 is reliably collected, although appropriate methods and equipment should be used to minimise the number of survey visits required and effort should always be proportionate to impact. If presence has been confirmed by droppings found during a preliminary roost assessment but bats have not been detected during roost characterisation surveys, it may be necessary to carry out further surveys at alternative times of year.

Based on the points above the comments made by SC Ecology from Sophie

Milburn, dated 30.01.2017, are still relevant to this planning application. As bats tend to re-use the same roost after periods of vacancy, legally a roost is protected whether a bat is present at that time or not. Due to the evidence of bat droppings Shropshire Council will complete the 'three tests'. The 'three tests' must be satisfied in all cases where a European Protected Species may be affected and where derogation under Article 16 of the EC Habitats Directive 1992 would be required – i.e. an EPS licence to allow an activity which would otherwise be unlawful. Shropshire Council's role is to consider if an offence under the Habitats Regulations is likely, and if so, would a licence be obtainable from Natural England, by considering the 'three tests'. Failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

If work is carried out which affects bats or roosts without a license the law will be broken. The applicant should be aware that an offence is punishable by up to a £5000 fine per individual animal impacted and potentially up to 6 months in prison.

Birds

Environmental Services do not record whether any evidence of birds was found on or in the building.

Vegetation removal should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check should be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

Bird boxes should be erected on the site to enhance the nesting opportunities available for birds.

Other species

No evidence of any other protected or priority species was observed on, or in close proximity to, the site and no additional impacts are anticipated.

Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.

Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.

The landscaping scheme should ideally contain more native species of local provenance and species of particular value to wildlife.

4.1.6 **SC Drainage:** The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

4.1.7 **SC Affordable Homes:** Awaiting final view on the viability assessment and agreement on the amount of financial affordable housing contribution.

4.2 - Public Comments

- 4.2.1 **Shrewsbury TC:** Objects: Initially concerned that the parking provision is inadequate for the number of residential units and disliked the massing of the building and considered that the demolition of 117 Wenlock Road would be a significant loss to the area. On receipt of the amended plans welcomed the amendments which have addressed the concerns regarding the level of massing. Members however do have a retained concern about the number of parking places and given that the local area has minimal on-street parking on this busy gateway into the town they would welcome a 1:1 ratio regarding car-parking.
- 4.2.2 **West Mercia Constabulary:** Provides advice on crime prevention through the environmental design advice within 'Secured By Design' to explore opportunities to design out crime and /or the fear of crime and to promote community safety.
- 4.2.3 31 letters of objection have been received and 12 letters of support to the scheme as first submitted and as amended summarised as follows (comments are available to view in full on the public file):
- 4.2.4 Support:
- The proposal is well designed and attractive and would suit the street scene.
 - Although the proposal is wide, 113 and 115 are almost joined at their shared boundary and together offer quite a wide frontage which people are already accustomed to seeing.
 - The height will be similar to 125 and less than the front portion of the Tower House.
 - It will add to the wide variety of building ages and styles between Armoury Gardens and Ebnal Road.
 - The development seems to be generally in keeping with and will blend in well with surrounding properties.
 - No. 117 is a fine house but would not be missed if it were to go.
 - The site has been an eyesore for too long and looking forward to this well needed development in an excellent location.
 - The development would eradicate the Japanese Knotweed which should be welcomed and M & S have experience in dealing with brownfield sites such as this and can be depended on to clean up this land.
 - It is relatively high density compared to the alternative approved four houses but it would mean less disturbance to the occupiers of nearby properties.
 - Retired people have simpler more 'low key' lives than families. Four 4-bed

houses could have up to a dozen children squealing and shouting in gardens, birthday parties, barbeques and barking dogs etc.

