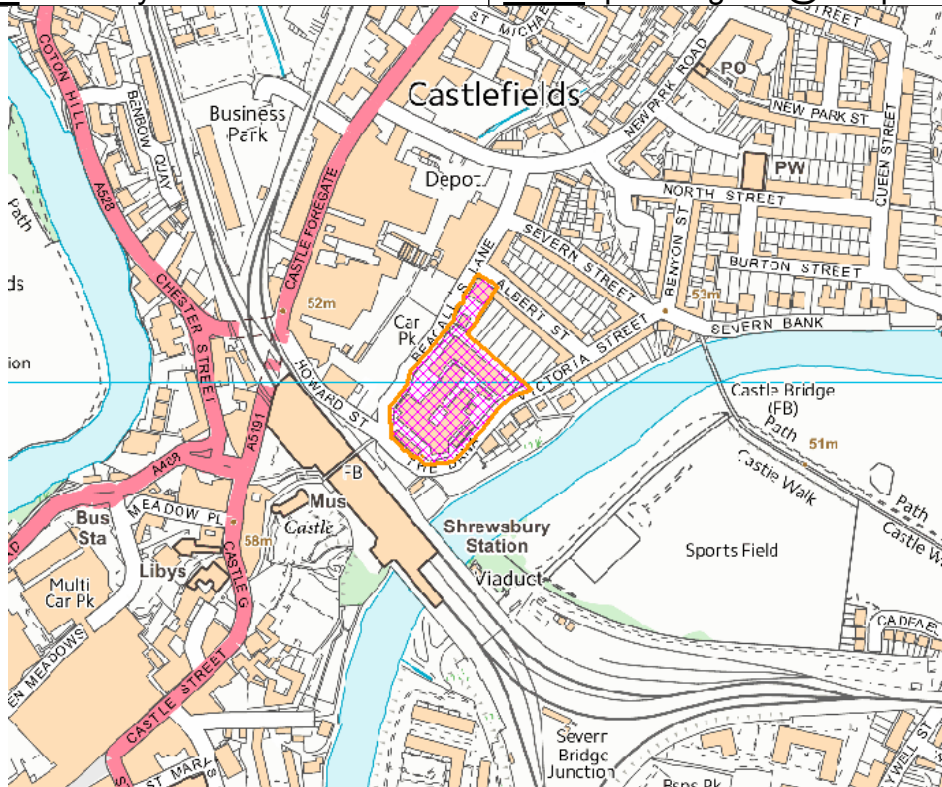


Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

<u>Application Number:</u> 17/02809/OUT	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Outline application for the redevelopment of the Dana into a mixed use development including converting the existing prison buildings (defined as use class C2a) into student accommodation (sui generis), residential dwellings (C3), A1/A3, B1/D1, D2 use along with significant landscaping works across the site (all matters reserved).		
<u>Site Address:</u> Former HMP Prison, The Dana, Shrewsbury, Shropshire		
<u>Applicant:</u> Mr Trevor Osborne		
<u>Case Officer:</u> Mark Lynch		<u>email:</u> planningdmc@shropshire.gov.uk



Recommendation: - Grant Outline Planning Permission subject to:**1. The conditions set out in Appendix 1.****REPORT****1 THE PROPOSAL**

- 1.1 This application is a resubmission of 15/05591/OUT, which was refused by Central Planning Committee on 22nd December 2016. The current application represents a revised proposal that has taken into consideration the views expressed by Committee Members. It is an outline planning application with all matters reserved but which contains a level of detail provided in the form of indicative plans and drawings to better illustrate what is being proposed.
- 1.2 As before, many of the buildings on the prison site will be retained and be converted to alternative uses, together with the removal of a series of modern additions and their replacement with new development. An illustrative master plan has been submitted indicating how the site could be developed. This is explained in more detail in the following paragraphs.
- 1.3 The prison is Grade II listed and contains a range of buildings dating from the 18th Century right through to the 20th Century. It is the intention of the applicant to preserve the more important heritage elements of the existing site with other less valuable elements, dating mainly the 20th Century, to be removed. Cleared areas will enable new buildings to be constructed. Parts of the site date from the Georgian Period when the prison was first established. The Gatehouse and the B and D Wings are the oldest part of the prison with the central block dating from 1787. The main cell wings, A and C, date from the 1880's. This group of buildings is a mixture of two, three and four storeys and offers an opportunity for sensitive re-use. The buildings proposed for retention and re-use are listed later in this part of the report.
- 1.4 The Lancasterian School building on the corner of Albert Street and Beacalls Lane is two and half storeys in height. It is not listed in its own right and is to be retained and converted into apartments. The existing two storey gymnasium building in the south western part of the site is to be retained and will be reused as a gymnasium accessible to members of the public as well as residents within the site.
- 1.5 The large, modern education and workshop buildings on the north western side of the site are to be demolished and the cleared site will be available for the erection of a new residential block with car parking underneath. The Design and Access Statement describes these buildings in detail. They were part of the redevelopment of the prison in the 1970's and are utilitarian steel structures clad in stretcher bond red brick with high-level strip windows, which have bars fixed to the interior. Internally they have generic suspended ceilings and carpeted or linoleum floors. The workshop building has the metal deck roof exposed internally, and all services are also exposed. When the education building was constructed, the internal levels were set incorrectly which means that there are changes in level via short ramps in

the communal corridors, which contribute to the reasoning for the removal of this building.

- 1.6 The remaining buildings proposed for removal are largely single storey, of recent vintage and of modern, functional appearance. There are also several metal storage containers on the site; some of which are stacked on top of each other, that will be removed. These structures are situated to the rear of the gymnasium and workshop buildings facing the northwest curtain wall to the prison and within the area around C Wing and the kitchen building. Their removal will reveal the more historic structures and allow them to have more of a sense of setting, according to the Design and Access Statement.
- 1.7 The reception building within the front courtyard is a single storey redbrick and slate building located behind the gatehouse. It is in poor condition and its removal will reveal the front elevation of the more impressive B Wing on entry to the site. The gatehouse itself will not be altered although the crude, flat roofed visitor entrance structure added to its side wall will be removed.
- 1.8 The application is in outline only but a set of indicative drawings and a masterplan accompanied by a set of written Urban Design Principles have been submitted demonstrating how the site could be developed. The proposed development and incorporated uses are listed as follows:
 - The Gatehouse – to be converted and re-used as 3 residential units (Use Class C3)
 - A Wing – to be converted and re-used for student accommodation purposes. Maximum of 109 or minimum of 88 (this is dependent on kitchen location requirements to be determined during the development of the servicing and fire strategy)
 - B Wing and D Wing– (this is the combined front range) – to be converted and re-used as residential providing a maximum of 16 apartments.
 - C Wing – to be converted and re-used as residential apartments or student facilities (maximum 16 student rooms).
 - The Prison Kitchen – to be converted and re-used as either retail (Class A1) or a restaurant/cafe use (Class A3). Floor space for each use will be 198m².
 - The Education Block and Workshop Building – to be demolished and redeveloped for a new 4 storey residential block (New Building C on the block plan) comprising 30 units and a car parking level at ground floor
 - Gymnasium – to be retained, refurbished and used as a gym/fitness centre available for public use.
 - The Lancasterian School to be retained and converted into 11 apartments.
 - New Building A - to be office on ground with C3 residential above. (Office approx. 240 m² and 8 residential units) of three and a half storeys.
 - New Building B - to be three storeys in height comprising car parking at ground floor with two floors of C3 residential (7 units) above.
 - Extensive re-landscaping of the site.
 - Provision of 91 car parking spaces within the site, including on the ramp alongside Beacalls Lane, which will also form the exit for the proposed internal one way circulation route.

- 1.9 In respect of the Urban Design Principles that are to be applied, the Design and Access Statement lists them as follows:
- Improve pedestrian access around the site and creating several controlled entry points through the prison wall to make connections with the surrounding streets
 - Improve views into the prison by opening up the south corner by removing parts of the unlisted section of boundary wall
 - Provide an enhanced entrance into the prison site
 - Provide access to a range of unique buildings for the public
 - Bring sustainable uses to existing empty Victorian and Georgian buildings
 - Provide a mix of uses which encourages diversity within the area
 - Landscape the site where possible as the current prison site has zero vegetation.
 - Promote permeability, activity and wider regeneration throughout this area of the Town
- 1.10 Three new buildings are proposed referred to as Buildings A, B and C on the illustrative masterplan. Building A will be located adjacent to the gymnasium building and Building B will replace the existing detached garage at the rear of the Lancasterian School adjacent to the wall that forms the boundary with the dwellings on Albert Street. Building C will replace the education and workshop buildings to the north of the gymnasium.
- 1.11 Building A is proposed to be either office space or non-residential institutional use at ground floor level with residential above. It will be three and a half storeys in height. Building B will be two and a half storeys in height and will incorporate eight apartments. The office space is intended to provide administration facilities for the management of the site when developed.
- 1.12 Building C is the largest of the three new buildings and the new residential building is part of the enabling development for the site in order to support the cost of redeveloping the listed structures which are to be refurbished. This new building will consist of car parking at ground floor with three storeys of residential above. The clearance of the education block will also allow for some surface parking within the A-wing courtyard. This parking will be interspersed with planting and trees to form part of the overall landscape proposals.
- 1.13 Although no official elevations of these buildings have been submitted and their design and appearance remains a reserved matter, indicative drawings and floor plans have been submitted in respect of all three. These are considered later in this report.
- 1.14 The application proposes removal of a section of the wall to form a new access point and which will help to open up views of the site from the Dana.
- 1.15 The works to convert the retained historic buildings will be a matter for the next, reserved matters, stage in the application process. However, the applicant has emphasised the desire to affect as little as possible the character and appearance

of the buildings, including the interiors. The applicant is aware that a future reserved matters application will have to be accompanied by a Listed Building Consent application setting out in much more detail the alterations proposed to the listed buildings on the site.

1.16 The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Heritage Statement
- Transport Statement
- Car Parking Plan
- An Acoustic Consultancy Report
- Updated Noise Assessment
- Bat Survey Reports and Preliminary Roost Assessment
- A statement from the former Prison Maintenance Manager
- An Outline Student management Plan
- A Biodiversity Impacts Statement

1.17 Although the application is in outline with all matters reserved, members are being asked to agree a specific quantum of development and development parameters including the siting of new development, overall building heights and massing envelopes, floor space and car parking and service provision. The reserved matters will develop these themes further by adding precise detail to the various elements of the development.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The site is the former HMP Shrewsbury, which was closed in 2012. It is a rectangular site enclosed by a tall brick wall with a Georgian gate house located on the south western side. The site of the prison is listed Grade II and is located within the Castlefields Conservation Area. The application site also includes another element containing the Lancasterian School building and its curtilage which projects as a limb to the northeast of the main walled prison site. It is largely self-contained within its own grounds. The site was originally developed as a prison in the 18th Century and was remodelled and extended over the following centuries to form the building that exists today. Little remains of its Georgian origins although some base levels of walls within the older parts of the prison appear to date from this period.

2.2 The site lies on the northern bank of the River Severn on elevated ground. There are streets of dense, traditional terraced dwellings immediately to the north east and east and a range of two storey semi-detached and detached dwellings to the south east on land that is at a lower level. To the west is the railway line and Shrewsbury Station with Shrewsbury Castle located just beyond. To the north across Beacalls Lane is the Network Rail car park with the Royal Mail sorting office beyond it. All of these surrounding developments are on land that is at a lower level

to that of the prison.

- 2.3 The site of the prison is encircled by a tall red brick wall with the gatehouse forming the focal point on approach from the west. The walls have been increased in height over the years and there is a distinct line along the wall that denotes the original height of the wall dating from Georgian and Victorian periods. The gatehouse dates from the 18th Century and contains the main access to and egress from the site. The majority of the buildings that are to be retained are constructed from traditional red brick with slate roofs, although several of the more recent buildings are rendered and have flat roofs. There are also elements of ashlar stone within the site, most notably on the gatehouse building.
- 2.4 The main prison blocks A, B, C and D are three and four storeys in height. The cell windows are relatively small and have multiple lights. The fenestration arrangements on the buildings create a distinct vertical emphasis contrary to the horizontal mass of the buildings. A Wing is the tallest and most substantial building on the site. It contains a number of distinctive ornate chimneys which dominate views across the site and these are to be retained. The roof also supports three lantern lights that run along the length of the ridge between the chimney stacks, which allow light to pass via light wells into the structure down to the ground floor. The building contains a substantial number of cells and these are arranged around the central atrium. This is dominated by prison stairwells, walkways and balconies. The gallery around each well has original iron brackets which support the walkways.
- 2.5 The uniform cells of the interior have narrow doorways and vaulted ceilings. On all except the ground floor a number of original cell doors remain. The original doors are timber with a metal panel fixed to the inside, unlike later doors which are steel.
- 2.6 The intention is to refurbish the building by utilising the cells as study bedrooms for students. Each group of three cells is proposed to be subdivided into two study bedrooms by converting the central cell into a pair of en-suite shower rooms. The high level prison windows will be retained as they are and some of the bars may be removed, subject to further consideration at the reserved matters and listed building consent stages. The shower room will be accessed from within each corresponding study bedroom by breaching the internal wall to create a doorway. Each floor will be subdivided into four 'cluster' flats consisting of 6 to 8 bedrooms, a communal kitchen and dining area and an access staircase. The staircases will be inserted within existing cells and involve breaking through the floor to the levels below. The galleries on each floor will incorporate several communal seating areas.
- 2.7 B and D Wings form part of the same range of three storey red brick buildings to the rear of the gatehouse. They date from 1787 and were extended between 1885 and 1888 and include the former Governor's House. The interior of the building was subject to radical alteration during the 20th Century and very little of the original interiors remain.
- 2.8 The area surrounding the prison site is a mixture of residential and commercial. The area to the north east of the site is predominantly residential in nature

comprising narrow closely knit Victorian streets. The River Severn flows along to the south east of the site at the base of a steep bank. To the west is the Shrewsbury Railway Station and the main line runs immediately to the south west of the proposed car park on the Dana. Beyond the line on elevated ground and overlooking the station car park sits Shrewsbury Castle. To the north west on the opposite side of Beacalls Lane, a one-way street is the station car park.

2.9 The former prison car park is located across the Dana to the south west of the prison itself, adjacent to the railway line. This facility is to be retained to provide car parking to serve the needs of the proposed development.

3.0 **REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

3.1 The application is considered to raise complex planning issues and is considered by the Planning Services Manager in consultation with the Chairman that it should be determined by Planning Committee.

3.2 In addition, as the previous application on the site was considered and refused by the Central Planning Committee, it is considered appropriate that Members should be aware of the changes now proposed so that an informed decision may be taken.

4.0 **COMMUNITY REPRESENTATIONS**

- Consultee Comments – comment.

4.1.1 **Town Council** – Neither supports nor objects:

By way of background Councillor Mosley reported on the previous application which was refused on overdevelopment, resident impact, traffic and building impact in the vicinity. This revised application allays many of the concerns of residents with significantly more on-site parking, retained walled garden and recreational open space, demolition of all buildings other than those listed and the modern gymnasium.

Members discussed the development of 120 student accommodation units and the need ultimately to ensure that there was a Student Management Plan prohibiting students bringing a car.

