

Development Management Report

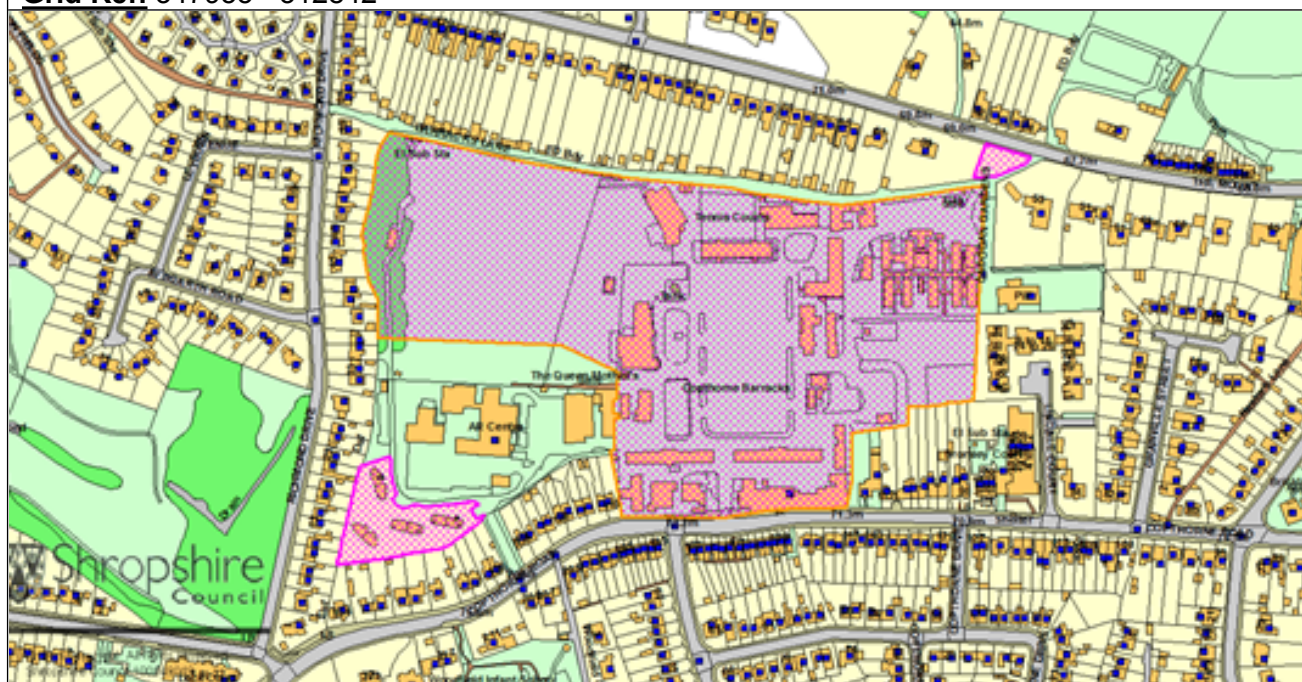
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 16/04228/OUT	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Outline application (including access) for residential development and associated open space for up to 228 dwellings (C3 use) (including up to 45 apartments for retirement living and the conversion of the Armoury (the 'Keep') to provide up to 9 residential apartments) with landscaping, layout, scale and appearance reserved for later approval (amended description)		
<u>Site Address:</u> Former Copthorne Barracks Copthorne Road Shrewsbury Shropshire SY3 8LZ		
<u>Applicant:</u> Mr Jeremy Eaton, DIO		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 347955 - 312842