- Wenlock Road could easily accommodate the extra traffic and it's not a commercial development. Apart from a short period in the mornings and evenings the traffic density is not an issue.
- The alternative 4 houses would do nothing for affordable housing.
- Both central and local government are under huge pressure to increase housing supply but in particular for couples and those living alone.
- Provision of suitable housing for the older age group is limited in this part of Shrewsbury but figures show that this ward has a high number of residents over 65 years.
- There are enough 4 bedroom homes in this location.
- Having family in Shrewsbury and now living alone one of these apartments would be ideal and it will be a good area to retire to.
- Have lived in the area for over 30 years and want to stay but until now there has been nothing suitable to down size to.
- These apartments will free up family homes.
- This development is in an ideal residential location with a frequent bus service.
- There are local shops for essentials and two mini supermarkets only a few hundred yards away. The local shops including the butchers at Mereside would benefit from the extra business.
- St Giles Parish Church, and Parish Hall, Mereside Community Centre, Doctors surgery and chemist, dental practice, the facilities at SCAT (Hairdressers and restaurant) and local pubs are all nearby.
- This development with its communal areas will facilitate mutual support for the residents and alleviate isolation and loneliness which so often lead to the need for hospitalisation.
- The grouping of people of similar disposition can help make nursing care and the distribution of medication more efficient and cost effective.

4.2.5 Object:

- Residents have obtained 107 signatures from the local residents opposing the scheme, including those living on Wenlock Road, Armoury Gardens, Ebnal Road and London Road.
- The site is constrained and cannot accommodate over 30 dwellings and does not provide sufficient parking or the ability to deal with surface water without flooding nearby gardens.
- Little mention of any rainwater or 'grey' water recycling other than a few rainwater butts. The size of the proposal must lead to an increase in the volumes of water required and sewage generated. Recycling rainwater and grey water would reduce any increasing demand for water and help reduce run off.
- The dwelling to be demolished is one of the original dwellings on this highway route into town and should not be demolished and would result in demonstrable harm to the amenity of the area.
- Demolition of 117 Wenlock Road that contributes to the distinctiveness of the locality would be in conflict with LDF strategic objective 7 and the large replacement building does not 'respond to the local context.
- It is ironic that the trees and hedge should be preserved but a house allowed to be demolished.
- Reduction in the height of the hedge reduces nesting opportunities for the local small bird communities.
- The nature and form of development should match the surrounding development and three storey development is unacceptable.
- The development is over intensive and three storey development would be incongruous to the street scene.
- The apartment building is totally out of character with the mainly detached and semi-detached nature of development in the area.
- The proposed building is too high - overlooking neighbouring gardens resulting in a lack of privacy issues for residents.
- It might also appear intrusive and result in a loss of light.
- Whilst an attempt has been made to reduce the scale of the building it will still be massive with a large car park to the front and would be more appropriate on an industrial estate. It is till incongruent and not in keeping with the area.
- The front elevation has basically remained the same with a few aesthetic

tweaks and adding a few chimneys to an already large building does not make it more sympathetic to its surroundings.

- The new glass connecting corridors and black timber facade do not “reflect the local character of the street scene”.
- This development is not two and a half storeys it is a three storey block of flats not three ‘pavillions’ or ‘villas’.
- The revised plan still represents a physical overdevelopment of the site when compared to other properties along Wenlock Road which present a varied and attractive range of private homes.
- Over 30 houses would result in a considerable increase in traffic movements compared to that of the four houses already approved.
- Wenlock Road is already busy and the impact of the development has to be considered on both the access onto the highway and the wider road network and junctions.
- There will be thousands of additional traffic movements due to the development on Oteley Road and Emstrey Business park causing more potential for highway danger and this proposal should be viewed in the context of that.
- Shropshire Council must accept that there is a highway safety issue due to the road closure and highway improvements including pedestrian crossings in recent years.
- The development will generate at least 90 traffic movements a day and this will be dangerous close to a complicated road junction and a pedestrian crossing.
- Insufficient parking is provided. Although the apartments are aimed at the over 55 age group there is nothing in planning law or land law to stop anyone buying and occupying one of the apartments from owning one or two cars.
- Developers anticipate the average age of occupants to be around 79 years which is based on previous developments. Statistics are fine as a basis for calculating
- unknowns but they are not facts and until the properties are all sold this will remain just speculation.
- The nature of occupation means that it is likely that there will be more visits from health visitors etc. and parking will be required. Residents and visitors will park on the road or on the grass and slip road opposite, causing congestion and highway dangers.