The Town Council welcomes the amendments to the application for this site and would wish to reserve their comments until full details are made available.

4.1.2 **SC Drainage** - comment:

No objection. The following drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted:

The site is classed as brownfield, therefore a 50% betterment to the current surface water flows should be provided in accordance with Shropshire Council requirements. On the Design and Access Statement, it states that hard surfaces

will be replaced with grass and planted courtyards, with gravel edging and permeable paving. A plan showing 50% betterment of replacing hard surfaces with soft landscaping and permeable surfaces should be submitted for approval.

4.1.3 **SC Ecology** – comments:

Recommendation:

I have provided a European Protected Species 3 tests matrix for bat species, which confirms that the Favourable Conservation Status of bat species on site can be maintained, providing the conditions suggested are attached to any planning permission. The planning officer is required to consider and complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.'

The conditions and informatives detailed below should be attached to the planning permission if granted.

Bats

Cellars are present under cell blocks A and C and a hibernation survey was carried out. Temperatures were found to be too high in the cellars (13-15.3 degrees centigrade) for bat hibernation, with low humidity, and static bat detectors showed no signs of bat activity between February and April (while temperatures periodically reached below zero through into April outside). No droppings or other physical signs of bats were found. It is highly unlikely bats use the cellars for hibernation.

The day time preliminary roost assessment identified a range of possible bat entry points and potential roosting sites throughout the building complex but no direct evidence of bats was found except small numbers of old droppings in the roof spaces of D Wing, C Wing, the Kitchen and the Lancastrian School.

Summer activity surveys were carried out to determine use of the site outside of the hibernation period. The amount of bat activity increased through the summer season with second emergence surveys showing there was a constant amount of bat activity of pipistrelle species concentrated in the C wing courtyard and A wing sports pitch every survey and most nights according to the externally mounted static detectors. Some bats commute in from the river direction whilst others roost on site. Most nights revealed occasional passes of Noctule Bats either commuting or foraging across the site, but the majority of bats recorded were Common and Soprano Pipistrelle Bats. The externally placed detectors recorded a Brown Long-eared Bat on the 29th June. The data showed that the sports pitch and courtyard are used extensively for foraging during the first one to two hours after sunset and sporadically thereafter until dawn or one hour before.

The report concludes that B wing roof coverings are presently used as a summer day roost for two to four pipistrelle bats. Judging by the lack of fresh droppings or any recordings on internally placed monitoring detectors, it is concluded that bats did not use the roof spaces during the survey period. Given the habit of bats to change their roost sites, it is likely that the prison is being used in conjunction with other roosts in the local area. There was no evidence to suggest the presence of a

maternity roost, where females gather to give birth and raise their young, in the building.

The report states that given the size, nature and complexity of the site, is perhaps surprising that so few roosts exist but there are various factors that may deter bats from occupying this site. These include the former intensive use of the buildings, the use of close-fitting composite tiles, general good state of repair of the structures and high levels of security lighting.

The bat populations roosting in and foraging around the site will be adversely affected by the development and mitigation will be required. Likely impacts during demolition, construction and long-term occupation of the development include:

- Disturbance from noise, vibration and alteration to light levels;
- Destruction of roosts, particularly through roof repairs and blocking of access points with scaffolding;
- Risk of killing or injury of individual bats when lifting slates, ridge tiles etc.;
- Human disturbance.

In view of these likely impacts, a European Protected Species Mitigation Licence for bat species will be required from Natural England before works on the buildings, including erection of scaffolding or changes to lighting commence. The three tests under the Conservation of Habitats and Species Regulations 2010 must be considered before a planning decision is made. A European Protected Species 3 tests matrix has been submitted with this consultation response, which provides an assessment of the 'maintaining a Favourable Conservation Status test'. The planning officer is required to complete sections 1 and 2, 'overriding public interest' and 'no satisfactory alternative'. Please note, the conclusions I have reached under the Favourable Conservation Status test are only valid if any stated conditions are added to the planning permission if granted. If problems arise with the conditions, please contact me.

The bat survey report (reference 1 above) suggests the installation of two Schwegler 1FQ woodcrete bat boxes on the north-west gable of B wing and the raising of one or two ridge tiles in the approximate location of where bats were seen to be exiting during the activity surveys. It also suggests maintaining the dark commuting route from the Dana buildings to the river. These measures would be the minimum required to maintain the favourable conservation status of the summer day roost for 2 to 4 pipistrelle bats that was identified on the roof of B wing.

The following **conditions** should be attached to any planning permission:

1. Modification, demolition, changes to lighting or scaffolding of the Gate House, Wings A, B, C, D, the Kitchen block and the Lancasterian School as identified in the Existing Site Layout Plan Drawing Number P/002 Rev. A shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) A licence by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the

specified activity/development to go ahead; or

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

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

2. Prior to commencement of development, a lighting design strategy and plan shall be submitted to the local planning authority for its written approval. The strategy and plan shall:

a) identify those areas/features on site that are particularly sensitive for bats and nesting birds, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging;

b) clearly show on the plan the proposed dark commuting routes for bats providing a connection to the river corridor and

c) show how and where external lighting shall be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy before the development is first occupied, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority. The submitted scheme shall be designed to take into account the latest best practice guidance on lighting and maintenance of bat populations.

Reason: To minimise disturbance to bats, nesting birds and other nocturnal wildlife.

Lighting informative

The latest Bat Conservation Trust guidance on bats and lighting is currently available at http://www.bats.org.uk/pages/bats_and_lighting.html. Useful information for householders can be found in Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (Bat Conservation Trust, 2014).

Although mitigation has been proposed for the roost that was identified during the activity surveys, the site appears to be used for foraging by four species of bat and a few bat droppings were found in the roof spaces of four buildings on site, showing

previous access. On such a complicated site, no bat survey can guarantee to find all bat roosts, especially for one or two crevice dwelling species. The LPA, through its Biodiversity Duty under the NERC Act 2006 and under the National Planning Policy Framework (see paragraphs 109, 117 and 118) must seek opportunities to enhance and restore biodiversity, including aiding the recovery of priority species populations. The Dana Prison also lies immediately adjacent to, and in the buffer zone, of the Shropshire Environmental Network which is covered by the Shropshire Core strategy policy 'CS17 Environmental networks'. This policy also seeks enhancement of the network, in this case the river Severn, which acts as a corridor for commuting and foraging bats.

In this application, the buildings with large roof spaces are to remain and opportunities should be sought to provide at least one bat loft suitable for species requiring space to fly (such as Brown Long-eared Bats) before leaving the roost. The Bat Mitigation Guidelines (English Nature) section 8.4.1 states that a void of dimensions of more than 2m high (floor to ridge board) and a floor area of over 5X5m would be necessary for species that fly in roof voids. In addition, due to the scale of the development and evidence of previous use by bats, additional bat boxes, bat bricks or bat tiles etc. should be provided on the prison buildings and the school. A few bat droppings were found in the roof of the Lancastrian School, and although well-lit at night, there may be potential to use the side of the building facing the back gardens and towards the river. The following **conditions** would be required:

3. The first submission of reserved matters shall include an updated and detailed Bat Mitigation and Enhancement Scheme and Method Statement, and these works shall be carried out as approved for the lifetime of the development. The submitted scheme shall include:
 - a) the recommendations in the 'Bat Survey Report, The Dana Prison, Activity Surveys, Shrewsbury, SJ495129 VC40', 16th May – 18th July 2016, by Treetec;
 - b) at least one bat loft of appropriate design and dimensions;
 - c) additional features such as raised tiles, bat tiles, bat bricks, bat boxes etc.;
 - d) provision for monitoring after construction;
 - e) provision for continued maintenance when the development is occupied;
 - f) a plan indicating the location of bat roost features and the dimensions of the bat loft.

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

4. Prior to commencement of the development, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the Bat Mitigation and Enhancement Strategy and Method Statement and other ecological mitigation and enhancement measures are adhered to. The ECW shall provide a report to the Local Planning Authority demonstrating implementation of these measures. This shall include

photographs of installed features such as bat and bird boxes once in place, details and dates of wildlife protection and mitigation measures in place, and findings of all pre-commencement checks undertaken for the protection of wildlife, and provision of replacement habitat and enhancements. The ecological clerk of works shall also provide brief notification to the Local Planning Authority of any pre-commencement checks and measures in place, as they progress.

Reason: To demonstrate compliance with ecological mitigation and enhancement proposals.

Birds

Two active nests for Swifts were observed at the Dana with two more unused, all situated on B Wing. Potential nesting sites appear to have been blocked and it is probable that more Swifts nested on the buildings in the past. Swift numbers are declining rapidly and they are an amber-listed species on the list of Birds of Conservation Concern. The Bat Survey Report (document 1 above) recommends that two Schwegler No 17A swift boxes are installed in the absence of suitable holes in the buildings at height. It is possible that at least 4 swift nesting sites will be lost through repair works on Wing B and this level of mitigation is not enough. In addition, we would be seeking enhancements for this species. It may be that 'swift bricks' would be more acceptable as they would blend into the brickwork better than swift boxes and some of the buildings are listed. A full range of artificial nests can be found at :<http://www.swift-conservation.org/index.htm>

The following **condition** should be attached to any planning permission:

5. As part of the Reserved Matters details for the provision of nesting opportunities for swifts shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the buildings.

Reason: To ensure the provision of nesting opportunities for swifts.

Informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All conversion, renovation and demolition of buildings should be carried out outside of the bird nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the buildings for active bird nests should be

carried out. If buildings cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to [any of] the building[s] and begin nesting, work must cease until the young birds have fledged.

Landscaping

The existing Dana Prison and school site is currently almost devoid of vegetation. The landscaping of courtyards and the perimeter of the site is welcomed and is likely to provide biodiversity as well as aesthetic benefits. Where possible, species chosen should provide a source of nectar, pollen and fruit for pollinating insects, birds and other wildlife. I assume detailed landscaping details will be submitted at reserved matters.

I note on the Ground Floor Plan in the Transport Plan that the trees towards the river appear to have been removed and replaced with formal planting and a revised pedestrian route constructed. This falls outside the red line boundary and would contradict the recommendations of the Bat Report as it would interfere, at least temporarily, with the dark commuting and foraging route for bats to and from the river.

Any Construction Management Plan should take into consideration the Bat Mitigation and Enhancement Strategy, including restricting lighting during construction to prevent disturbance to bat roosts.

4.1.4 SC PROW Officer – Comments:

There are no legally recorded public rights of way at any status within the site boundary of the former prison.

4.1.5 SC Public Protection – Comments:

Having considered the information in the updated noise assessment I am satisfied that should a 34dB(A) reduction between the external and internal environment be implemented that noise levels internally will be suitable. As a result I would recommend that a condition is placed to ensure this occurs in practice:

All windows and doors facing noise sources specified in noise report reference 4212-FAC-ATN-1B dated 16th December 2015 submitted with application 17/02809/OUT shall reduce noise by 34dB(A) between the external and internal space. Trickle vents which do not compromise the effectiveness of the noise insulation properties of the glazing shall be installed in all cases. Reason: to protect the health and wellbeing of future residents.

It is noted that no noise assessment of the gym has been submitted to assess its impact of the gym on residential receptors either existing or proposed. I would recommend that this element is not brought into use before a noise mitigation scheme is provided setting out how noise and activities associated with the use are

to be managed in relation to protecting local residential amenity.

4.1.6 **SC Archaeology** – Comment:

The county gaol was originally established at this location in Shrewsbury, on previously undeveloped land beyond the areas of medieval and post-medieval occupation, in 1787-1793. Details of the prisons subsequent development are provided within the Heritage Statement which has been submitted with the application. However, in summary, the late 18th century prison was subject to a major phase of re-ordering and rebuilding from 1883-1888, and subsequent incremental development in the later 20th century, including the addition of significant new buildings in the 1970s and 1990s.

The principal impact on any below ground archaeological remains will come from the proposed new build unit between the end of C-Wing and the 1990s gymnasium building. The Heritage Statement and Heritage Impact Assessment indicate that this area was originally partially occupied by one of the wings of the Georgian prison and it is possible that archaeological remains of this building may survive below ground. However, this part of the prison was demolished as part of the Victorian reordering and subsequently utilised as the prisons exercise yard (which had an associated toilet block). In the 20th century a boiler house was added to the northern end of 'C' Wing, and this was subsequently demolished and replaced by a number of steel framed structures in the closing decades of the prisons life. It is, therefore, likely that any surviving remains of the 18th century prison buildings will have been disturbed and truncated by later construction, demolition and servicing activities. Additionally, later 20th century plans of the prison site indicate that the site of the proposed new build unit was not utilised as one of the prisons burial ground, and it is not therefore expected that any human remains will be present. As a consequence, this part of the proposed development site is considered to have low-moderate archaeological potential.

Recommendation:

The Principal Conservation and Design Officer will provide advice on the effects the proposed development will have on the significance of the Listed Buildings, Conservation Area and built non-designated heritage assets. These comments therefore relate to the archaeological interest of the site as outlined above.

A Heritage Statement and Design and Access and Heritage Impact Assessment have been submitted with the application to meet the requirements set out in Paragraph 128 of the NPPF and Policy MD13 of the SAMDev component of the Local Plan. It is understood that these will be supplemented as appropriate with additional information with subsequent Reserved Matters applications.

In view of the above, and in relation to Paragraph 141 of the NPPF, it is therefore recommended that a programme of archaeological work, to comprise a watching brief during any ground works for the new build unit, be made a condition of any planning permission. An appropriate **condition** of any such consent would be: -

1. No development shall commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: The site is known to hold archaeological interest.

4.1.7 **Shropshire Fire And Rescue Service** – Comment:

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-applications>

4.1.8 **SC Highways** – Comment:

The current application is a resubmission following the refusal of planning permission in respect of the previous application on this site 15/05591/OUT by the Central Planning Committee. One of the main concerns raised by Members and very much echoed by the local community related to the pressure of on-street car parking in the local residential streets adjacent to the former Prison site. The current application therefore has sought to address the parking issue with the provision of 91 on-site car parking spaces. The supporting information contends that the level of on-site parking provision now address the parking concerns.

In considering the current application and having regard to the previous fundamental concerns of parking provision, the main issue is whether the scheme is now acceptable in that it mitigates its parking demand impact upon the local highway network. The fundamental planning test however is that the cumulative highway impact of the development is not 'severe'.

At the outset and as covered in the Transport Assessment (TA), the previous use of the building as a Prison has to be acknowledged. Whilst it unlikely that these buildings would be brought back in use as a Prison, it is nevertheless its extant

planning use class. Whilst the site has not been in use for some considerable while, the Prison use would have generated significant staff parking demand that would not have been met with the parking facilities available. Although attempts have been made to gauge the likely parking demand, this is difficult to quantify with any degree of accuracy. The highway authority contend that the Prison use would have impacted upon the local streets by virtue of the staff numbers and the fact also that parking demand would have varied throughout the 24 hour period in the day and the changeover of shifts where there is an inherent increase in parking demand during a changeover shift.

It is noted also that the Lancastrian School, although no longer a School use, previously enjoyed planning use class of a School with the inherent issues of pupil drop off and pick up. Whilst no particular weight can be applied to the former use of this building it does demonstrate overall that the Prison and School uses generated parking demand and vehicle activity in the locality.