Recommendation: Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure affordable housing, the funding for the provision of a controlled pedestrian crossing on Copthorne Road, a financial primary and secondary education contribution, a financial contribution to be used for improvements to Frankwell County Ground for compensation for the loss of the playing field on site and a financial contribution for use at nearby recreational grounds to compensate for a reduced level of public open space on site.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to outline permission for residential development and associated open space with all matters other than access reserved for later approval. The indicative layout (and applicants description of development) indicates up to 228 dwellings (C3 use) (including up to 45 apartments for retirement living and the conversion of the Armoury (the 'Keep') to provide up to 9 residential apartments) with landscaping, layout, scale and appearance reserved for later approval.
- 1.2 The indicative layout indicates the demolition of all existing buildings other than the Armoury proposed to be converted to apartments. The proposed access to the site includes the two existing accesses onto Copthorne Road and alterations to the access onto the Mount.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is the former Copthorne Barracks which includes land and a variety of buildings previously used by the MOD. It includes a range of military buildings, single living accommodation and sports and welfare buildings, parade ground and playing field. The site is in two parts; the larger main site accessed via the main entrance off Copthorne Road (with a secondary access off The Mount/Barracks Lane junction) and a small triangular shaped piece of land occupied by 8 semi-detached houses that have been converted and were last used as single man accommodation. This part of the site is also accessed via an access shared with the TA off Copthorne Road.
- 2.2 Copthorne Barracks is situated within a residential area in an urban area to the West of Shrewsbury and within walking distance of the Town Centre. Copthorne Road forms the boundary of the site to the South and Barracks Lane to the North. To the East and West are residential properties. Land and buildings occupied by the TA separates the main site from the small triangular site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 CONSULTEE COMMENTS

4.1.1 **SC Highways:** Final comments received 21 December 2016. (All previous comments are available to view on the Public file).

Recommendation

No Objection – subject to the development being carried out in accordance with the approved plans and the recommended conditions and informative notes.

Observations/Comments:

The application proposes a residential development of 174 houses and 9 flats/apartments to be accessed from the position of the existing junction to Copthorne Road along with 45 Retirement Living apartments to be served from an amended access arrangement to Barracks Lane and The Mount. The application is in Outline with means of access only to be approved at this stage. Indicative site layouts (Drawing No's 005 Rev P0 and 003 Rev P0 – Proposed Housing Masterplan) have been submitted and comments were provided in the previous Highway Advice Note dated 1st November 2016. At this stage no approval to these layouts should be inferred.

Following the previous Highway Advice Note meetings and discussions took place which resulted in the submission of a Technical Note (dated 25th November 2016) from Savoy Consulting along with a Drawing No. DWG-02 which addresses a number of the previous Highways and Transportation concerns in particular the proposed changes at the Barracks Lane junction with The Mount. The above drawing and the further illustrations of the junction works required as set out in the submitted Supplementary Heritage Statement document are now considered to be acceptable in principle. The final design will however need to be the subject of a full technical/engineering assessment and approval, including any necessary Road Safety Audits, before implementation with a legal agreement under Section 278 of the Highways Act 1980. Some design changes may be necessary as part of the approval process and it is considered that a survey of this area should be undertaken to ensure the accuracy of any future design work.

The location of the development provides good opportunities for walking and cycling to schools and the town centre, however, Copthorne Road presents a barrier to residents accessing the routes to the south via Porthill Drive and Porthill Road. There are currently no controlled pedestrian crossing facilities on Copthorne Road which would meet the desire-line for residents of the development in moving to and from the town centre and the nearest schools. Whilst it is considered that the development should provide a controlled pedestrian crossing on Copthorne Road, the location will need to be the subject of detailed consideration and local consultation. It is considered that funding for the investigation, feasibility and implementation of a controlled pedestrian crossing should be addressed through a Section 106 planning obligation.

It is confirmed that the submitted Technical Note has satisfactorily addressed the

impact of the development traffic on the Frankwell and Mytton-Oak roundabout junctions. In addition, the submitted Travel Plan Framework is considered to be acceptable in principle as the basis for a future detailed Travel Plan.

It is therefore, considered that the information and drawings currently provided are acceptable to enable an approval to the means of access under an Outline planning permission, subject to the recommended planning conditions and obligations.

- 4.1.2 **SC Conservation:** (Comments received 28 Oct 2016): In considering this proposal, due regard to the following local and national policies, guidance and legislation is required and has been considered in preparing these comments: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policy MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF), the Planning Practice Guidance, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Background: The Historic Environment Team has participated at some length in informal pre-application discussions and at the formal Pre-application Submission stage on the matter of the redevelopment of the Barracks site. We have continued to stress the importance of the site itself in terms of its historic use and the extant historic Barracks buildings and former parade ground space which comprise the site, as well as its sensitive position both directly adjacent to The Mount Conservation Area (the southerly boundary of which runs along Barracks Lane, and which is an extension of the larger Shrewsbury Conservation Area), and on a major entrance route (Copthorne Road) into the town centre.