- There is no provision for disabled parking and the parking of larger vehicles such as emergency vehicles and deliveries.
- In sufficient parking on site will result in parking on Wenlock Road which will be a hazard and add to the congestion.
- There is no emergency assembly area indicated on the plans
- From experience of working in a M & S property a more accurate and true reflection of what to expect is that:
 - 1/ half of residents will have cars
 - 2/half of residents will come from outside the area (Shropshire)
 - 3/a very high turnover of residents
 - 4/ a high level of 'care ' traffic (ambulances, doctors, nurses and several types of care personnel)
- Good quality and frequently accessible public transport is not available in this area of Wenlock Road which has only a limited bus service and no service later in the evening.
- A pedestrian crossing should be installed at the Column end of Wenlock Road at the expense of the developer.
- The influx of up to 100 elderly residents will impose extra burden on: a) already overstretched doctors surgeries b) local post offices c) local bus services, which are already overcrowded.
- Shrewsbury already has an excess of elderly residents and adding more places a
- further burden on the social and healthcare services already stretched to breaking point.
- There is no provision for parking during the construction phase causing congestion and impact on highway and public safety.
- Air pollution, dust and noise pollution will be increased during construction
- The proposal could impact on bats and owls in the area and a bat survey should be undertaken. There was standing water on the site and a newt survey should be carried out.
- The Japanese Knotweed needs to be fully investigated and dealt with.
- The proposal does not represent an appropriate use of available land as required by LDF strategic objective 4.
- It does not provide for a mix of good quality, sustainable housing development of the right size, type, tenure and affordability to meet the housing needs and aspirations of all sections of the community, including

provision for specialist needs and the elderly as required by LDF objective 5.

- The prices they are marketed at are beyond the means of the vast majority of local residents in the target age range.
- The proposal fails to address the need for social housing provision and should include affordable housing and this should not be negotiable
- The development will not meet the housing needs of local elderly but is expected to attract more wealthy individuals from elsewhere, thereby reducing the availability of land and affordable properties for local residents.
- What will ensure that the apartments are only occupied by the elderly.
- Who will be responsible for the upkeep of the building and the communal areas.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale, design and appearance
Impact on residential amenity
Access and parking
Trees and Ecology
Developer contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 This proposed development for open market retirement apartments falls within Use Class C3 (Dwelling Houses). The site is considered to be in a sustainable location reasonably close to the Town Centre and other services and facilities nearby. It is situated within the urban development boundary for Shrewsbury identified within SAMDev and the provision of housing within the urban area of Shrewsbury accords with policy CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire.
- 6.1.2 CS2 identifies that the ageing population is a particular issue in Shropshire, where 28.4% of the population is expected to be over the age of 65 by 2026. There is a requirement for all types and size of housing to meet the housing need but in particular there is a need for smaller accommodation to suit the elderly. Although not providing affordable accommodation this proposal will help meet that need and also release family homes to the market.
- 6.1.3 CS11 seeks to create mixed, balanced and inclusive communities, and ensure the provision of a mix of type, size, tenure and affordability. It states that high priority should be given to the provision of housing to meet the local needs and aspirations of all households, including the elderly. CS6 requires that the design of housing should be adaptable to changing needs (including the elderly) and this is one

element of sustainable design. This proposal is designed to meet the needs of the elderly and will help to provide a shortfall in accommodation specifically for the elderly and retired.