As part of the previous application submission, the TA outlines the parking survey carried out in Castlefields across an extensive area. This goes into some detail but the underlying fact is that parking demand in the Castlefields area is very high. The applicant at the time of the previous application offered to assist in the financing of a Residents Parking Scheme (RPS) that would favour existing residents of the area and not the development parking demand. A RPS would have a significant impact upon the local residents parking on-street, although it does need to be acknowledged that parking on the highway is a privilege and not a right albeit that the residential parking demand within the Castlefields area is long standing. As with all there is a balance to be struck between development parking requirements and potential adverse impact upon the adjacent areas.

The TA has set out the parking rationale of the scheme and the allocation of parking spaces to the various uses within the site and highlights potential alternative parking provision at the Network Rail car park. Ultimately there are still some unknowns in terms of the quantum of parking demand in relation to the Gym facility and proposed A1/A3. The residential parking in effect is provided at 1 space per unit, which can be allocated.

There is no student accommodation parking provision and it is stated that this will be regulated as part of the accommodation. Students pick up and drop however off would be controlled within the management of the student accommodation. Preventing student car ownership may be difficult to police as the accommodation is not specifically linked to the University but as privately controlled accommodation. However, in terms of student accommodation the site is highly accessible to the town centre, railway station and bus station. It is particularly attractive in students not requiring a car. Nevertheless it is acknowledged that the operation of the on-site parking provision is controlled within a suitably worded negative planning condition and including a Student Management Plan.

The TA, as previously, discusses the use of the Network Rail car park. It is more likely that parking demand not met by the development parking will seek parking in the local streets. During the peak user periods of a private gym, these are more likely to tie in when residential parking demand will be high and therefore less

prospect of finding on-street parking. Users would be potentially forced to use the paid car park or it could well influence users of the site. It is likely also that both students and residential occupiers would make use of such a facility.

As stated above the site is highly assessable to the town centre for walking and cycling together with close access to the railway station and bus station. There is somewhat of a topography issue in terms of those less able to access across the Dana footbridge and the gradient level down to Castlegates gyratory. The issues therefore may influence potential occupiers of the residential properties but by the same token the proximity of the site to the town centre could have a positive benefit in terms of potential car ownership.

In terms of other matters, it is not considered that the proposed development would have a significant adverse impact upon traffic issues in the locality.

Overall it is considered that the applicant has carried out a major shift from the previous submission in terms of the presentation of the current proposal by providing a significant level of parking within the Prison site. Having regard to the former Prison use of the site it is considered therefore that the level of parking provision now provided is sufficient to mitigate the impact of the development proposed. In its current form therefore the highway authority consider that a highway objection to the development, based upon a lack of parking, is not sustainable based upon a requirement to demonstrate 'severe' impact. Moreover, the highway authority does not consider that a financial offer towards a RPS would meet the planning tests of Section 106.

The TA covers other transport matters in terms of traffic impact and servicing the site by refuse collection etc. It is considered that these issues are satisfactorily addressed within the TA.

In conclusion therefore the highway authority therefore raises no objection to the granting of outline consent. In providing this recommendation, it is stressed that the comments are based upon the Masterplan of the development of the site and supporting information provided. It is acknowledged however that the current application seeks outline consent with all matters reserved.

The highway authority recommends the following Conditions are imposed:-

- The development hereby permitted shall not be brought into use/occupied until the areas shown on the approved plans for parking, loading and turning of vehicles has been properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.
Reason: To provide adequate parking and servicing facilities to serve the development.
- Development shall not commence on site until details of the car parking allocation of spaces shown on the approved details together with details relating to the dropping off and picking up of students unloading/loading shall be submitted to and approved in writing by the Local Planning Authority.

The allocation of car parking spaces and student drop off and pick up arrangements shall be implemented fully in accordance with the approved details.

Reason: To ensure the efficient operation of the site car parking in the interests of protecting the amenity of the local area.

- No development shall commence on site until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the provision for the appointment of a Travel Plan Coordinator, an implementation timetable and enforcement mechanism and shall include arrangements for monitoring of the progress of the proposals, review and actions to be taken. The results of the implementation and monitoring of the Travel Plan shall be made available to the Local Planning Authority upon request.

Reason: In the interests of promoting sustainable transport and reducing car ownership objectives of the development.

- No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority and which shall include:-

1. The parking of site operative vehicles and visitors.
2. Loading and unloading of plant vehicles off the public highway.
3. Storage of plant and vehicles off the public highway at all times.
4. Wheel washing facilities.
5. Measures to control the emission of dust and dirt during the construction period.
6. Hours of construction, including deliveries.

The CMT shall be adhered to throughout the construction period.

Reason: To mitigate the impact of the construction period on the local area and in the interests of highway and pedestrian safety.

4.1.9 **SC Housing Officer** – Comment:

Core Strategy Policy CS11 provides that all open market residential development contributes to the provision of affordable housing with a number of exemptions, which are noted in Paragraph 4.24 of the SPD Type and Affordability of Housing. One noted exemption relates to the conversion of Listed Buildings, which also includes the curtilage of a Listed Building. The rationale for this exemption relates to the increased costs that are often involved with works to Listed Building due to enhanced build specifications and secondly, as a way of the Council supporting 'enabling' development. Therefore, there is no requirement for a contribution towards the provision of affordable housing from this development.

4.1.10 **Historic England** – Comment:

Previous comments submitted in respect of the previous application 15/05591/OUT

still stand.

As you are aware you have kindly arranged for us to meet on site with the applicant and the local authority to discuss the scheme on 4 August 2017. Therefore, although we have no further comments to make at this stage regarding the supplementary information recently submitted, we may of course have further observations following our site meeting.

Addendum:

We do not in fact have any additional comments following the site meeting we had on the 4th August 2017.

Previous comments in relation to 15/05591/OUT:

Summary

Historic England supports this application in principle.

Historic England Advice

We are grateful that our earlier informal advice has been taken into account, and are glad to say that we support this application in principle as an appropriate, constructive and creative approach to the re-invigoration of this remarkable historic site and the resulting enhancement of the conservation area. Our advice particularly takes into account the well-being of the site itself and its listed historic buildings, the conservation area, wider benefits to the fine historic town of Shrewsbury, and the setting of the Castle, a Scheduled Ancient Monument.

The proposed new uses have the potential to work well with the particular significance and challenges of each building, but success here will be heavily dependent on a high quality of design and execution. In particular, the windows of A and C Wings will demand imagination and flexibility by all concerned, and we look forward to joining the discussion.

Another difficult design issue will be how to make openings in the perimeter wall. Whilst we have no objections to lowering the wall back to its former height, new openings should be kept to a reasonable minimum commensurate with the new activities within. We would encourage a consciously 'non-architectural' solution to the new opening designs, working in conjunction with the excellent emphasis on greenery that the project envisages.

Recommendation

Outline planning permission should be granted, with reserved matters encouraging continuing involvement of your Council's specialist officers, and ourselves, in the development of the scheme towards applications for full planning permission and listed building consent.

4.1.11 **SC Conservation – Comment:**

Background

The former Dana prison site is a significant landmark in the historic townscape of the Castlefields area, and consists of a number of listed Georgian and Victorian prison buildings, and associated structures. It is a rare example of a recently occupied prison, which has significance nationally and regionally for its architectural integrity, cultural and historic association with internationally renowned engineers and architects, and to the social history associated with its use and occupation.

The county gaol was originally established at this location in Shrewsbury, on previously undeveloped land beyond the areas of medieval and post-medieval occupation, in 1787-1793. Details of the prison's subsequent development are provided within the Heritage Statement which has been submitted with the application. However, in summary, the late 18th century prison was subject to a major phase of re-ordering and rebuilding from 1883-1888, and subsequent incremental development in the later 20th century, including the addition of significant new buildings in the 1970s and 1990s. Significant architects and engineers were involved in its design and construction, including Haycock and Telford.

Policy context

The provisions of Section 66(i) and 72(i) of the Planning (Listed Buildings and Conservation Areas) 1990 Act apply, in terms of the duty of the LPA to have special regard to the desirability of preserving or enhancing listed buildings and their setting, and of the character and appearance of Conservation Areas. The special interest of the heritage asset is determined through its listed status – there are a number of historic buildings within the walls, which are themselves listed, and the entire complex sits within the Shrewsbury Conservation Area. The Lancasterian School, adjacent to the site to the north, is a non-designated heritage asset which contributes positively to the character of the Conservation Area.

Background to recommendation

There are indirect impacts in terms of the visual effect of the increased height of the new building to replace the education block, the new build B to the rear of the Lancasterian School and direct impacts through the removal of historic fabric from the wall and demolition of modern buildings in order to enhance connectivity between the two sites and to open up the site. This has been limited to the minimum necessary to provide appropriate access and to ensure the viability of the scheme. Further works involved in the adaptation of the historic buildings are provided in outline form only at this stage, and the principle of these alone can be considered at this stage.

Assessment

Notwithstanding the details of the new buildings proposed in outline at this stage, any negative effects are offset by the in principle benefits of the scheme in terms of its renovation of the historic prison core and the Grade II listed buildings on site,

whose significance will be better revealed by the removal of the modern elements of lesser significance, as identified in the buildings assessment carried out and in the Design and Access Statement.

Stepping the proposed new building back from the rear of the historic A wing improves its legibility and the removal of the top five courses of the wall in this location will, whilst the building curtails an oblique view of the castle to the south, open up new views. The removal of the more modern elements of the boundary wall to the south to create a vehicular access will also result in new views between the site, the castle and historic town centre.

In relation to the new build elements in general, the use of colonnaded ground floor facades and canted fenestration could help to break up the massing of these new building elements and integrate them more into the scheme. The design of the roof storeys could also be broken up more as these appear heavy and bland at present, ensuring that they would contribute positively to the character and appearance of the conservation area. In all of these elements, it is essential that the essential character of the prison is not distilled.

Recommendation and conclusion

Overall, the scheme has a neutral effect on the character and appearance of the Conservation Area, and has the potential to enhance the significance of the listed buildings, through sensitive adaptation and improvements to their setting through the provision of a suitable scheme incorporating well designed new buildings and landscaping. It is therefore supported in principle from a conservation and design perspective.

Further comments on the detail of the new build elements and on proposals for the adaptation of the historic structures are reserved until the submission of reserved matters and the detail to be contained within a listed building consent application.

4.2 - Public Comments:

12 letters of objection have been received in respect of the proposals. The following points have been raised:

Objections:

General Observations

- While the improved facilities for onsite parking appear to go a long way meeting the concerns expressed by local residents the new plans show little detail of the proposed new developments.
- There is no change to the proposals for the student accommodation.
- Please consider a two storey build, less revenue, but much higher quality of life for everyone.

- It is apparent from the various diagrams that the North West corner of the site has been identified by the developer as an area which can be used as a profit engine for the whole of the site. This is completely to the detriment of the existing residents who are to be surrounded by 4 and 3.5 storey buildings.

Principle of Development

- The outline plans still indicate an over development of the existing site.
- The proposed new build apartment/residential block in the former school playground/car park again shows the level of over development within this scheme.

Traffic, Parking and Transport

- The car parking facilities for this development are woefully inadequate.
- One parking space for the apartments is not enough and the other facilities seem to have very low provision. As a property owner in the adjoining street it is clear the existing parking is at breaking point and this scheme is going to make matters much worse.
- The proposed route for vehicular egress through the site and down the existing ramp on to Beacalls Lane given existing parking numbers along this road is dangerous.
- There is no parking provision on site for students.
- The proposals still suggest that a parking management plan will prevent students from parking in the adjacent streets because they will not be allowed to own a car. It will be impossible to enforce this requirement without a residents parking scheme, as this is the only way that the Council will know who is parking on the streets.
- Whilst the developer maintains that student accommodation will be on a no car/vehicle basis; the ability to uphold this and provision for visitors to student accommodation has once again been overlooked.
- The recent survey undertaken by Shropshire Council shows that the existing residents occupy all the available spaces at night. Therefore the only reason to create a residents parking scheme seems to be to prevent students parking.
- If outline planning permission is granted it must be a condition of the permission that if the student flats are redefined as single occupancy flats that parking on site must be provided.
- Very against a new opening in this wall opposite no.5 and no. 4 The Dana. If an opening is essential surely a safer entrance could be made opposite no. 1 The Dana where there is already a paved area off the road, so people won't spill out onto traffic. This is a busy 2 way narrow road. Holders of the blue badge/mobility scheme are often parked here (current residents of the existing properties hold 3 of them).
- Although parking has been added 'within the site' the developer has now withdrawn the 26 or so from the main front car park. What has this been set

aside for?

- Whilst an added cost to the developer, a sub level car park could be put under his proposed new parking area. This would not only be significant to his target purchasers and businesses, but a great leap forward in gaining extra support for the redevelopment plans from the immediate neighbourhood.
- Note only 78 spaces for 78 apartments, most expectations of high-end residential apartments are that there are two cars per household and therefore 2 spaces per apartment required, there is of course also visitation.
- Unsure how many spaces are planned to serve the gym. In my experience at the gym that I attend there are typically 50 cars there at the times I go.
- The arrangement for public and service vehicle access remain problematic in that it is on the blind bend where a significant amount of Castlefield's traffic passes at peak times and so this is an obvious danger point, unless the walls were further opened-up.
- The developer is relying on historic prison officer parking numbers. Be that as it may, a new development such as this has to meet current parking standards.
- A totally holistic and overarching strategy for parking is required as part of the prison development and this must include all adjoining streets in this part of Shrewsbury.
- The School is to contain eleven apartments which may mean an additional twenty-two cars. Where are they going to park because the car park adjoining this property is now a proposed block of flats?

Heritage

- Historically the buildings show great character. The proposed large windows will dominate and will look very out of place and not complement existing buildings.
- Believe that the additional five brick courses proposed to be removed are historic and were added in the 1880s and should not be removed.

Amenity

- The New Buildings C should be no higher than the present ones. The New Building B appears as a block almost as high as the School. Residents consider that the addition of another large high building in an area of extremely high density to replace a one storey storage unit is not appropriate and would be detrimental to the area.
- Strongly object to new build A being three floors in height. A complete invasion of privacy.
- The large formal style roof windows, protruding out from the pitched roof, are not a local feature and will obviously, especially when combined with the proposed lowering of the prison wall be detrimental to the quality of life for everyone.
- The proposed 'New Build A' is earmarked to be an extra floor higher, hence giving loss of privacy to the existing property owners on The Dana (Road).
- Retaining the site walls at their current height, coupled with the 'walled

garden', will assist in buffering the noise from the site to the neighbouring community.

- The noise impact statement does nothing to address site redevelopment impact on the local area. Its intent is determine the suitability of the site for people moving into the prison site, not the impact of the development on current residents.
- Any modifications to the well-built and thick prison walls will generate tremendous levels of noise and vibration in the immediate proximity to residential dwellings. This impact needs to be addressed.
- The proposed block B is a huge shock to the residents. The existing building is a quarter of the footprint of the new building and whereas the existing building is one storey high the proposed building would be three and a half storeys high.
- This building will have the effect of blocking out the afternoon and evening sun from our gardens and will greatly reduce the light levels inside our houses. It will be an eyesore to look at being completely out of scale with the surrounding houses and it will greatly reduce our privacy. We will also have additional traffic noise and fumes in the area.
- The developers appear to be building this block so high so that they can have an access point from the top of the ramp which runs along the prison wall in Beacalls Lane. Anyone who looks at the height of this ramp and then imagines the proposed building being even taller to accommodate access from this ramp will understand the enormity of this building. Add to this its positioning right next to our garden wall and it is not difficult to imagine the sheer impact this building is going to have on our Victorian houses and gardens.
- Are the potential buyers of the eleven apartments in the Lancasterian School going to enjoy looking at a new build block of flats just metres from their main front windows?