For background information we have made much use of Historic England's 2014 Report on the site, which recounts the history and evolution of the Barracks and its context within the wider neighbourhood, as well as a description of each of the remaining buildings making up the complex and an assessment of significance of these buildings and site features including boundary walls and open space areas. This Report was used as a basis for Historic England's Designation Division to assess whether any of the buildings merit national designation as listed buildings, and while ultimately no buildings were put forward by Historic England for formal listing, the document does provide much useful background material, and recommendations for further management or redevelopment of the site. These recommendations highlight the opportunities provided by the historic character of the site, and its relationship to the wider landscape and settlement, and that these matters should be addressed in any masterplanning exercise for the property. The Report notes that the 19th Century buildings making up the complex (which comprise the initial phase of construction) and formal spaces such as the parade ground might form points of interest and focal points within, and add character to, any new development. These recommendations are relevant to the current Outline application given that an Indicative Proposed Housing Masterplan has been submitted, and as part of any Reserved Matters application to follow.

We would also refer you to our consultee comments provided on the recent application submitted by the Defence Infrastructure Organization for Prior

Notification of Proposed Demolition, which we understand has been granted. Prior to this application a Heritage Appraisal had been prepared by the Malcolm Payne Group which assessed the heritage value of the remaining 19th Century buildings on the site, and the updated Report and its findings are again acknowledged. The current Outline planning application presents an indicative site layout which reflects the Prior Notification application, which proposes the removal of all buildings except The Armoury ('Cardwell Keep'), a landmark building at the main entrance to the site, and existing brick boundary walls to the site, in line with the recommendations of the Heritage Appraisal referred to above. While the recommendations of the Heritage Appraisal are acknowledged, our Team would reiterate that there are potentially other buildings on the site, most particularly the 'Officers' Mess', which have a degree of heritage interest and amenity value, and we would again encourage the DIO to further investigate the retention and reuse of this and possibly other buildings as part of the redevelopment of the site, in line with the recommendations in Historic England's 2014 report.

We would again note that in line with Historic England's report, where redevelopment at Copthorne Barracks necessitates the removal of extant military buildings, it is recommended that a Level III recording of standing buildings is undertaken and this should be added as a condition to any planning approval. We acknowledge that an Archaeological Assessment of the barracks complex has now been prepared for submission to the Council's Historic Environment Record as we earlier recommended.

Current Proposal: We would reiterate that development of this site needs to sensitively respect and recognize that it is immediately adjacent to The Mount Conservation Area, and the ultimate layout and development of the site will need to satisfactorily show that it will minimize impact to the character and appearance of the Conservation Area and the street scene running along its boundary. The Mount Conservation Area is characterised in this location by the continuous streetscape of substantial late Victorian and Edwardian dwellings which form an impressive visual sequence along The Mount, but which equally importantly is also characterised, along the narrow Barracks Lane, by a visually interesting and eclectic mix of small garages, coach houses, garden buildings and boundary structures, and on the Barracks side of the lane, by a long stretch of high brick boundary walls, which contribute positively to the character of the area and the street scene, and which we strongly recommend being retained as part of any development of the site. The Planning Statement submitted acknowledges the character and contribution this length of wall makes to the Conservation Area, which is noted.

We would also raise concern over the proposed modifications to the Barracks Lane junction with The Mount. This junction is characterised by a narrow entrance to Barracks Lane (reflecting its narrowness along its entire route) with the entrance flanked by part of the continuous brick boundary walling which runs along The Mount. These are important visual and historic elements of the street scene within the Conservation Area, and the modifications indicated on the submitted plans to 'improve' the entrance here should be reduced in scope and the impact fully assessed and minimized. These modifications could also have an impact on the setting of the Grade II listed circa 1830s Cadogan House and adjoining stable and coach house, located on the east side of the Barracks Lane entrance, and these

impacts would need to be more fully assessed.