6.2 **Siting, scale, design and appearance**

- 6.2.1 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. Policy CS17 and MD13 seeks to ensure that development does not have a significant adverse impact on Shropshire's environmental assets and protects and enhances the built and historic environment.
- 6.2.2 The proposal is for a three storey building to provide 32 apartments. The number of apartments and the height of the building have been reduced to that first submitted in order to reduce its overall scale and bulk. Although it is a three storey building the third floor of accommodation is in the roof and the new design has effectively broken the building up into three distinct blocks. This has resulted in a development which will front Wenlock Road and will appear as two pairs of semi-detached houses with a subservient element in between that links them together and is set back from the front elevation.
- 6.2.3 The proposal appears much more domestic in scale than previously and the detailing and proportions are now more in keeping with other buildings in the locality. The front of the building is also set slightly further back than the existing building line which will help reduce its prominence in the street. The glazed second floor corridor that is obviously not a feature of other buildings in the locality will not be flush with the edge of the two storey link but is set back and will sit on top of the roof. It will therefore not be readily seen from ground level as it is set so far back on the flat roof. It is required to provide connectivity between the three different blocks and to provide access to the communal lounge and the ground and first floors by lift.
- 6.2.4 There is a mix of public opinion regarding the acceptability of the design and appearance of the proposal and it is acknowledged that there is a strong public objection to the development. However whilst some may consider that it will not be a positive addition to the location it is officers view that the proposed scale, design and appearance of the building would have no adverse impact on the character and appearance of the locality that would justify refusal.
- 6.2.5 With regard to the dwelling to be removed it is one of many examples of early 20th century housing in the area and it is not a particularly exemplary example of this period or type of architecture. The conservation officer has also confirmed that it has been extended and its historic form has been largely subsumed by modern extensions. Furthermore the removal of the dwelling is permitted development requiring only an application for prior approval for its method of demolition and the clearing of the site. It would therefore not be justifiable to refuse this application due to the loss of this building.

6.3 **Impact on residential amenity**

6.3.1 SAMDev policy MD2 and Core Strategy Policy CS6 seeks to ensure that all development safeguards residential and local amenity.

6.3.2 The proposed building will be situated centrally within the site and although it is a three storey building the second floor of accommodation will be within the roof and the building will not be significantly higher than surrounding properties. The part of the building closest to any boundary is two storey and not three storey and is situated to the rear of the site and there are no first floor windows proposed for the rear North East facing elevation. A condition can be imposed to ensure that no additional windows are added. It is considered that due to the distance from the existing boundaries and the mature trees on the boundaries and within adjacent gardens, the proposal would not appear overbearing and obtrusive, would not result in a loss of light and will also not result in unacceptable levels of overlooking or a loss of privacy.

6.4 **Access and parking**

6.4.1 SAMDev policy MD2 requires development to be designed to provide adequate onsite car parking to ensure that cars do not overspill onto surrounding roads and therefore negatively impact on the local road network. There has been much public concern that the proposal provides insufficient parking for the number of units proposed, including lack of parking for visitors and service vehicles and that this will inevitably lead to on street parking resulting in congestion in the surrounding streets and that this combined with the additional traffic generated would have highway safety and capacity implications.

6.4.2 The proposal now indicates 29 parking spaces for 32 units. Highways have confirmed that they would prefer to see 1:1 parking provision and would not object to the proposal if this were provided. However notwithstanding this, Highways have not objected to the proposal and have suggested that if the applicant is unable to provide more parking spaces then they should enter into a Section 106 Agreement with the Council for the purposes of securing a financial contribution of £7,500 to be held for 5 years following the full occupation of the development. This contribution could then be used by the Council for the purposes of introducing any appropriate waiting restrictions or Traffic Regulation Orders on Wenlock Road (or any adjacent streets) should any overspill car parking associated with the development take place.

6.4.3 The applicant has confirmed that they are willing to enter into such agreement. However it is considered unlikely that overspill parking will take place as M & C have confirmed that the average age of home owners upon purchase is 79 and that residents often choose to give up running their own cars upon residency. One of the objectors to the proposal whose family has experience of working in a M & C development confirms that only half the residents usually have cars and that there is usually a high turnover of residents. The dwellings are designed as retirement apartments and the majority of future residents will normally be giving up driving as part of their life style choice to move into this type of accommodation. Future

occupiers will be aware that they will not be purchasing or being provided with a parking space when they buy an apartment so they would presumably not purchase such a home if they intended to retain the use of a car. As less than half the spaces will be allocated to residents it is considered that sufficient parking for visitors and service vehicles will be available.