Ecology

- The wall is used every spring by local ducks and the large wild bird population.

Design, Scale and Appearance

- New building B at the back of the old Lancastrian School and New building C at the Albert Street end of the complex are merely blocked in. We believe the developer should remember that this is a Conservation Area.
- We should not take a 1970's approach and remove the external wall height and spoil the heritage for future generations. Think long and hard before the five course brick section on the river side wall is removed.
- Need to know proposed height of new build A as this is adding to the detrimental effect and invasion of privacy that households along The Dana have enjoyed since the properties were built in the 1920's.
- We note that the diagram on page 48 'Greening the site' doesn't even contain the School and block B area. Can we assume from this that this area

will be a second rate area of the development without the greenery and adornments of the rest of the site within the walls?

- New Build Block C - It is both bewildering and concerning that the developers are suggesting building a four storey block to replace the workshops. It would be hard to deny that the existing building is ugly and needs to be demolished. But the prison walls are going to be dwarfed by the size of this building.
- When the original prison was built, the bulk of the building would not have been considered as residents and planners had little say in the matter. Why should we increase the height of the buildings even more when light and privacy is such a precious commodity? There must be a compromise.
- Castlefields is an area of small Victorian houses and residents who appreciate living in the area. Developers have to fund their business but surely not at a cost to residents when proposed buildings could be more sympathetically designed to fit in to the surrounding area with much less impact than they are threatening to have at present.

Need

- Question the need to provide more student accommodation as the Council have already given permission for even the most optimistic projection for student numbers.
- Shrewsbury University has not seen the student numbers anticipated and Shropshire Council have, themselves, cut the number of student units being built within the town centre. There is no requirement for circa 200 student units within the Dana site and the redevelopment of the site with students at its core is short sighted and at odds with the location of current & phased student accommodation within the town.

Other comments:

- Recognise and welcome the changes made in the transport plan, particularly the rigorous enforcement of a no car policy for students and help to establish a residential parking scheme. With these measures formally baked into planning I would be comfortable, but need more detail.
- Grateful that the applicant has responded positively to the wishes of several residents living on the Dana by agreeing to retain the top levels of brickwork on the perimeter wall which will preserve their privacy to an extent.

5.0 THE MAIN ISSUES

The main planning issues concern the following:

- Principle of development
- Siting, scale and design of development

- Visual impact, amenity and landscaping.
- Impact on local residential amenity
- Heritage impact
- Highway Safety, Traffic and Transport
- Drainage and flood risk
- Ecology

6.0 OFFICER APPRAISAL

6.1 Background to Application

- 6.1.1 Members will recall considering a previous planning application (15/05591/OUT) for the redevelopment of this site at the Central Planning Committee meeting held on 22nd December 2016. That application was for a similar form of development but was refused on three grounds, namely: that the proposals were considered not to provide sufficient off-street car parking to serve the proposals leading to increased congestion and traffic-related problems in the Castlefields area; that the intensity of uses and new development would lead to a cramped and over-developed site; and that proposed Building B off Beacalls Lane would have an adverse effect on the appearance of the area.
- 6.1.2 Since that time, the applicant has reflected on these reasons for refusal and has opted to refine the development proposals to overcome the objections leading to the current planning application. The following report will consider the revised scheme against adopted planning policies and the three reasons for refusal before reaching a conclusion on the planning merits of the scheme.
- 6.1.3 The key changes between the two schemes are summarised as follows:
- The site area has changed. The current visitors' car park adjacent to the railway is no longer forms part of the application site.
 - The number of car parking spaces has increased from 39 to 91 providing 1 space for each of the 78 residential units (previously there were 30 spaces for the 47 units then proposed) and 13 short stay spaces for staff/visitors/gym patrons.
 - All car parking is accommodated within the main prison site and predominantly within the walls. Previously, parking was to be provided on the Dana outside the prison walls and on the visitor car park. That is no longer the case.
 - The number of student bedrooms remains the same at 120.
 - The number of residential units has increased from 47 to 78 with one car parking space per unit.
 - The mix of uses proposed on the site has been reduced and simplified. The flexible office/workspace/conference facilities have been removed from the

current proposals.

- The existing modern chapel/visits/workshop and education blocks to the rear of the site will be demolished and be replaced with a new residential building (Building C).
- The gym will be the only modern building retained alongside the historic structures.
- The new proposals now include residential, student accommodation, the gym, a café, a small administrative office space, car parking and landscaping.
- Proposed Building B at the back of the Lancasterian School has been redesigned to recess the top storey as a mansard roof instead of a set-back and to re-orientate the windows along the east side to ensure they look back towards the prison and not towards the rear gardens of the Albert Street properties. It also includes car parking beneath this building.
- A one-way circulatory system is to be implemented within the prison which means cars will enter the site alongside the Gatehouse and leave via the existing ramp onto Beacalls Lane joining the flow of traffic along the one-way system that already operates on the Lane.
- The setting of the listed buildings on the prison site will be enhanced by removal of further unsightly modern buildings.
- The area to the side of A-Wing will now be dominated by car parking in a landscaped setting rather than entirely by new landscaping as in the previous scheme.

6.2 **Principle of Development**

- 6.2.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 6.2.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development Plan (SAMDev Plan) 2015.
- 6.2.3 The SAMDev Plan is the second part of the Local Development Framework for the county. The Core Strategy policies are complimented by the SAMDev Plan DPD, which provides additional detail to the over-arching policies contained in the Core Strategy. Following its adoption on 17th December 2015 previously saved policies of the South Shropshire District Local Plan have been superseded.
- 6.2.4 Other material planning considerations also have to be taken into account when assessing the proposals. One such material planning consideration is the National Planning Policy Framework (the Framework). In March 2012, the Framework

replaced all previous PPG's and PPS's and confirmed the Coalition Government's commitment to a presumption in favour of sustainable growth and development. In terms of decision making, this means approving developments that accord with the development plan 'without delay' and, where the development plan contains either no relevant policies or where those policies are out of date, granting planning permission unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted'.

- 6.2.5 The Framework sets out a presumption in favour of sustainable development. There are three dimensions to this, namely: an economic role, a social role and an environmental role. These roles are mutually dependent. It also advises local planning authorities in paragraph 50 to deliver inclusive and mixed communities and plan for a mix of housing based on current and further demographic trends, market trends and the needs of different groups in the community.
- 6.2.6 Policy CS1 of the Core Strategy establishes a settlement hierarchy with new development focussed in Shrewsbury, the Market Towns, other identified Key Centres and, in the rural areas, the Community Hubs and Community Clusters. These are considered to be the most sustainable places to deliver the overall strategy of managed growth. SAMDev Policy MD1 supports sustainable development within Shrewsbury, having regard to other policies contained in the Core Strategy and the SAMDev Plan.
- 6.2.7 Shrewsbury is regarded as being the most sustainable settlement in the county. The site lies within the settlement development boundary for Shrewsbury and its development for alternative uses is acceptable in principle.
- 6.2.8 Core Strategy Policy CS2 establishes Shrewsbury as the primary focus for new development for Shropshire and the priority will be making the best use of previously developed land and buildings for housing and other uses within the built-up area.
- 6.2.9 The application is in outline with all matters reserved and proposes a mixed use development including alterations to the listed buildings, demolition of existing structures and construction of new buildings on the site. All specific details will be considered at the next, reserved matters, stage. At present, the local planning authority is being requested to consider the principle of the proposed uses and quantum, height and massing of proposed new build on the site and the provision of parking and servicing areas. The proposals affect a range of planning policies as a result. These are considered in detail in the following sections.
- 6.2.10 As in the recently refused application, in terms of principle, there is policy support for the proposals. The site is located within the urban area of Shrewsbury and its re-use for a mixed form of development is supported by Policies CS1 and CS2 of the Core Strategy, in particular. Policy CS1 sets the overall strategic approach for development in the county. It confirms that Shrewsbury will be the focus for new residential and commercial development over the lifetime of the local plan. Policy

CS2 sets the development strategy for Shrewsbury. It states that a comprehensive and co-ordinated approach will be pursued in respect of the planning and development of Shrewsbury to enable the town to achieve a significant level of housing and economic growth whilst protecting and enhancing the town's role, character and the unique qualities of its historic built and natural environment.

- 6.2.11 This policy references the Shrewsbury Vision, the aim of which is to provide a comprehensive plan that identifies regeneration opportunities within the town and integrates with the Local Development Framework (LDF), Community Strategy and Cultural Strategy. It provides a business plan, a delivery plan and a spatial plan for Shrewsbury and links directly with the Core Strategy. It also references the Northern Corridor Regeneration Framework covering a wedge of the town stretching away to the northwest of the application site. This seeks to enhance existing major commercial, employment and mixed use areas, such as the Ditherington Flaxmill. In addition, the site lies within the area of the Castle Foregate Regeneration Area.
- 6.2.12 The policy also emphasises the need to make the best use of previously developed land and buildings within the town, especially those that make a contribution to the enhancement of the town centre, the redevelopment of edge-of-centre areas and the regeneration of the Shrewsbury Northern Corridor, which is recognised as a 'key area of change' in the SAMDev Plan. It also specifically mentions the importance of promoting, conserving and enhancing the town's natural and historic features.
- 6.2.13 Policy MD1 of the SAMDev Plan states that sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy. Sustainable development within Shrewsbury will be supported.
- 6.2.14 The supporting text to Policy CS2 explains that it is important that Shrewsbury should develop in a balanced and sustainable way as a community and a place in which to live, work, visit and spend leisure time in. Policies CS2 and S16 of the SAMDev are intended to facilitate development, change and regeneration to achieve this aspiration.
- 6.2.15 Policy CS13 of the Core Strategy is relevant in that it promotes new business activity across the district and specifically mentions supporting the development of local further and higher education and training facilities. The proposed development envisages such facilities being incorporated within the overall site.
- 6.2.16 Policy S16 sets out the development strategy for Shrewsbury and states that the town will provide the primary focus for development for Shropshire, as a sub-regional centre and Shropshire's growth point. Appropriate development and redevelopment that accords with the Strategy will be encouraged on suitable sites within the town's development boundary. Key areas of change in Shrewsbury are the 'Heart' of Shrewsbury and the Shrewsbury Northern Corridor, where proposals for new development/redevelopments and enhancements should have regard to the principles, priorities and objectives of the Shrewsbury Vision and Northern

Corridor Regeneration Frameworks, as appropriate, aiming to:

- i. Provide a sustainable and complementary mix of retail, community, employment and residential uses;
- ii. Support economic and community development;
- iii. Protect and enhance heritage, environmental and conservation assets, and deliver environmental improvements;
- iv. Incorporate approaches to access, parking and movement which support the integrated and sustainable transport strategy for Shrewsbury.

6.2.17 The application site lies within the Castle Foregate Regeneration Area. This establishes a framework for the redevelopment of the wider area and the vision for Castle Foregate is to develop its gateway role and particularly the sense of arrival around the station. In the longer term, it can develop its potential as part of the commercial heart of the town centre, linking the centre to the Northern Corridor. Aspirations for the area include:

- the improvement of the railway station forecourt
- improvements to the Dana Footbridge and potentially deliver a new link from the station to Abbey Foregate
- improving the existing buildings along Castle Foregate opposite the station and Royal Mail delivery office
- the event that the Royal Mail delivery office relocates, reusing the site for a new office development
- should the prison be relocated, possible re-use for hotel and related facilities including residential
- enhancement of the pedestrian experience

6.2.18 The development proposals comprise a substantially less complex mix of different uses compared with the previous scheme. These now include an increased number of residential apartments, the same level of student accommodation, a small office for use by the site management, the retained gym to be used as a fitness centre and a cafe. The previous scheme included a shop, additional offices, workshops, educational facilities and conference suites; all of which have now been omitted. As before, it should be noted that the University is not party to this application and the student accommodation does not have any official endorsement by that institution.

6.2.19 In relation to these policies, the proposed development meets many of the stated aspirations. It is a substantial regeneration project anticipated to deliver an investment in the region of £30 million. It is located within the Castle Foregate Regeneration Area and close to the area of the Northern Corridor, which are specific regeneration areas for the town. As a mixed use development, it proposes a smaller range of uses that the applicant considers to be complementary to one another as well as being appropriate to the nature of the surrounding area. It will involve the refurbishment and re-use of an important designated heritage asset that constitutes a landmark local building. The proposals will lead to the refurbishment of this important site within the regeneration area. Provided it respects the

character and appearance of the heritage asset its re-use as proposed would be acceptable in principle.

- 6.2.20 The Framework also supports the reuse of previously developed land and promotes the delivery of mixed use developments that lead to multiple social and economic benefits whilst also enhancing heritage and environmental assets. In this respect, the basic principle of the development fits with these aspirations.
- 6.2.21 There are other important planning issues that need to be satisfied including matters of scale, design, traffic impact and effects on heritage and environmental interests. These are explored in the following sections of the report, but it is considered that the proposals are acceptable in principle.

6.3 **Siting, scale and design of development**

- 6.3.1 Section 7 of the Framework is concerned with promoting good design and re-affirms previous national guidance that permission should be refused for development of poor design. It is necessary for new development to function well, establish a strong sense of place, have a suitable balance between built form and space, respond to local character and history, create a safe and accessible environment and be visually attractive. It also states, however, that permission should not be refused for development because of concerns about incompatibility with an existing townscape (notwithstanding effects on designated heritage assets, which may justify a refusal), especially where that development promotes high levels of sustainability. It requires that new developments make a positive contribution to their surroundings. In terms of design and layout, the form of the proposed development has been described above in Section 1. The key differences between the current and previous schemes are summarised above in Paragraph 6.1.3.
- 6.3.2 Policy CS6 of the Core Strategy is concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by Policy MD2 of the emerging SAMDev Plan. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduced reliance on private motor traffic, be respectful of its physical, landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping. Significantly, Policy MD2 allows for appropriate modern design and promotes “embracing opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”
- 6.3.3 Members were notably concerned about the scale and design of the previous scheme to the extent that they overturned the officer’s recommendation and resolved to refuse planning permission. Two of the reasons for refusal were directly related to scale and design with members determining the overall scheme to be an overdevelopment of the site and identifying Building B at the rear of the Lancasterian School as being particularly problematic in that regard.