We would also express concern over the proposed indicative location, and potential scale and massing, of the 'retirement living' building proposed to accommodate 45 living units, accessed from Barracks Lane. While the Planning Statement indicates that the housing development over the site will consist of a maximum of two and a half and three storey structures, a large bulky three storey (or higher) building in this location could have a significant impact on the character and appearance of the Conservation Area, the character of Barracks Lane, and the setting and the significance of the listed Cadogan House and its wider property. We would recommend the location of this building is reconsidered, and the number of living units reduced. Conditions regarding the submission of details on the scale and massing, architectural detailing, external materials and finishes, and access and layout of this building should be imposed.

While not adjacent to the Conservation Area, the Copthorne Road frontage of the site is along an important route into and out of the town centre and a very high quality of development which integrates well with and respects the existing pattern and grain of development, and traditional housing design and materials characterising the area, is expected. We support the retention of The Keep, but we have indicated in pre-application discussions that efforts to retain more of the historic boundary walling associated with it along Copthorne Road are warranted, especially since much of the historic entrance gates to the site have already been lost or modified, to better retain the historic context of the property and the street scene. There are nine dwelling units proposed within The Keep, and conditions relevant to the conversion of this building for residential use to ensure this is done sensitively both internally and externally are recommended.

In terms of the overall indicative plan, the number of units proposed appears relatively high and this puts pressure on the site to accommodate these numbers at the expense of retaining sufficient amenity area and, as detailed earlier in these comments and in pre-application discussion, retaining further historic buildings and features on the site. Amenity area could be increased with fuller recognition and retention of the entire historic Parade Ground area, which could then form a more substantial focal point within the site.

In addition to the Level III photographic survey we have requested to be conditioned, we would also recommend that an Interpretation Program for the site is secured at this stage which will result in a series of interpretation boards or panels and/or other appropriate commemorations which explain the history and the importance of the site and the complex, and that this is progressed by the MoD in conjunction with Veterans and their families.

- 4.1.3 **SC Archaeology:** (Comments received 19 October 2016). It is understood that the Conservation Officer will provide comments on the proposals in due course in relation to any impacts on the built historic environment and design matters. It is recommended that their advice is followed in full. These comments therefore relate solely to the archaeological interest of the proposed development site.

The applicant has submitted a Desk Based Assessment by Defence Infrastructure

Organisation as part of their application. It is considered that this provides a satisfactory level of information regarding the archaeological interest of the proposed development site to the requirements set out Paragraph 128 of the NPPF and Policy MD13 of the SAMDev component of the Local Plan.

We concur with the Assessment's conclusion that, given the long term agricultural use of the site prior to late 19th century and the subsequent impact of the construction of the Barracks in the late 19th and 20th centuries, it has negligible archaeological potential. As a consequence, it is concluded that no further archaeological mitigation will be required should planning permission be granted.

- 4.1.4 **SC Trees:** (Comments received 28 October 2016). There are a number of significant trees present on this site and an arboricultural impact assessment has been prepared and submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to put forward justification and mitigation any losses that may occur.

The AIA has identified 152 individual trees, 9 groups of trees and 8 hedgerows which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

No objection is raised to the principle of development on this site, however the trees present on the site are important elements in the landscape and provide a significant local amenity. They also have the potential to enhance the landscape and amenity of proposed development, providing that they are sympathetically incorporated into the site design and layout.

As this is currently an outline application the following comments are based on the indicative masterplan. I would raise concerns about the proximity of the trees on the western boundary of the site, which provide an important linear feature, to the proposed houses and the potential for these trees to negatively impact on the living conditions. The same concerns would also apply to the trees on the south east corner of the site as well as one of the proposed dwelling in the south west corner. The site design must ensure that there is sufficient separation between the trees and adjacent properties so as both the living and outdoor amenity spaces along with the buildings are not negatively impact by shade, obstruction to light, leaf fall and accumulation of debris or fears that the trees may fall or break and cause harm.

Given the nature of the trees on the west boundary, the fact that they are large specimens and may require future work, it is recommended that this area is reserved as POS or similar and that an effort is made not to enclose large mature trees in the rear gardens of any property, unless a considerable additional amenity space is provided.

The development also provides the opportunity to provide additional tree planting to

ensure that current urban tree canopy levels are maintained and the age and species diversity is enhanced in the Shrewsbury urban forest.

4.1.5 SC Ecology: Final comments received 22 August 2017 (All previous comments are available to view on the Public file).