- 6.4.4 Although contractors and cleaners will visit the site to maintain the communal area, the exterior of the building and the garden the proposal is not a care facility and there is no on site care or medical staff or restaurant facilities. The only communal facility is a home-owners lounge. It is considered that the car parking provision is adequate and that residents and any visitors will have sufficient on site parking and the proposal will not create a demand for on street parking. Although the S106 will be entered into it is unlikely that parking restrictions will be required to deter on street parking but is required in case a problem should arise. A condition will also be imposed to restrict occupancy to the over 55's. This will ensure that accommodation designed specifically for an ageing population (that have chosen this lifestyle choice to give up the responsibility of the up keep of a family home and garden and the use of a car) remains available in the future. A condition that restricts the age of the occupants will also ensure that the reduced level of car ownership and associated demand on parking is maintained.
- 6.4.5 With regards to increased traffic the provision of 32 apartments with age restricted occupancy should not result in a significant increase in the volume of traffic travelling up and down Wenlock Road. Highways have expressed no concern about the proposal having an impact on congestion or the capacity of the roads and nearby junctions to accommodate the traffic generated as a result of this proposal. In any case any vehicle movements generated are not likely to be concentrated or coincide with the existing peak traffic times as future occupiers are all likely to be retired. Highways have confirmed that the proposed layout of the access is sufficient to accommodate two-way car movements but that details of a construction specification and visibility splays for the access are still required and that the recommended condition regarding this should be imposed.

6.5 **Trees and Ecology**

- 6.5.1 A tree constraints plan and tree protection details have been submitted and this indicates that 4 trees in the centre of the site and 4 trees to the rear of the site (trees 13 – 20 inclusive on the tree protection plan) and a single tree (tree 9) in the North East corner are required to be removed. The tree officer has no objection to their removal and recommends a condition in order to protect the retained trees on the site and the adjacent important amenity trees. Although a landscape plan has been submitted a landscaping condition will also be imposed requiring full landscaping conditions to be submitted for approval as the Ecologist has recommended that it should ideally contain more native species of local provenance and species of particular value to wildlife.
- 6.5.2 The proposal involves the demolition of a building and therefore an ecological survey is required and a bat survey was undertaken in summer 2016. The initial inspection revealed pipistrelle droppings in the loft space but their age indicated that the loft space had not been used by bats in 2016. The emergence surveys of

2016 also revealed that bats did not appear to be currently using the building. A single nocturnal survey has recently been undertaken and the report concludes that the roosting feature identified is not currently in use. It is likely that the loft space was used by a single or small number of *Pipistrellus* sp. during summer 2015. Ecology have confirmed that Natural England consider that an identified roost is still protected regardless if bats have been recorded emerging/re-entering the bat roost feature and that it can not be 'de-designated' until sufficient survey information has been collected to confirm that it has not been occupied by bats for over 5 years. As 5 years has not lapsed the roost falls under the legal protection of the Habitats Regulations and therefore an EPS species licence is required for the development to proceed.

- 6.5.3 Ecology have completed the 3 tests matrix and have confirmed that the proposed development will not be detrimental to the maintenance of the population of common pipistrelles at a favourable conservation status within their natural range, provided that the recommended conditions are imposed and complied with. These conditions will ensure that the Method Statement which sets out mitigation, compensation and enhancement measures will be carried out including four bat tubes installed in to the fabric of the new building and three Schwegler bat boxes erected on mature trees on the site. As work will need to be conducted under licence from Natural England the completed EPS three tests matrix is attached as appendix 2 to this report and should be noted by members.
- 6.5.4 The recommended informative and condition regarding birds and the erection of bird boxes will enhance nesting opportunities for wild birds and a landscaping condition will ensure appropriate landscaping of the site. The development of the site will also ensure that Japanese Knotweed is eradicated from the area.

6.6 **Developer Contributions**

- 6.6.1 A viability appraisal has been submitted to determine the amount of affordable housing contribution and at the time of writing this has not yet been agreed with the housing enabling team. It is unlikely that the amount of affordable contribution would be sufficient to provide on site provision and officers request that if members are minded to approve this application (subject to a S106 to secure an affordable housing contribution) that they grant delegated authority to officers to agree the amount and issue the decision on completion of the S106. Members will be updated if an agreement is reached on the amount before the date of the committee.
- 6.6.2 The fall-back position is the retention of the existing house and the implementation of the planning permission for 4 houses on the adjacent land which does not include an affordable housing contribution. This proposal although not providing affordable housing on site will provide a financial contribution to affordable housing and will also achieve a fat higher CIL levy compared to the previously approved scheme for 4 houses.