- 6.3.4 As before, the current application is an outline one with all matters reserved. An indicative master plan and illustrative elevations and floor plans have been submitted but little specific detail has been provided regarding the proposed alterations to those buildings that are to be retained or the design and appearance of the three new buildings. General parameters have been provided regarding how the site might be developed but with the details to be considered at the next stage in the process.
- 6.3.5 The majority of the historic buildings on the site are proposed for retention and conversion into a mix of different uses. The buildings to be removed are mostly functional, utilitarian and relatively modern in age and now include the massive education, workshops, chapel and visitor block located at the back of the site. The previous scheme retained these buildings for conversion and the current scheme is to replace these with a new 4 storey block (Building C) with car parking at base level and 3 floors of residential over.
- 6.3.6 The intention is to open up the settings of the more historic buildings that are currently compromised by the existence of these structures in the interests of providing a more sensitive development. The cleared space will also be subject to the addition of two further new buildings: one three and a half storey building (Building A) and one three storey building (Building B). The detailed design and floor plans of these buildings will be determined at the reserved matters stage. At present, the applicant is seeking only to establish general principles of development, although some indication of the eventual design of these buildings has been provided in respect of their likely position on the site relative to neighbouring buildings and structures as well as their height and roof-styles. For example, the top floors of these buildings are likely to be contained within a mansard-style roof designed to lower the profile of the building.
- 6.3.7 Illustrative elevational drawings have been provided indicating how the design of the new buildings could look; but these are merely indicative and are not definitive. It will be possible for the local planning authority to define, secure and influence key elements of the development at the reserved matters and listed building consent stages. To assist with achieving that, it is recommended that the future development be based upon the indicative layout plan together with height and locational parameters.
- 6.3.8 The detail of how the retained listed buildings will be altered to ease conversion to alternative uses will be considered at the reserved matters application stage. The alterations will also be the subject of a future detailed Listed Building Consent application to be submitted contemporaneously with the reserved matters. The specific detail of the works will be evaluated and managed at that more appropriate time. In the meantime, the principle of these alterations are considered to be broadly acceptable and in line with Policies CS6 and MD2.
- 6.3.9 The majority of works proposed to the retained listed buildings are considered later in Section 6.4 of this report. The removal of the modern, functional and utilitarian structures within the site is considered to be a benefit as they currently detract from the setting of the listed buildings. These will be carefully removed so that no

damage is caused to the listed structures and a suitable planning condition will secure this approach.

- 6.3.10 It is not anticipated that the retention of the existing prison gymnasium and its re-use as a publicly accessible facility uses will give rise to any design issues. It is proposed that the gymnasium be refurbished to provide a modern health and sports club facility and it will be open for use by residents of the development as well as others living in the wider community. The gymnasium is to be modernised throughout with the interior being reconfigured to upgrade the sports and changing facilities. Some external alterations are proposed and these will manifest themselves in the form of a 'green wall' applied to the external elevations. This will soften the utilitarian appearance of the building as well as enhancing the biodiversity interests of the site as a whole. The precise detail of how this will be delivered is a matter of detail to be considered at the next stage in the planning process. These details can be secured through a set of suitable landscaping and materials conditions.
- 6.3.11 The issue of scale must also involve an understanding of the quantum of development proposed which includes an assessment of the mix of uses, the density of development and the space allocated within the site to provide for amenity, car parking, turning and servicing for each of the uses. Previous concerns that related to the complexity and intensity of uses proposed within the site envelope and the impacts that these could have for the functioning of the development and for neighbouring occupiers and future occupiers of the site have been addressed in the current application.
- 6.3.12 As in the previous proposal, the level of car parking to serve the site is of concern to local residents; not least because existing car parking on the surrounding streets is at a premium and residents are fearful that any development that lacks adequate off-street parking will add to the demand for parking near their homes. The applicant has submitted an updated Transport Assessment which has been reviewed by the Highways Officer. The updated TA reflects the changes now made to the scheme, including the additional car parking within the prison, the reduction in the number of uses and the increased number of residential apartments proposed. The current proposals are less dense in form than the previous scheme and more open space created by new car parking areas within the walls has helped to reduce the impression of an overdeveloped site.
- 6.3.12 The impact of Building B located at the rear of the Lancasterian School in relation to scale, siting and design had been a concern during the previous application. The current application retains this building and reverts to the original concept of providing a level of car parking (13 spaces) at ground level with two floors of residential over. In response to the concern of committee members, this building has been set further back into the site from the Beacalls Road frontage wall in order to preserve more of the back elevation of the School building which is an important visual backstop in views north-eastward from Howard Street.
- 6.3.13 The building will replace an existing hipped roof single storey garage structure at the back of the School. The indicative master plan shows it to have a footprint

covering a smaller proportion of the curtilage compared with the previous iteration and, although in reality this is likely to be refined still further once the design has been fully resolved. The building will still accommodate 8 apartments but it will now be set back from both the Beacalls Lane boundary wall and the shared boundary with the adjoining property at 39 Albert Street. The refined design will expose more of the rear elevation of the Lancasterian School building in views from the Howards Street end of the Lane, which is considered to be an improvement compared to the previous submissions.

- 6.3.14 The Lancasterian School is not formally listed although it does constitute a non-designated heritage asset. The conservation area, however, is a designated heritage asset and potential harm caused to a component element (in this case to the feature building that is the Lancasterian School) is an important matter. The previous iteration of Building B, due to its proximity to the Lancasterian School, design and proximity to the frontage boundary, was considered to be harmful to the asset's setting. The amended design is considered to be more sympathetic, revealing more of the rear of the School building in views from along Beacalls Lane. It is considered to be more respectful and would not now be harmful to the setting and appearance of the conservation area. This matter is considered later in this report under Section 6.5.
- 6.3.15 Building A remains as before and was not considered to be especially controversial. However, one development that affects this building worth noting has been the applicant's agreement to retain the perimeter wall along Victoria Street/the Dana in response to the concerns expressed by local residents about potential overlooking. The retained upper section of the wall will assist in assuaging those concerns.
- 6.3.16 Building C is a new proposal and is designed to replace the existing modern education block that wraps itself around the corner of the site facing the back of Albert Street and adjacent to the ramp alongside Beacalls Lane. The current building is of monolithic and functional appearance and stands three storeys high with a further plant room on top. It is set back from the perimeter wall in line with the adjacent gym building. Previously, this building was planned for retention and conversion to commercial uses. The current application proposes replacing it with a new residential building four storeys in height and located closer to the back wall along the rear of Albert Street and to the wall along Beacalls Lane. Indicative plans and elevations showing apartments in the building have been supplied, but these are purely illustrative and do not necessarily depict what will be submitted for approval at reserved matters stage.
- 6.3.17 The increased height, proposed use and position of this building has the potential to affect residential amenity of the occupiers of the Albert Street properties in a way that the existing building does not. The building would be approximately 50 metres away from the back elevations of the Albert Street dwellings, so would be unlikely to exert an overbearing effect directly on the dwellings themselves. As the applicant has pointed out, the rear gardens of these dwellings also include some mature trees; several of which protrude above the top of the perimeter wall and provide a degree of protection.

- 6.3.18 However, notwithstanding this, the prison site is at a higher ground level which exacerbates the height of the building still further and unless carefully designed, the new building has potential to allow the apartments occupying the top floor to overlook the private rear gardens of the Albert Street properties.
- 6.3.19 The applicant is aware of these concerns and of the requirement to design a structure that will avoid overlooking of the properties to the rear. As this is a matter of detail, it will be more carefully considered at the next stage. As it stands, it is considered that a suitably designed four storey building in this tightly knit urban area is feasible in principle.
- 6.3.20 In terms of siting, scale and design, however, the development is capable of being designed so that it complies with Policies CS6 and MD2 as well as the design guidance contained within the Framework, in that regard.

6.4 **Impact on Local Amenities**

- 6.4.1 The Framework is particularly concerned with the impact that new development may have on the amenities of local residents. Amongst the core land-use planning principles that it embodies, those that affect this particular issue include the need to secure high quality design and a good standard of amenity for all existing and future occupants.
- 6.4.2 Core Strategy Policy CS6 also requires new development to contribute to the health and well-being of communities, including safeguarding residential and local amenity. Policy MD2 of the SAMDev Plan expects development proposals (amongst other things) to contribute to and respect locally distinctive or valued character and existing amenity value. This should be done by:
- i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and
 - ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
 - iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
 - iv. Enhancing, incorporating or recreating natural assets in accordance with MD12

Many of these aspects are matters of detail and are more appropriately considered at the reserved matters stage. Nevertheless, it is possible to assess the impact of the outline proposals in relation to several of these matters.

- 6.4.3 In terms of visual impact, the main effects will arise from the removal of modern, functional structures, the removal of a portion of and reduction in height of the boundary wall, the erection of two new buildings and the physical alterations to be

carried out to the retained buildings on the site, including the historic buildings.

- 6.4.4 The modern structures that are to be removed are mainly 20th Century functional buildings and containers that have either low degrees of heritage significance or which detract from the setting of the heritage assets on the site. Most of these structures are low level and are not visible from outside of the site. The direct impact of their removal on the amenity of the surrounding area is restricted because of this low degree of inter-visibility.
- 6.4.5 The lowering of the prison perimeter wall will potentially expose more of the buildings to public view, especially the retained gymnasium building and the attached workshop, chapel and education buildings, which already project above the existing wall. From certain vantage points, these buildings are visible from outside the site and they detract from the setting of the listed buildings within the prison. In response to local objections, the applicant has agreed to leave the height of the perimeter wall unchanged along the Dana and Victoria Road frontage. This has been welcomed by residents living in the former prison guard houses on the south-side of the Dana.
- 6.4.6 The gymnasium building was constructed comparatively recently (2006) and is of a particularly functional and incongruous design and appearance. It is in good structural condition and the applicant wishes to retain the building and re-use it as a gymnasium/fitness centre which may be used by non-residents of the site.
- 6.4.7 Greater exposure of this building to public view by reducing the boundary wall will create a potential adverse visual impact. The upper part of this building is already visible from Victoria Street immediately outside the site. There are intermittent views further to the east on this street towards the intersection with Albert Street. However, the narrowness of the street and the presence of roadside vegetation restrict views of the site until one is close to the south east corner of the prison. In order to preserve existing levels of residential and visual amenity in this particular area, the applicant has recently agreed not to seek the reduction in the height of the perimeter wall by approximately 1m along the Victoria Street and Dana frontage.
- 6.4.8 The applicant also proposes to clad this building with vegetation to form a “living wall” comprising hanging planting or vines added to the facades of the building. The applicant acknowledges there is a lack of vegetation on the site and is interested in adding as much natural planting to ‘green’ the site as much as possible given the degree of constraints. Although precise details are to be agreed, illustrative images have been provided that demonstrate how this could be achieved at the reserved matters stage. It is possible that such an approach would make a significant contribution to softening the hard, urban appearance of the gymnasium building to the benefit of external views of the building from Victoria Street. A suitable landscaping condition could secure these improvements.
- 6.4.9 The other two modern buildings attached to the gymnasium building and which turn the corner along Beacalls Lane date from the 1970’s and have a similar functional and relatively discordant appearance and are to be demolished. These will be

replaced with a new building. This has been considered above in Section 6.3.

- 6.4.10 The effects of construction traffic, deliveries and noise upon local residential amenity arising from development activities are also potential sources of harm although it is possible to limit these effects through a construction management plan condition should outline planning permission be granted. This will ensure that all work, including deliveries and storage of materials, is carried out between specific times, on specific days and at specified locations on the site to reduce noise and disturbance to reasonable levels.
- 6.4.11 Subject to the above matters being addressed through suitable planning conditions, it is considered that the impact of these elements of the development upon local amenities can be satisfactorily managed and would be compliant with Policies CS6 and MD2.
- 6.4.12 The impact of the proposed Building B upon the nearest neighbour at 39 Albert Street has been a significant concern throughout the previous application process. As mentioned earlier, previous concerns have been addressed and a set of illustrative drawings showing how this building could be designed has been submitted. These now show a three storey building with a low profile mansard roof set back from both the rear elevation of the Lancasterian School building and the frontage wall along the Beacalls Lane boundary. There is also a more substantial gap to the rear boundary shared with 39 Albert Street. The lower floor is to be given over to car parking to address another criticism of the previous scheme. The indicative drawings show a building with a flat roof and a contemporary appearance, angled back into the site when viewed from the upper part of Beacalls Lane. The rear elevation sits one storey above the rear boundary wall and range of windows at the back will be designed to be angled away from the rear of the adjoining dwelling on Albert Street guiding views back towards the prison. Both the new building and the Lancasterian School have a modest but enlarged area of outdoor amenity space compared to before. This is not considered to be unusual arrangement within a tightly knit urban setting.
- 6.4.13 The degree of separation between the new building and the main part of the back of the Lancasterian School, which is proposed to be converted into 11 apartments, is shown as ranging between 13 metres and 15.70 metres compared to around 7 metres previously. This is a significant improvement compared to the previous iteration which was considered to be likely to exert a harmful effect on the residential amenities of existing and future occupiers of Albert Street and the School apartments. It is possible to control the scale and height of the new building through a condition so that the reserved matters details reflect the parameters established at the outline stage.
- 6.4.14 In relation to the adjoining property at 39 Albert Street, the three storey Lancasterian School building is located immediately adjacent and already projects outwards from the rear of 39 Albert Street affecting the outlook at the back of that property. The new building will be of lower height and is now shown on the amended masterplan to be approximately 15.70 metres to the rear of the School thereby maintaining a clear gap between the two, which will provide some relief in respect of any impact on the amenities of that dwelling house. Compared to the previous iteration where the gap was almost completely closed off, this is

considered to be an improvement and would be a less overbearing form of development. The reduced height and angled windows are also considered to be an improvement in this regard.

- 6.4.15 Although indicative, these drawings demonstrate that a suitable building could be accommodated on the site designed to fit within the tight constraints imposed by existing development. Subject to appropriate detailing, it is concluded that Building B, as amended, could be designed so that it fits onto the site without giving rise to unreasonable impacts affecting local residential amenities. As such, it would be in accordance with Policies CS6 of the Core Strategy and MD2 of the SAMDev Plan.
- 6.4.16 The Environmental Protection Officer has considered the submitted Noise Report and has recommended that windows and external doors of the residential and student accommodation be designed and fitted to protect the occupants from externally derived noise that secures a reduction of 34dB(A). A suitable condition has been recommended to achieve this.
- 6.4.17 He has also considered the potential impact that the use of the gymnasium could have and has suggested submission of a further noise mitigation scheme in respect of this element of the scheme. However, this was not required as part of the previous scheme for an identical use of the gymnasium and the physical circumstances of the site have not changed. If anything, they have improved as the perimeter wall, which provides a degree of noise protection, won't now be lowered in this location. The building is self-contained and does not include any windows. Under these circumstances, it is not considered such a scheme would be necessary.

6.5 **Heritage Impact**

- 6.5.1 The application site lies within the Castlefields Conservation Area and contains a number of listed buildings and has some archaeological interest as well. It also lies close to a Shrewsbury Castle, which is a Scheduled Ancient Monument. All of these are designated heritage assets. Section 12 of the Framework places high importance on the conservation and enjoyment of the historic environment. Both Historic England and the Conservation Officer have been consulted and their views are set out in detail in Section 4 of this report.
- 6.5.2 Policy CS6 of the Core Strategy requires new development to protect, restore, conserve and enhance the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, having regard to national and local design guidance, landscape character assessments and ecological strategies, where appropriate. This policy also requires development proposals to have appropriate landscaping. The supporting text explains that the quality and local distinctiveness of the county's townscapes are important assets and the new development is expected to complement and relate to its surroundings to maintain and enhance the quality of

Shropshire's environment as an attractive, safe, accessible and sustainable place in which to live and work. Heritage assets require careful consideration and management where change is proposed. Policy CS16 similarly sets out to promote and preserve the distinctive historic, heritage brand and values of Shrewsbury.