The application and the supporting documents and the following documents have been submitted and considered:

- Preliminary Bat Roost Assessment and Aerial Tree Survey, prepared by RPS reference JSL2646_873c (August 2017)
- Bat Survey Report, prepared by RPS reference JSL2646_872h (August 2017)
- Preliminary Ecological Appraisal prepared by RPS reference JSL2646_871b (November 2016)

Recommendation

A European Protected Species 3 tests matrix for bat species is provided, 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.'

Bats & Nesting Birds

SC Ecology has summarised the 'bats & building' survey results undertaken by RPS during 2016 and 2017 in a table (which is available view on the public file). An individual Common Pipistrelle bat was recorded roosting in building 15, and in Building 7.

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 demolition of existing buildings and blocking of access points with scaffolding;
- Risk of killing or injury of individual bats when lifting slates, ridge tiles etc.
- Loss of foraging/commuting routes;
- Human disturbance.

RPS has concluded that due to the destruction of two bat roosts demolition will need to occur under an EPS mitigation licence from Natural England.

Although mitigation has been proposed for the roosts that were identified during the activity surveys, the site appears to be used for foraging by four species of bat (Noctule, Pipistrelle spp., and Brown long-eared Bat were recorded foraging and commuting during the bat activity survey work). 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.

In this application, the majority of buildings with large roof spaces will be demolished therefore 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, additional bat boxes, bat bricks or bat tiles etc. should be provided in the new development.

Bats & Trees

Of the 32 trees which were identified as having bat roost suitability, 12 of these are in locations where they could be removed to facilitate the development. These 12 were subject to a detailed aerial inspection, with each feature inspected for its suitability to support roosting bats.

No direct evidence of roosting bats was identified in any of these trees. Five trees were classed as having either negligible/low suitability or moderate/high suitability to support roosting bats. If these five trees are to be felled or impacted e.g. by lighting, modifications to flight lines, further bat activity surveys in line with BCT Guidelines would be required to re-assess these trees for roosting bats prior to the submission of a Reserved Matters Application.

Mitigation & Enhancement

The final development layout should aim to retain existing tree lines (in particular along the western site boundary) in order to maintain ecological connectivity across the site. The final layout should also aim to provide enhanced east-west connectivity via a combination of native hedgerow or tree belt planting to the north and/or south boundaries. Species-rich grassland areas should also be planted, where possible, such as at the boundaries of formal open space areas, this grassland should be allowed to develop a tall sward height, and include the planting of specimen shrubs and flowering plants, in order to encourage flowering and seed development. A pond/SUDS system and hibernacula could be incorporated within the landscaping scheme to provide additional enhancements for the biodiversity of the site.

Summary

A full detailed Risk Avoidance Method Statement, ecological mitigation and enhancement strategy for bats, nesting birds and the wider environment, is required to be submitted and approved in writing by the LPA at Reserved Matter Planning Stage. Bat activity survey work for trees will be required to inform the mitigation and enhancement strategy if the trees identified as having bat roost potential are to be effected (directly & indirectly) during development. Works will be carried out as agreed unless otherwise confirmed by the LPA.

The Risk Avoidance Method Statement, ecological mitigation and enhancement strategy should include (but not be restricted to);

- Update ecological survey work

- Detailed timing restrictions for the development (due to roosting bats & nesting birds etc.).
- Pre-commencement mitigation for the loss of bat roosts. For example, a minimum of four Schwegler 2F bat box (or similar woodcrete bat box) to be positioned at least 3 to 6 metres high on nearby mature trees close to vegetated areas prior to proposed works to provide an alternative roosting location during works as well as enhancement following
 - Detail of what can and cannot commence without/with an EPS bat mitigation licence from Natural England
 - Detail of how, prior to demolition, known potential roosting features within and around the buildings and trees will be checked by a suitably qualified ecologist.
 - Identify the areas of demolition/development which have potential to impact on bats and which require supervision from an ecological clerk of work
 - New roosting locations to be built into the proposed development
 - o A combination of bat bricks, bat tubes, bat boxes in at least 10% of the new buildings
 - o Bird Nesting opportunities incorporated into the building design in at least 20% of the new buildings
 - Bitumastic type felt lining will be used rather than breathable roofing membrane where possible
 - Lighting plan showing downlighting, directed away from the vegetation and in particular the new roosting locations
 - Trees retained and protected during development
 - Landscape & Habitat Management plan

In view of survey work to date, a European Protected Species Mitigation Licence for bat species will be required from Natural England before works on the buildings, including demolition, 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.