7.0 **CONCLUSION**

- 7.1 Residential accommodation is acceptable in principle in this location and it is considered that the benefits of the scheme outweigh any perceived adverse impacts. It will provide 32 homes that will help boost housing supply whilst meeting the needs of the ageing population and releasing under-occupied family homes to the market. The proposal would not result in a significant increase in traffic and would not adversely impact on highway safety or result in significant congestion along Wenlock Road or at nearby roads and junctions. Given that over half of the residents will have made a decision to give up car ownership on purchasing one of the apartments it is considered that the parking provision is adequate. If the development results in on street parking the S106 will ensure that funds are secured to introduce any appropriate waiting restrictions or Traffic Regulation Orders on Wenlock Road and/or any adjacent streets. A S106 will also secure an affordable housing contribution with the exact amount yet to be agreed.
- 7.2 Officers consider that the proposed scale, design and appearance of the development is acceptable and would have no adverse impact on the character and appearance of the area or adversely impact on residential amenity. The building to be demolished is not considered to be a non designated heritage asset as it is one of many examples of early 20th century housing in the area. It is not a particularly exemplary example of this period or type of architecture and has been extended significantly and its historic form has been largely subsumed by modern extensions. Its removal is in any case permitted development. The proposal would also not result in the loss of any significant trees and will not be detrimental to the maintenance of the population of common pipistrelles at a favourable conservation status within their natural range subject to compliance with conditions and requiring an EPS licence from Natural England.
- 7.2.3 The proposal is therefore considered to accord with local plan policies, CS2, CS6, CS11, CS17, MD2 and MD13 and approval is recommended subject to a S106 to secure an affordable housing contribution with the agreement of the exact amount being delegated to officers.
- 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 Policies: CS2, CS6, CS11 and CS17

SAMDev Policies: MD2 and MD13

RELEVANT PLANNING HISTORY:

16/03635/FUL Erection of 4 no. detached dwellings with 3 no. garage blocks GRANT 3rd
November 2016

11. Additional Information

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| List of Background Papers: File 16/04590/FUL |
| Cabinet Member (Portfolio Holder): Cllr R. Macey |
| Local Member : Cllr Ted Clarke, Cllr Jane Mackenzie, Cllr Tony Parsons |
| Appendices APPENDIX 1 – Conditions APPENDIX 2 – EPS £ Tests |

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. 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

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o wheel washing facilities
- o measures to control the emission of dust and dirt during construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works
- o a construction/operative/visitor Traffic Management and HGV Routing Plan

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

4. No development shall take place (including demolition, ground works and vegetation clearance) until a Japanese Knotweed management plan has been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the approved management plan.

Reason: To ensure the safe eradication of Japanese Knotweed from the site and to ensure that it does not spread

5. No development shall take place (including demolition, ground works and vegetation clearance) until either:

- a) a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted to the Local Planning Authority; or
- b) a statement from an experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

Reason: To ensure the protection of bats, which are European Protected Species.

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

6. All demolition, site clearance and development shall occur strictly in accordance with the Soft Strip Method Statement (Environmental Services, December 2016), unless an alternative Method Statement is submitted to and approved in writing by the Local Planning Authority. 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, which are European Protected Species.

7. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Tree Protection Plan Ian Keen Ltd drawing 9178/o2 and in accordance with BS 5837: 2012 'Trees in relation to Design, Demolition and Construction recommendations for tree protection'. The protective fence shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees.

8. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. 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 upon written notification from the local planning authority 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. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

10. Prior to first occupation / use of the building, details for the provision of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 4 artificial nests suitable for swifts (swift bricks or boxes).
- A minimum of 2 artificial nests of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

- A minimum of 2 artificial nests of either integrated brick design or external box design, suitable for small birds (32mm hole, standard design).