- 6.5.3 SAMDev Policies MD2 and MD13 reflect this approach to preserving and enhancing heritage assets, by ensuring that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings. Support is provided for development proposals which deliver positive benefits to heritage assets, as identified within the Place Plans. Support will be given in particular, to proposals which appropriately conserve, manage or enhance the significance of a heritage asset including its setting, especially where these improve the condition of those assets which are recognised as being at risk or in poor condition.
- 6.5.4 The fact that the site lies within a conservation area and affects listed buildings does not mean that the site is incapable of being developed; even where a degree of harm may arise. The Framework and the adopted Development Plan policies accept the principle of change within such sensitive locations. The test is to ensure that any change is appropriate to its setting and the degree of change minimises harm to the significance of the heritage asset and maximises the opportunity for making positive contributions to local character and distinctiveness, including substantial public benefits, that may outweigh any harm, where relevant.
- 6.5.5 The proposals involve removal of a series of relatively modern structures on the site, the majority of which are of functional and utilitarian appearance. These have been assessed in the Heritage Impact Assessment and are considered to be of no merit and detract from the setting and appearance of the older, more significant buildings planned for retention. This approach has been endorsed by Historic England and the Council's Conservation Officer has also supported removal of these structures.
- 6.5.6 When the previous scheme was under consideration Historic England supported the principle of regenerating this important heritage asset, subject to detailing. There were residual concerns about how the proposals are likely to affect the fabric of the retained listed buildings on the site but, because of the outline nature of the application, it was understood that no details had been provided. That application, like the current one, sought to establish broad development principles including the alterations to historic fabric and the reuse of the buildings on the site. Both Historic England and the Council's Conservation Officer expressed general support for the re-use of the site and that remains their position with the current application. Any comments made in relation to specific details are more properly to be considered at the reserved matters and listed building consent stages of the planning process and a set of suitable planning conditions is recommended.
- 6.5.7 Development that concerns heritage assets is prone to incurring higher costs. The applicant has provided an updated Development Viability Appraisal as part of the supporting documentation, to reflect the changes evident between this and the previous schemes. This is a commercially sensitive document and has not been

made public at the applicant's request, but it has been considered and commented on by the Council's Regeneration Manager (see comments above in Section 4). It sets out in detail the costs involved in acquiring and developing the site and the predicted return on investment. It also reflects the increased costs associated with developing a historic site. The revised development now provides an increased number of residential units affecting the value of the development. This, together with the omission of the previous walled garden concept has enhanced development values slightly compared to before. The viability of the proposed development still remains marginal but is viable. The scheme as proposed will, therefore, deliver a financially viable development that respects and brings back into productive use the listed buildings on the site.

- 6.5.8 The removal of the obtrusive modern additions across the site is supported by the Conservation Officer. As mentioned earlier in this report, the design and detailing of Buildings A, B and C do not form part of this outline application but will be subject to greater refinement at the next stage in the planning process. From the detailed indicative drawings submitted in respect of Buildings A and B, there is no reason to doubt that an appropriate design is achievable on both plots. Building C will require further detailed work to ensure there is no unreasonable impact on neighbouring properties, but that is similarly achievable. The local planning authority will have an opportunity to control and influence these important issues at the reserved matters stage.
- 6.5.9 Historic England identified an issue that is of concern relating to the proposed openings in the perimeter wall. There are no objections to lowering the wall back to its former height but new openings should be kept to a reasonable minimum commensurate with the new activities within. Historic England would encourage a consciously 'non-architectural' solution to the new opening designs, and these matters of detail will be subject to assessment as part of the detailed reserved matters and listed building consent applications should outline planning permission be granted. The Conservation Officer holds a similar view.
- 6.5.10 The design, siting and appearance of Buildings A, B and C have been considered in detail earlier in this report. Previous concerns about the potential for Building B to obscure views of the Lancasterian School building (a non-designated heritage asset) along Beacalls Lane have now been addressed. The views expressed by committee members last December relating to design principles and impact have been taken on board by the applicant. The illustrative plans and drawings demonstrate that this building is capable of being designed so that its effects on both the street scene and the views along Beacalls Lane towards the Lancasterian School are acceptable and to the extent that it no longer dominates the view of that building.
- 6.5.11 The Council's Archaeologist has commented on the proposals and has no objections in principle. The development has the potential to affect sub-surface archaeological remains in the area of the proposed new build unit (Building A) between the end of C-Wing and the 1990s gymnasium building. He observes that the Heritage Statement and Heritage Impact Assessment indicate that this area

was originally partially occupied by one of the wings of the Georgian prison and it is possible that archaeological remains of this building may survive below ground.

- 6.5.12 However, he notes that this part of the prison was demolished as part of the Victorian reordering and subsequently utilised as the prison's exercise yard (which had an associated toilet block). In the 20th century a boiler house was added to the northern end of 'C' Wing, and this was subsequently demolished and replaced by a number of steel framed structures in the closing decades of the prisons life. It is, therefore, likely that any surviving remains of the 18th century prison buildings will have been disturbed and truncated by later construction, demolition and servicing activities. Additionally, later 20th century plans of the prison site indicate that the site of the proposed new build unit was not utilised as one of the prison's burial grounds, and it is not therefore expected that any human remains will be present. As a consequence, this part of the proposed development site is considered to have low-moderate archaeological potential and no objections arise subject to a programme of archaeological work, to comprise a watching brief during any ground works for the new build unit, being made a condition of any planning permission.
- 6.5.13 Therefore, in terms of heritage impact, it is possible to address the residual concerns expressed by Historic England and the Conservation Officer at the reserved matters and listed building consent stages. As such, there is no objection from a heritage perspective and the proposals are consistent with Policies CS16, MD2 and MD13.

6.6 **Impact on Highway Safety**

- 6.6.1 The SAMDev Plan contains Settlement Policy S16 Shrewsbury which identifies a number of policy areas where regeneration and high quality urban realm are encouraged. The Heart of Shrewsbury and the Northern Corridor are areas identified and the application site lies either within or adjacent to them. One of the stated aims of S16 insofar as it concerns this particular scheme is reduce the impact of traffic and congestion in key areas, including Castle Foregate. The proposal involves a complex and dense variety of uses within a confined site located within a tightly knit urban area where off-street parking opportunities are limited. Without provision of adequate parking facilities and a management regime to control parking demand there is a clear risk that the proposed development would contribute to traffic and congestion in the area, at variance with the stated aim of S16.
- 6.6.2 The 2015-2016 Shrewsbury Place Plan identified a number of key community priorities the most significant of which was transport. One of the key concerns for the community was the development of an "improvement plan for congested roads."
- 6.6.3 As was the case in the previous proposal, for many local residents, the issues of traffic generation, highway safety and availability of adequate levels of off-street car parking are of paramount importance. The site lies within reasonably close proximity to the town centre and all of its facilities and amenities with direct access

to the town centre via a footpath across the railway line. In general, it occupies a relatively sustainable location. Policy CS6 requires development proposals that are likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel reduced. It requires new development to make appropriate levels of car parking provision to serve the development.

- 6.6.4 The site is located within a particularly tight-knit urban area, where terraced houses fronting the street are reliant upon car parking being available on the street but where there are no parking restrictions. As a consequence, visitors and people working in the town centre are attracted to the area due to its convenience and lack of parking charges. Additional demand is also likely attributable to people travelling by train from the nearby railway station.
- 6.6.5 Following the refusal of the previous application, the applicant has set out to address the traffic and parking issues as part of the revisions that have led to the current scheme.
- 6.6.6 The updated Transport Assessment (TA) submitted as part of the planning documents assesses the likely levels of impact and explores the issues this raises and then proposes certain forms of mitigation.
- 6.6.7 Previously, the proposals included 39 car parking spaces (increased to 60 in the end following amendments including the existing car park outside the site), and not all of these were within the site. Members may recall that some of these spaces were to be provided on the Dana alongside the perimeter wall, where the road is narrow and subject to two way flows. This would have assisted with meeting the car parking demand of what was a more complex mix of proposed uses at the site, but it proved especially unpopular amongst the local community who considered it to be a potential highway safety hazard. These spaces have now been removed and all of the car parking (91 spaces) will be provided within the site, inclusive of three located on the “triangle” adjacent to the perimeter wall on the Dana.
- 6.6.8 The proposed student accommodation will be the subject of a Student Management Plan together with a Travel Plan for the overall development, designed to control and manage traffic flows and to encourage residents to adopt a more sustainable approach to making journeys.
- 6.6.9 It is acknowledged that car parking in the surrounding area is especially problematical, due to the narrow form of the neighbouring streets with few off-road parking opportunities and the need for local residents to park on the street. The area also appears to be used by commuters using the nearby railway station and town centre-based employees and shoppers. Car parking locally is a challenge. Local parking issues and the effect of the new development thereon were flagged up early on in the planning process and have been the subject of continuous discussion throughout this planning application.
- 6.6.10 The current application has simplified the mix of proposed uses and activities at the site and no longer proposes business/workshop units or non-residential institutional uses, all of which have the potential to create additional traffic demand. The small

office that is retained in Block A is intended to serve the administrative functions of the site rather than be an independent use in its own right, which should reduce future parking demand within the site.

6.6.11 The amended Transport Assessment has set out how the development will accommodate and manage its traffic demands without impact on existing residents by:

- Provision of adequate parking for private residents and users of the redeveloped site in car parks within the confines of the site itself, amounting to 91 spaces. This includes customers using the gym facility.
- Using a student management plan to prevent students bringing cars to site. This is a system in place in many other Cities and will be rigorously enforced.
- Offering financial assistance towards the setting up of a residents parking scheme so as to physically constrain other drivers from occupying on street spaces in the area.
- Benefiting from the sustainable city centre location adjoining the railway, bus stops and pedestrian routes, so promoting reduction in the use of cars.

6.6.12 The TA also states that re-development of the site will result in the following benefits:

- There will be a lesser demand for on-street parking than when the prison was fully operational on site. The prison had a demand for at least 100-130 vehicles in the local car parks and surrounding streets.
- It will include the development of a travel plan framework for the site which will promote the use of car club vehicles as well as the use of trains buses, cycling and walking.
- It will promote the use of public transport which is in close proximity. The ease of access to the town centre will also provide an incentive not to travel by car.
- Student accommodation will not be occupied on the site until at least September 2020.
- Student drop off and pick-ups will be managed so they do not all occur at once.
- It concludes that the overall the development will have minimal transport impact on the surrounding area as all the ramifications of the development have been carefully considered and the car parking managed to minimize the effect on local residents in the vicinity.

6.6.13 The TA report places heavy emphasis on the proximity of the site to the town centre and its related sustainable transport credentials; especially for students, where the town centre, university facilities and railway station are all within relatively easy walking and cycling distance.

6.6.14 Howard Street Pay and Display car park is located close to the site on the opposite side of Beacalls Lane. The car park was surveyed by the applicant's Traffic Consultant over two days in December 2015 (Friday and Saturday) and data produced showed that the occupancy of the car park grew steadily across the

morning survey period and reduced steadily across the afternoon on the Friday. Given the likely use of the car park by commuters on a weekday this is not surprising but it is significant that the even at maximum occupancy at least 68 spaces were always available. The parking demand on the following Saturday was less with 84 spaces unoccupied. Therefore, it is suggested that spare capacity exists in this car park should it ever be required by future residents, students or users of the site.

- 6.6.15 As this issue is of most importance to the local community, the following paragraphs examine the matters in detail.

Traffic Generation and Car Parking

- 6.6.16 Insofar as trip generation is concerned, the TA concludes that this will be comparatively low and postulates that it will be less than was the case when the prison was operational. This is acknowledged above in the Highway Officer's comments. He accepts that the Prison use would have generated significant staff parking demand that would not have been met with the parking facilities available. Although attempts have been made to gauge the likely parking demand, this is difficult to quantify with any degree of accuracy. The highway authority contend that the Prison use would have impacted upon the local streets by virtue of the staff numbers and the fact also that parking demand would have varied throughout the 24 hour period in the day and the changeover of shifts where there is an inherent increase in parking demand during a changeover shift.
- 6.6.17 A significant contributory factor to the conclusion that trip generation arising from the new development relates to the inclusion of a substantial element of student accommodation within the development. No car parking is to be made available specifically for students at the site. To justify this, the TA anticipates that student occupiers will not have cars because the university admissions procedure strongly discourages students bringing their cars to the town, and a stipulation for students living in the university accommodation on the site will be that they will not be allowed to bring a car on site nor to park in the vicinity: this will be included in the student management plan. Students will sign agreements that they will not bring their cars to Shrewsbury and thus normally be dropped off with their belongings at the start of term, and collected at the end. On site management will be implemented to deal with the influx of vehicles at this time, so that drop offs and pick-ups are staggered.
- 6.6.18 The University of Shrewsbury is not associated with this development and so has no direct influence over the way in which it will be managed. The applicant is aware of the concerns expressed within the local community relating to perceived student behaviour and has responded these concerns by preparing and submitting an Outline Student Management Plan, setting out in some detail how the behaviour of future student residents may be managed. In summary, this states the following:
- Each student will be bound by a residential contract which will be signed

prior to moving in which will include all of the items noted below setting out requirements control and monitor the way that students use the site.

- Car ownership among students who rent a room in this converted prison will be strictly prohibited. This will be enforced by the management agency and will also be policed by them. No student car park spaces will be provided on or adjacent to the site.
- With Shrewsbury mainline train station adjacent to the site –students will be encouraged to take the train when travelling to or from Shrewsbury. The student rail card discount will be encouragement for this form of transport.
- The closest bus stop is located at the bottom of Howard Street on the main road the A5191. The town centre itself is served well by buses, which will also provide cost effective travel solutions for students.
- Predominantly the management will encourage students to walk between their residence in the prison, the town centre and other university buildings. The town centre is easily accessible by crossing the covered footbridge across the railway, which leads to the Dana footpath. All areas of the town are within walking distance.
- Students will predominantly walk along Castle Street and through the pedestrianised area along to Rowley's House which will provide learning and administration facilities for the university.
- A route over the pedestrian footbridge behind Pride Hill will provide the most direct access to the University Centre at Guildhall, which will alleviate some of the existing pressure with pedestrian flows on Welsh Bridge.
- An independent management company will manage the two student blocks.
- It is likely that hall wardens would be appointed for each block in order to ensure a degree of pastoral care to students.
- In addition there would be an out of hours 'duty' call-out team to deal with any emergency issues.
- A full time member of staff would be on hand to deal with any issues arising between students and the local community.

6.6.18 The accommodation is not being provided by the university so it is essential that a management plan created and implemented independently of the university is properly supervised. The suggestion that this be carried out by an independent management company is not unusual in these circumstances and similar arrangements have been successfully introduced elsewhere in the country, including Chester where the University is served by a substantial amount of privately owned and operated student accommodation. Such arrangements should be integrated into the planning permission via a planning condition.