4.1.6 Shropshire Wildlife Trust: (Comments received 16 December 2016) Objects to this application. We would concur with the opinion of the SC Ecologist that insufficient survey effort has been undertaken with regard to bats. An internal inspection of any suitable structure would be in line with current Bat Conservation Trust guidelines.

4.1.7 SC Public Protection: (Comments received 7 October 2016)

Contaminated land

Having considered the location, past use and comments made on the pre-application for this site in 2015 it is necessary for contaminated land conditions to be placed.

Noise

Having considered the site layout it is noted that the properties on the south of the site are very close to the road. As a result they may be impacted by road noise at levels that may impact on the health and wellbeing of future residents. I would recommend that these properties are moved back from the road to reduce noise impact and improve the air quality both in the properties themselves and in the localised area by allowing more air dispersion in the locality. This may remove the need for noise assessment in future depending on the layout and orientation of dwellings proposed at reserved matters stage.

(Additional comments received 26 October 2016):

The western part of the site is occupied by a sports ground but the rest of the site is mainly hardstanding and buildings. The recent investigation targets based on the preliminary risk assessment and as a result sampling and assessment of ground conditions has focused on specific areas leaving the majority of the site unsampled.

A Barracks has been present on the site dating back to at least 1881 and the central/eastern parts of the site would not always have been covered in hardstanding.

A Hospital on the northern boundary can also be dated back to at least 1881. Contaminated areas are associated with hospital premises e.g. waste stores and possible ash/clinker deposits from earlier times when the heating sources would have been from a coal fired boiler. In addition, while there are apparently no records of radioactive materials being stored on-site prior to 1993 a hospital is likely to have used and disposed of open radioactive sources.

Accordingly there could be potential risks albeit very localised in other areas of the site.

The most recent report has not made any recommendations in terms of remediation other than some mitigation measures may be required in some identified areas. Having regard to the above I consider that further assessment is considered necessary particularly in the area of the former hospital which in reality cannot happen until site clearance works are undertaken.

Having considered the location and past use for this site it is necessary for contaminated land conditions to be placed.

Having considered the site layout it is noted that the properties on the south of the site are very close to the road. As a result they may be impacted by road noise at levels that may impact on the health and wellbeing of future residents. I would recommend that these properties are moved back from the road to reduce noise impact and improve the air quality both in the properties themselves and in the localised area by allowing more air dispersion in the locality. This may remove the need for noise assessment in future depending on the layout and orientation of dwellings proposed at reserved matters stage.

4.1.8 SC Drainage: (Comments received 3 October 2106)

The proposed drainage details, plan and calculations should be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

4.1.9 SC Education/Learning and Skills: (Comments received 04 October 2016):

Shropshire Council Learning and Skills reports that this development along with others in the West of Shrewsbury will cause future capacity pressures for the local primary and secondary schools. We forecast this development will yield 31 primary pupils and 25 secondary pupils. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary at those schools. It is recommended that capacity pressures from this development are addressed by way of a Section 106 agreement or CIL tariff.

4.1.9 SC Affordable Housing: (Comments received 19 October 2017): If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and be at the prevailing housing target rate at the time of a full or Reserved Matters application.

The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme.

4.1.10 Shropshire Council Parks and Recreation: (Comments received 8 December 2016): The first requirement is for the developer to meet the 30m2 per bedroom MD2 policy requirement. However, the location of this site is relatively close to existing POS and therefore we could look at an offsite contribution. But, with a development of this size, we would still want one usable onsite POS to enable toddler and junior play facilities to be provided. I would be looking at a 50/50 split of POS onsite and offsite contribution. Given your figures this would mean 0.75Ha onsite and contributions for 0.75ha offsite. I have attached a calculation to how much this would be. Suggest we speak to Shrewsbury TC re where they would want the contribution allocated too.**4.1.11 Sports England:** (Comments received 17 November 2016):

Summary: This email outlines plans to make improvements to Frankwell County Ground in order to compensate the loss of playing field at Copthorne Barracks.