The boxes shall be sited in at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of building if possible) with a clear flight path, and thereafter retained for the lifetime of the development.

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

11. No above ground works shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access to the highway.

12. No above ground work shall take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

13. No above ground works shall take place until details of the measures to be taken to provide adequate access and facilities for disabled people have been submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied.

Reason: To ensure adequate facilities for the disabled, in accordance with adopted policy

14. No above ground works shall take place until a scheme of surface water drainage (including a proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility for future maintenance) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use and maintained for the lifetime of the development.

Reason: To ensure satisfactory drainage of the site and to avoid flooding and to ensure that the drainage system remains in good working order throughout its lifetime.

15. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

16. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery (including the glazed walkway) shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To ensure that the external appearance of the development is satisfactory.

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

17. Any gates provided to close the proposed access shall be set a minimum distance of 5.5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

18. No further windows or other openings shall be formed above ground floor level in the North East facing elevation.

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

APPENDIX 2: EPS 3 Tests matrix**EUROPEAN PROTECTED SPECIES – Consideration of the three tests****Application reference number, site name and description:**

16/04590/FUL
Land At 117/125 Wenlock Road Shrewsbury Shropshire
Erection of 32 retirement living apartments including communal facilities,
landscaping and car parking; formation of vehiucal access following demolition
of existing property

Date:

30th January 2017

Officer:

Sophie Milburn
Assistant Biodiversity Officer
sophie.milburn@shropshire.gov.uk
Tel.: 01743 254765

Test 1:

Is the development **'in the interests of public health and public safety**, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

The proposal will boost housing supply in a sustainable location providing 32 purpose built retirement homes that will meet the needs of a growing ageing population and subsequently release the supply of family homes to the market. Although not providing affordable housing on site the development will provide a financial contribution to affordable housing and will also achieve a far higher CIL levy compared to the previously approved scheme for 4 houses. The proposal will provide social and economic benefits for both present and future generations and will also provide bio-diversity enhancements of the site (including eradication of Japanese Knotweed) with no adverse environmental impacts.

Test 2:

Is there **'no satisfactory alternative'**?

The alternative is not to develop the site or alternatively not demolish the house and implement the previously approved scheme on part of the site. However this would not provide the boost to housing supply numbers in Shropshire, would not make effective use of the land and would not provide an affordable housing contribution or CIL. This would therefore not provide the social and economic benefits of the proposal and the ecological enhancements of the site including the eradication of Japanese Knotweed to be secured by conditions attached to this planning permission.

Test 3:

Is the proposed activity **'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range'?

A bat survey between July and August 2016 identified a common pipistrelle roost in the building, used in 2015 by a single or small number of bats.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

The likely offences cannot be avoided through mitigation measures secured through planning conditions as the building is going to be demolished.

The Soft Strip Method Statement (Environmental Services, December 2016) sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- 3 Schwegler bat boxes will be erected on a suitable mature tree on the site.
- Works will take place under the supervision of a licensed bat ecologist.
- The roof should be removed between December and March.
- Toolbox talks will be provided.
- A pre-commencement inspection will be carried out.
- Areas of the roof with potential roosting features will be soft stripped by hand.
- 'Once these parts of the roofs are stripped, the open loft areas will be left open to the elements overnight to let any bats present (if any) to disperse naturally. Once the soak period has passed a further inspection will take place and the complete demolition of the building can proceed immediately after this inspection.'
- Should a bat be discovered, it will be relocated by the licensed bat worker.
- 4 bat tubes will be 'installed in to the fabric of the [new] building in groups of two.'
- 'All external lighting during construction to be angled downwards and away from any bat sensitive areas.'
- 'All new lighting within areas of the gardens and on external walls to be kept as low as possible and on short PIR timers.'

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of common pipistrelles at a favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Jane Raymond (dated 30th January 2017) are included on the decision notice and are appropriately enforced. The conditions are:

- Working in accordance with protected species survey;
- European Protected Species Licence; and
- Lighting plan.