6.6.19 Local residents are naturally concerned that the development will exacerbate local highway congestion, particularly during peak times. It is important that the proposed development does not make the situation materially worse. The level of car parking proposed is a key factor and has been assessed by the Highways Officer. He considers that car ownership levels amongst students are not of the highest order and there are potential control mechanisms that could be relied upon to control student car parking. The site is located in an area that is highly accessible to the town centre, railway station and bus station. In his opinion, the site is likely to be particularly attractive to students not requiring a car although this needs to be made

the subject of a robust Student Management Plan, which is the applicant's intention, and may be secured via a planning condition.

- 6.6.20 There are also likely to be specific onsite parking and offsite traffic impact issues at the start and end of terms with an influx of cars to drop off/pick up students and their belongings. However, this is likely to be short term in nature and its impact can be effectively managed as part of the overall Parking Management Plan/Travel Plan for the development, which should minimise the potential impacts. This could be achieved, for example, by allocating specific slots of times and days for individual students to arrive/depart. The increase in car parking provision within the site will aid the delivery of such a Plan. The area behind the Gatehouse is intended to be the primary area where students will arrive and leave at the start and end of each term or semester.
- 6.6.21 Car parking will be made available for apartment owners and site users amounting to 91 spaces within the site and equates to a parking ratio of just over 0.8 parking space per dwelling (or 65 spaces required for 78 units) leaving around 33 spaces to cater for visitors and customers of the gym, for example. Trip generation and parking accumulation forecasts for the commercial gymnasium use have been provided and the TA suggests a maximum of 33 car parking demand spaces for gym users at its peak. By managing on-site parking flexibly the applicant considers peak demand for the gym can also be accommodated on site. In addition the publicity for the gym will make it clear that there is a nearby pay and display car park that is available to the general public. All site users will be discouraged from parking on street, and indeed on-street parking immediately adjacent to the site isn't permitted.
- 6.6.22 It is considered that this level of parking is not inappropriate given the sustainable urban location of the site and its proximity to public transport and relatively easy access to the town centre.
- 6.6.23 In order to deliver appropriate parking levels and traffic management, an outline Travel Plan has been submitted and this sets out the basis for working up a full Travel Plan as the site comes online. This will be a major component in the promotion of sustainable modes of transport to and from the site and it sets out the physical measures to be implemented to aid, promote and encourage sustainable travel. In principle, the Highways Officer considers the proposed outline Travel Plan to be realistic in its ambition, subject to a five year period of regular monitoring, annual reviews and adaptation to meet changing circumstances and trends. Further detailed work is required to develop a full Travel Plan which should be secured through a suitable planning condition.
- 6.6.24 Concerning the café use, the TA states that this is intended to be incidental to the overall use of the site and will most likely be used by students, residents and users of the gym. It assumes a nil impact upon parking demand arising from this use. The café would also be available to the wider public including local residents in the surrounding area who may choose to use the facility as they can easily walk to them.
- 6.6.25 The proposed new Building B at the back of the Lancasterian School will have

thirteen parking spaces underneath accessed separately from the main site via the existing access onto Beacalls Lane. These will mainly serve the seven proposed new apartments in this block with the remaining parking possibly being available for the apartments proposed within the School building. This building has a lawful use as administrative offices and the current edition of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Class M in Part 3 of Schedule 2) allows for the change of use of offices to Class C3 dwelling houses without having to apply for planning permission. As a fall-back position, therefore, this building could be converted as permitted development into approximately 6 town houses, based on the number of bays and the size of the rear two storey out-rigger addition, without any car parking provision.

- 6.6.26 The Highway Authority has considered the information made available to it and the direct comparison between the previous use and its impact and that of the proposed development has resulted in the conclusion that the likely differences are not significant and would not amount to severe detriment either to public safety or operation of the highway, which is the test set out in Framework. This is a higher level test compared with previous national planning guidance and in order to fail it must be demonstrated that the highway impact is so great that the degree of harm is exceptional. In this instance, the Highway Authority concludes that such a level of harm cannot be demonstrated and no objection is raised, subject to the recommended conditions and planning obligations.
- 6.6.27 Consequently, it is considered that the proposed parking arrangements can be made to work. A planning condition requiring further details of a car park management plan to be submitted and agreed is recommended. This would provide comfort over the level of parking and how it is to be managed.
- 6.6.28 The Highways Officer concludes that, overall, the applicant has carried out a major shift from the previous submission in terms of the presentation of the current proposal by providing a significant level of parking within the Prison site. Having regard to the former Prison use of the site it is considered therefore that the level of parking provision now provided is sufficient to mitigate the impact of the development proposed. In its current form, therefore, the highway authority consider that a highway objection to the development, based upon a lack of parking, is not sustainable based upon a requirement to demonstrate 'severe' impact. Moreover, the highway authority does not consider that a financial offer towards a RPS would meet the planning tests of Section 106 as it is not necessary to make the development acceptable in planning terms.

Servicing, Permeability and Other Highway Matters

- 6.6.29 In respect of servicing, it is anticipated in the TA that the area to the rear of the Gate House will be used to facilitate service vehicles, which is an improvement on the situation when the prison was operational and most servicing took place on the street.

- 6.6.30 In terms of permeability, the masterplan shows a number of new pedestrian entrances created within the fabric of the prison wall intended to increase the ability for people to move within and through the site thereby improving connections with its surroundings. Details of these openings will be considered at the reserved matters and Listed Building Consent application stages.
- 6.6.31 Cycle storage areas are also proposed within the site adjacent to buildings to encourage an alternative sustainable mode of transport, especially for students. This is also considered to represent a benefit weighing in the development's favour. A suitable condition to secure this is recommended.

Highway Conclusions

- 6.6.32 In summary, parking demand and availability in the locality is considered to be the main highway issue. The updated TA submitted with this application has secured 91 car parking spaces within the site following a redesign of the development and a reduction in the number of different uses proposed. The Highway Authority is now satisfied that the proposed development provides sufficient levels of parking which, combined with a strategy for managing student parking and provision of a Travel Plan covering the entire development, is considered to mitigate the impact of the proposed development. There are no highway objections to the proposals subject to imposition of suitable conditions.

6.7 Drainage and Flood Risk

- 6.7.1 The Council's Drainage Team has commented on the application and has raised no objection subject to a satisfactory method of foul and surface water drainage being submitted for approval as part of a reserved matters application. There is, therefore, no objection to the proposal on drainage grounds.

6.8 Biodiversity and Ecological Impacts

- 6.8.1 The Conservation of Habitats and Species Regulations 2010 requires local authorities to give due weight to the presence of protected species on a development site. Planning permission may be granted provided there is no detriment to the maintenance of the species population at favourable conservation status in their natural range. The Regulations advise that if any detriment would be caused by the proposed development, planning permission should only be granted provided:

- There is no satisfactory alternative; and
- The development is in the interests of public health and safety, or other imperative reasons of over-riding public interest, including those of a social

or economic nature and beneficial consequences of primary importance for the environment.

- 6.8.2 The Framework places high importance on protection of biodiversity interests and new development should minimize impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. The Framework places great weight on conserving and enhancing the natural environment. The local plan contains specific policies that are concerned with safeguarding biodiversity interests in the county. Core Strategy Policy CS17, supported by SAMDev Plan Policy MD12, requires all development to minimise impacts upon biodiversity and provide net gains in biodiversity wherever possible.
- 6.8.3 The developer proposes carrying out significant alterations to buildings on the site where there are potential bat roosts. An Extended Phase 1 Habitat Survey was requested and subsequently submitted during August 2016.
- 6.8.4 Development works that would contravene the protection afforded to European Protected Species, such as bats, requires a Habitats Directive Licence and these applications are considered by Natural England on behalf of the Secretary of State. Before such a licence can be granted, several tests must be satisfied.
- 6.8.5 Local planning authorities must also consider these tests prior to determination of the application. Authorities would risk breaching the requirements of the Directive and Regulation 9 (5) if the three tests were not considered during the determination of the application. These are considered below.
- 6.8.6 The Council's Ecologist has been consulted and her response is set out in the Consultations section above. In summary, the Ecologist has no objections in principle to the proposed development and she has recommended a number of planning conditions relating to protected species. One of the conditions requires precise details of scaffolding unless a licence is issued beforehand by Natural England. The applicant objects to this which he considers to be an unreasonable encumbrance. It may be necessary to have to put up scaffold at any point for urgent works and it may not be able to get a license quickly in those circumstances. They have agreed to carry out all activities sensitively especially in those areas of the site that are likely to be particularly ecologically sensitive. It is considered that conditions 9 and 19 contained in Appendix 1 provide adequate protection in this regard.
- 6.8.7 In respect of the three tests and the relative assessment referred to above, these are considered as follows.
- 6.8.8 **Test 1: "preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment"**

The proposed development does not address any pressing risk to public health or safety. However, it does involve public interests of a social or economic nature, including the reuse and renovation of an important group of listed buildings leading

to physical improvements in the quality and appearance of the area. This also involves provision of additional residential accommodation and provision of facilities that may potentially help to enhance the quality of the neighbouring residential area (sports facilities, café/restaurant uses etc). The development will provide environmental enhancements that have potential to benefit protected species including additional nesting boxes for birds and bats as well as the addition of new planting to create improved local habitat. Therefore, it is considered that the first Test has been satisfied.

6.8.9 Test 2: “that there is no satisfactory alternative”

The site is a significant previously developed site that is both listed and set within a conservation area. Although it has not been allocated for any specific use in the adopted local plan, it is situated within the defined settlement boundary and its proposed redevelopment for a mix of uses is acceptable in principle. The site is unique and there is no other similar site available within the locality. It is considered that the proposals will in principle contribute both economically and socially to the local area and will provide a new lease of life for this important designated heritage asset. As such, it is considered that no satisfactory alternative exists and the second test has been met.

6.8.10 Test 3: “the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range”

A bat hibernation survey was carried out between February and April 2016 on cellars and other suitable structures in Wings A and C by Treetec using static bat detectors. No physical signs of bats were found and no echolocation calls were recorded. The humidity was low and temperatures were relatively steady between 13 and 15 degrees centigrade, despite periods of freezing conditions outside. It is highly unlikely bats use these structures for hibernation.

6.8.11 Follow-up summer activity surveys were carried out between May and July 2016. Small numbers of old droppings were found in the roof spaces of D Wing, C Wing, the Kitchen and the Lancastrian School.

6.8.12 The amount of bat activity increased through the summer season with second emergence surveys showing there was a constant amount of bat activity of pipistrelle species concentrated in the C wing courtyard and A wing sports pitch every survey and most nights according to the externally mounted static detectors. Some bats commute in from the river direction whilst others roost on site. Most nights revealed occasional passes of Noctule Bats either commuting or foraging across the site, but the majority of bats recorded were Common and Soprano Pipistrelle Bats. The externally placed detectors recorded a Brown Long-eared Bat on the 29th June. The data showed that the sports pitch and courtyard are used extensively for foraging during the first one to two hours after sunset and sporadically thereafter until dawn or one hour before.

6.8.13 The report concludes that B wing roof coverings are presently used as a summer day roost for two to four pipistrelle bats and another Pipistrelle bat was observed in

a mortar joint. Judging by the lack of fresh droppings or any recordings on internally placed monitoring detectors, it is concluded that bats did not use the roof spaces during the survey period. Given the habit of bats to change their roost sites, it is likely that the prison is being used in conjunction with other roosts in the local area. There was no evidence to suggest the presence of a maternity roost, where females gather to give birth and raise their young, in the buildings.

6.8.14 EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of a bat breeding site or resting place and killing or injury of individual bats. The likely offences cannot be avoided through mitigation measures secured through planning conditions as the buildings are going to be repaired, demolished or converted. In view of these likely impacts, a European Protected Species Mitigation Licence for bat species will be required from Natural England before works on the buildings, including erection of scaffolding or changes to lighting commence.

6.8.15 Section 8.4 of the Bat Survey Report contains the following recommended mitigation measures:

- Roof works to be carried out in the period from October to November or March to April when bats are likely not to be present or have the ability to re-locate;
- Two Schwegler 1FQ Woodcrete bat boxes to be fixed to gable of B Wing before work commences to act as alternative roost sites and receive recovered bats during the works period;
- Works shall take place under the supervision of an Ecological Clerk of Works who is a licenced bat worker;
- Replacement ridge tiles in vicinity of observed roost are to be installed to leave a gap;
- Bat access slates to be installed close to where a bat was seen to roost in a verge;
- External lighting to be designed to maintain dark commuting and foraging routes, particularly from the river to the development site.
- Further enhancement measures for bats will be sought at first submission of reserved matters.

6.8.16 The Council's Ecologist is satisfied that the proposed development will not be detrimental to the maintenance of the local bat populations at favourable conservation status within their natural range, provided that the recommended conditions set out in the formal consultation response are included on the decision notice and are appropriately enforced. Subsequently, the third test is satisfied.

6.9 **Other Issues**

6.9.1 The DCLG has recently extended and clarified its definition of what types of residential accommodation may be taken into account by local planning authorities when assessing the local strategic housing land supply. The DCLG definition of dwellings now includes self-contained student flats with a cluster of 4 to 6 bedrooms. It states:

“Communal establishments, i.e. establishments providing managed residential accommodation, are not included in overall housing supply statistics (however, all student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards housing provision in Local Development Plans). These cover university and college student, hospital staff accommodation, hostels/homes, hotels/holiday complexes, defence establishments (not married quarters) and prisons. However, purpose-built (separate) homes (e.g. self-contained flats clustered into units with four to six bedrooms for students) should be included. Each self-contained unit should be counted as a dwelling.”

- 6.9.2 The key to compliance with the DCLG definition is the degree of self-containment. The proposed student accommodation will be mostly laid out in this cluster arrangement, thereby constituting ‘dwellings’ in line with the DCLG definition and also attracting New Homes Bonus, which represents a considerable boost to the local authority’s financial resources that could be invested locally.
- 6.9.3 For the purpose of housing land monitoring, housing forecasting and the Council’s Strategic Housing Land Availability Assessment, cluster flats are included in the housing land supply and are counted as one unit per cluster. This is in line with guidance from DCLG. The development would therefore make a modest contribution towards the housing supply. The precise level of contribution remains a matter to be determined at the reserved matters stage, but it is factor that weighs in the scheme’s favour.
- 6.9.4 Under different circumstances, a development of this nature would be expected to make a contribution towards affordable housing. However, the development relates to bringing back into productive use a listed building and the submitted confidential development appraisal shows that the quantity of new development including the change of use of retained buildings is consistent with delivering an unencumbered planning permission. The Housing Officer has commented on this and agrees that an affordable housing contribution is not warranted in this case due to the additional costs which would prejudice the viability of the development.
- 6.9.5 Other material planning issues raised in the various representations received following publicity have been covered elsewhere in this report.

7.0 THE PLANNING BALANCE AND CONCLUSIONS

- 7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The starting point must be the Development Plan and then other material considerations must be considered. The Framework reaffirms the primacy of an up to date Development Plan in the decision making process.
- 7.1.2 The application is in outline form and is intended to establish the principle of

redeveloping this site for the broad purposes contained in the application. The site lies within the defined development boundary for the town and constitutes previously developed land. The proposed redevelopment of the prison site is, therefore, acceptable in principle. The site is also considered to be in a sustainable location close to the town centre and with reasonable accessibility for future occupiers to the town's services and shops.

- 7.1.3 Policy CS2 defines Shrewsbury's broad role in delivering sustainable growth over the Plan period and provides strategic guidance on how and where new development should take place; a strategy supported further by SAMDev Plan Policy S16. It is clear that these policies envisage new housing and other development taking place within the limits of the defined development boundary for the town and on allocated sites.
- 7.1.4 The application site lies within the development boundary and the redevelopment of the site for residential purposes is consistent with these policies. The site is considered to be in a sustainable location. In addition, the proposed development is considered to be sustainable as defined in the Framework. There are three strands to sustainable development defined in the Framework, namely: economic; social; and environmental. These are mutually dependent and new development is expected to deliver benefits associated with all three roles.
- 7.1.5 The analysis carried out above in this report is based upon the definition of sustainable development set out in the Framework and encompasses matters of principle as well as matters of detail and development impact.
- 7.1.6 In respect of the three dimensions to sustainable development, it is considered that the delivery of housing, both open market and student accommodation, is a contributor to economic growth. The development represents a substantial investment in the town and will generate employment during the construction phase and during the occupation of the building following completion. Further on-going financial benefits will be generated in terms of expenditure by residents in local shops and on services as well as the continuing servicing and maintenance of the site. The development will also qualify for the New Homes Bonus and will generate revenue through commercial rates for the local authority, thereby resulting in direct local economic benefits.
- 7.1.7 The commercial elements of the development including accommodation for small businesses, cafes, the gymnasium, shops and so forth are also of economic benefit and weigh in favour of the proposals.
- 7.1.8 The proposals will fulfil a social role by delivering additional open market housing to meet current and future needs, student accommodation and a number of services and facilities that have the potential to add diversity and choice for local residents. The development will remove a series of unattractive modern functional and utilitarian buildings which are considered to detract from the setting of the listed buildings on the site.
- 7.1.9 The development will retain the majority of historic buildings and fabric within this listed site. Notwithstanding the outline nature of the application, the development is

likely to preserve and enhance the historic setting and character of the site and the local planning authority will be able to exert further control over the precise detail of the development at the reserved matters stage, which will also have to be accompanied by a listed building consent application setting out full details of the proposals.

- 7.1.10 The site constitutes previously developed land and is adjacent to the town centre where future residents will have access to a variety of cultural, leisure and entertainment facilities. The development is considered to contribute to the government's aim of supporting strong, vibrant and healthy communities.
- 7.1.11 The proposed development will have an environmental impact in the form of a number of substantial new buildings and alterations to the fabric of the existing structures. However, there will be several environmental benefits accruing from the scheme, including regeneration of an important heritage asset, retention of historic buildings on the site, implementation of a comprehensive landscaping plan, provision of nesting boxes for protected species, the removal of extensive swathes of hard surfaced areas; all of which will have a positive environmental effect. These factors also weigh in the development's favour.
- 7.1.12 The previous report dated October 2016 explained that there were two major concerns with the proposals as they stood at that time. The first related to potential highway safety and traffic issues arising from the density of development and the complex mix of proposed uses and activities within the site. The concern related specifically to the impact arising from the new Building B at the rear of the Lancasterian School building. As set out above, these concerns have now been satisfactorily resolved clearing the way for the recommendation to change from one of refusal to one of approval.
- 7.1.13 Whilst it is acknowledged that the development is still likely to result in significant change within the local area, particularly in a context where the site has not been intensively used since 2013, it is now considered that the impacts of that change are capable of being managed so that the degree of impact is not unreasonable when balanced against the benefits of regenerating this historic site.
- 7.1.14 The reasons for refusing the previous scheme are considered to have been overcome. As a consequence, it is recommended that the application be approved, subject to the conditions set out in the following Appendices.

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

National Planning Policy Framework:

The following paragraphs are considered to be relevant:

7, 14, 17, 19, 28, 32, 49, 51, 56, 58, 69, 128, 132, 133, 134 and 141.

Shropshire Adopted Core Strategy:

Policies CS1, CS2, CS6, CS7, CS13, CS16, CS17 and CS18.

Shropshire Adopted SAMDev Plan:

Policies MD1, MD2, MD11, MD13 AND S16.

RELEVANT PLANNING HISTORY:

SA/03/01129/CIR - Erection of an extension to provide ICT workshop and library on Beacalls Lane elevation. No objection.

SA/04/0992/CIR - Erection of a two storey detached modular building for temporary use until the replacement gymnasium is rebuilt. No objection.

SA/06/0170/CIR - Erection of a two storey gymnasium building. Objection.

SA/06/0770/F - Erection of a two storey extension to existing workshop building to accommodate new gymnasium. No objection.

SA/08/1045/LB - Erection of a single storey extension to existing plant room affecting a Grade II Listed Building. Approved.

SA/96/0136 - Extension of existing kitchens. No objection.

15/05591/OUT – Outline application for the redevelopment of former Dana Prison into mixed use development to include student accommodation, residential dwellings, retail/restaurant, business non-residential institutions, a gymnasium and extensive landscaping works. Refused.

16/05467/CPE - Application for Lawful Development Certificate to establish that the existing prison can be reopened for any of the uses set out in the Use Classes Order - C2A Secure Residential Institution - Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks. Also as detention centre or short term holding centre for immigrants, migrants or refugees; also, that the gymnasium can be reopened for use as a standalone facility - D2 - gymnasium - for use of existing gymnasium as a standalone use as consented under planning consent 06/0770/F. Part Granted/Part Refused.

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=dates&keyVal=NNBQE4TDK0800>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)
Cllr R.Macey

Local Member
Cllr Nat Green

Appendices
APPENDIX 1 – Planning Conditions

APPENDIX 1

Grant outline planning permission subject to the following:

1. Recommended Conditions

STANDARD CONDITIONS

1. Application for the approval of details of the appearance, access, landscaping, layout and scale (hereinafter called the “reserved matters”) shall be made to the local planning authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The reserved matters shall be based on the hereby approved master plan IMA-15-198-004 Rev C.

Reason: To define the permission and ensure a form of development that respects the historic setting of the site.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development approved by this permission shall commence until a phasing scheme has been submitted to and approved in writing by the local planning authority. Development thereafter shall be carried out and completed in accordance with this agreed phasing scheme.

Reason: To ensure the appropriate phasing of the site in the interests of visual and residential amenity and the amenity of the heritage assets on the site.

5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (i) Indications of all existing trees and hedgerows on the land;
- (ii) Details of any to be retained, together with measures for their protection in the course of development;

- (iii) All species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site in relation to the proposed buildings, roads and other works and means of protection during development;
- (iv) Planting plans, including details of the proposed “Green Walls” on the retained gymnasium building, written specifications (including cultivation and other operations associated with plant and grass establishment);
- (v) Schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and an implementation programme;
- (vi) Finished levels and contours;
- (vii) Details of means of enclosure;
- (viii) Hard surfacing materials and specifications including roads and footpaths.
- (ix) Retained historic landscape features and proposed restoration, where relevant; and
- (x) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc. indicating lines, manholes, supports etc.).

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved surface water drainage system for that part of the site has been constructed, completed and brought into use in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained.

7. No development shall commence on site until details of the works for the disposal of foul sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details for that part of the site have been fully implemented in accordance with the approved plans.

Reason: To ensure that the proposal is provided with a satisfactory means of drainage.

8. No development shall commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not

be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: The site is known to hold archaeological interest.

9. No development shall commence on site, until a Construction Method Statement, has been submitted to and approved in writing by the local planning authority and which shall include the following:
- (i) The parking of vehicles of site operatives and visitors;
 - (ii) Loading and unloading of plant and materials;
 - (iii) Storage of plant and materials used in constructing the development;
 - (iv) The erection and maintenance of any security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) Wheel washing facilities;
 - (vi) Measures to control the emission of dust and dirt during construction;
 - (vii) A scheme for recycling/disposal of waste resulting from construction works;
 - (viii) Measures for the protection of the natural environment; and
 - (ix) Hours of construction, including deliveries

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the local planning authority.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

10. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles have been provided properly laid out, hard surfaced and drained. These spaces shall be maintained thereafter free of any impediment to their designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

11. No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include provision for the appointment of a Travel Plan Co-ordinator, an implementation timetable and enforcement mechanism and shall include arrangements for monitoring of progress of the proposals and review thereof, and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

Reason: In the interests of promoting sustainable transport and reduce reliance on the private motor car.

12. Development shall not commence on site until details of the car parking allocations and management arrangements, including those relating to the start and end of term time, have been submitted to and approved in writing by the local planning authority. The car parking arrangements shall be implemented in accordance with the approved details prior to first occupation of the development by students.

Reason: In the interests of highway safety.

13. The approved student accommodation shall not be occupied until a Student Management Plan has been submitted and approved in writing by the local planning authority. This will include details of management of student residents, staffing levels, residential contracts and tenancy agreements, community engagement arrangements, control of noise, security arrangements and arrangements for resolution of complaints in respect of student behaviour. The Student Management Plan shall be implemented as approved before the student accommodation is first occupied and shall thereafter be retained in perpetuity.

Reason: In the interests of local residential amenity.

14. No development shall commence on site until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

15. Prior to any extraction system being installed into any Class A3 use on the site details of the odour and noise abatement equipment to be installed, grease baffling/coils in any cooking hood and location and height of any flue shall be submitted to the planning authority for approval in writing.

Reason: to protect the amenity of the area.

16. The first submission of reserved matters shall include an updated and detailed Bat Mitigation and Enhancement Scheme and Method Statement, and these works shall be carried out as approved for the lifetime of the development. The submitted scheme shall include but not be restricted to:

- a. the recommendations in the 'Bat Survey Report, The Dana Prison, Activity Surveys, Shrewsbury, SJ495129 VC40', 16th May – 18th July 2016, by Treetec;
- b. at least one bat loft of appropriate design and dimensions;
- c. additional features such as raised tiles, bat tiles, bat bricks, bat boxes etc.;

- d. provision for monitoring after construction;
- e. provision for continued maintenance and protection of the features when the development is occupied;
- f. a plan indicating the location of bat roost features and the dimensions of the bat loft;
- g. identification on a plan, for both the construction and occupation periods, those areas/features on site that are particularly sensitive for bats and nesting birds, where lighting is likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging;
- h. clearly show on the plan the proposed dark commuting routes to be maintained for bats providing a connection to the river corridor to inform the later production of a lighting plan for the development.

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

17. Prior to commencement of development (or each phase of development with prior agreement of the LPA) an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the Bat Mitigation and Enhancement Strategy and Method Statement and other ecological mitigation and enhancement measures are adhered to. The ECW shall provide brief notification to the Local Planning Authority of any pre-commencement checks and measures in place.

Reason: To ensure the protection of bats which are European and UK protected species and other wildlife.

18. Prior to first occupation of the buildings, or each phase of the buildings, the Ecological Clerk of Works shall provide a report to the Local Planning Authority demonstrating implementation of the Bat Mitigation and Enhancement Strategy and Method Statement and other ecological mitigation and enhancement measures appropriate to the phase. This shall include photographs of installed features such as bat and bird boxes, bat bricks/tiles, and the bat loft.

Reason: To demonstrate compliance with ecological mitigation and enhancement proposals to ensure the protection of bats which are European and UK protected species and other wildlife.

19. Modification, demolition, changes to lighting of the Gate House, Wings A, B, C, D, the Kitchen block and the Lancasterian School as identified in the Existing Site Layout Plan Drawing Number 435/P/002 Rev. B shall not in any circumstances commence unless the local planning authority has been provided with either:

- c) A licence by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
- d) A statement in writing from the relevant licensing body to the effect that it does not consider that the specific activity/development will require a license.

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

20. As part of the Reserved Matters details for the provision of nesting opportunities for swifts shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the buildings.

Reason: To ensure the provision of nesting opportunities for swifts.

21. No works shall commence on site until a full schedule and specification of works involved in the removal of the buildings approved for demolition by this outline planning permission, as shown on the approved demolitions plan 435/P/003 Rev A, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

22. No works on or directly affecting any listed buildings on the site shall commence until an appropriate programme of building recording (including architectural/historical analysis) has been carried out in respect of the building concerned. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.

Reason: To secure the proper recording of the listed building.

23. The first submission of reserved matters shall include details of the proposed alterations to the perimeter wall of the prison, including the reduction in height (excluding the stretch of wall along the Dana and Victoria Street frontage which shall remain unaltered in height), the formation of new openings, the formation of the new principal access and the methodology of how these works are to be carried out. The development shall be carried out in strict accordance with the approved details.

Reason: To preserve the special architectural and historic interest of the listed building.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

24. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where

external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

25. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

26. All windows and doors facing noise sources specified in noise report reference 4212-FAC-ATN-1B dated 16th December 2015 submitted with application 17/02809/OUT shall reduce noise by 34dB(A) between the external and internal space. Trickle vents which do not compromise the effectiveness of the noise insulation properties of the glazing shall be installed in all cases.

Reason: to protect the health and wellbeing of future residents.

27. Prior to occupation details of ventilation into habitable rooms shall be submitted to the local planning authority for approval in writing.

Reason: to protect the health and wellbeing of future residents.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

28. The development hereby permitted shall be carried out in accordance with the following approved plans:

- IMA -15 – 198 - 001 Site Location Plan
- 435 – P/004G Proposed Layout Plan
- 435/P/003 Rev B Proposed Demolitions Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no television / radio aerial / satellite dish or other form of antenna shall be affixed on the exterior of any building forming part of the development hereby permitted, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the character and appearance of the building and area.

30. The works hereby granted consent shall be carried out in such a manner as to ensure that the existing building(s) designated for retention are preserved and not structurally or superficially altered in any way whatsoever, save in accordance with the approved plans and the schedules required by condition 21 of this permission and the said building(s) shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

Reason: To preserve the special architectural and historic interest of the listed building.

31. All materials suitable for reuse on the existing buildings approved for demolition shall be carefully dismantled and stored in a dry and secure place for re-use in the works to the listed building. The materials shall not be disposed of or otherwise taken off-site without the prior written approval of the Local Planning Authority.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

32. If the development, or each phase of a phased development, hereby permitted does not commence (or having commenced is suspended for more than 12 months) before 1st May 2019 then the approved ecological measures and mitigation secured through conditions shall be reviewed and, where necessary, updated and amended.

The review shall be informed by further ecological surveys (in line with recognised national good practice guidance) in order to i) establish if there have been any changes in the presence and/or abundance of species or habitats on the site and ii) identify any likely new ecological impacts and mitigation requirements that arise as a result.

Where update surveys show that conditions on the site have changed (and are not addressed through the originally agreed mitigation scheme) then a revised updated and amended mitigation scheme, and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

development (or commencement of the next phase). Works will then be carried forward in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that development is informed by up to date ecological information and that ecological mitigation is appropriate to the state of the site at the time development/phases of development commence.

INFORMATIVES

1. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All conversion, renovation and demolition of buildings should be carried out outside of the bird nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the buildings for active bird nests should be carried out. If buildings cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to [any of] the building[s] and begin nesting, work must cease until the young birds have fledged.

2. The applicant's attention is drawn to the need to submit a Listed Building Consent application concurrently with the first submission of reserved matters to cover the proposed works affecting the listed buildings on the site.