Sport England wishes to submit a holding objection to this application on the basis that it will result in the loss of playing field, until a suitable Section 106 agreement, or other legal mechanism is agreed to compensate that loss.

Sport England – Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'.

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The proposal will lead to the loss of an area of playing field which accommodates a cricket pitch with artificial cricket wicket and which has also been laid out with a football pitch. The playing field has been used by the army barracks and by local sports teams.

Assessment against Sport England Policy/NPPF

This application relates to the loss of existing playing fields. Based on the findings of the Shrewsbury Playing Pitch Strategy Investment Plan, consultation with the ECB and information submitted in support of the application, Sport England considers that the playing field is not surplus to requirements. The loss of the playing field would therefore compound any shortfall in grass pitches in Shrewsbury. Sport England is therefore of the opinion that the proposal is in conflict with paragraph 74 of the NPPF and Sport England's policy objectives. Sport England are therefore seeking to negotiate compensation for this loss.

The need to mitigate the loss of playing field has been discussed with the applicant, the ECB and Shropshire Council. No replacement playing fields have been proposed and the principle of improving other playing pitches in Shrewsbury as compensation has been agreed. Policy exception E4 of the above policy is therefore considered the most relevant:

*E4 – The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

The ECB has worked with the Shropshire Cricket Board in order to identify projects and sites to compensate the loss of the Barracks playing field. It has been agreed that the most suitable site, at this time, to increase capacity and develop cricket in Shrewsbury is Frankwell County Ground. Frankwell County Ground is a two cricket pitch site used by various clubs and located within one mile of the Barracks. The

ECB have made the following comments in regards to the Frankwell County Ground site:

ECB comments

The facility is currently used by four cricket Clubs, Beacon Cricket Club (who used to play at the Barracks), Quayside, Grasshoppers CC (midweek), Old Post Office CC (midweek), Bricklayers Arms CC (midweek) and the site is also used by Beacon and Wheatsheaf Rounder's Club and Shrewsbury Canoe Club.

Beacon Cricket Club have hosted a number of county disability fixtures on behalf of Shropshire Cricket Board and would like to make the facility more DDA compliant in order to enable more disability cricket to be played at Frankwell.

The club are looking to continue growing the Junior Section and integrate them into the Senior Ranks also promoting multi-sport and other groups to become part of the "County Ground Sports Club". To expand on the Disabled and District games they have hosted and to expand on the success of the 2016 Summer Camp. They also aspire to increasing the amount of girls attending coaching and endeavour to build a girls' team.

The site is on a flood plain (located next to the River Severn) and suffers from regular flooding which hampers further development and full use of the playing field.

Improvement option	Outcome	Cost
Drainage improvement	More games played Expand the offer to winter sports Increase community use Improve quality of playing surface (outfield and squares)	£50-60k
Two Non turf match pitches	More games played Increase casual and community use Less demands on volunteers to prepare/repair surfaces Increase in scope to host further SCB disability/women & girls festivals	£20k
Roll-on covers for both squares plus flat sheets & Bow Dry	More games played Improve the quality of both squares Ability to cover more than one wicket on square (s) Increase scope to hold SCB district festivals using both squares which will provide good quality surfaces	£15k
Improve car parking and access	Support Disability use of the site Increase parking capacity to cater for SCB use of site (district/schools comps) that will see use of both pitches and increase in playing/spectator numbers	£15k

Landscaping & signage	Improve player experience Welcoming club environment to retain families and attract new members	£10k
Total investment		£105-115k

The plans to invest in this site have been developed by the Shropshire Cricket Board Ltd with full support of the ECB and currently represent the best option to invest in cricket in the town of Shrewsbury.

Frankwell County Ground and Shropshire Playing Pitch Strategy Investment Plan
The Shropshire Playing Pitch Strategy Investment Plan for Shrewsbury suggests that there is demand for grass pitches in Shrewsbury. The Investment Plan identifies the Frankwell County Ground as both a key site for sport in Shrewsbury and a priority site for future investment. It is also stated that there is very limited spare capacity at the Frankwell site and that improvements are required to the second pitch.

Improvements to Frankwell will provide further capacity (through the use of artificial cricket wickets, covers and improvements to the drainage) to play additional cricket matches and for the improved outfield to accommodate increased winter sports usage. The need for investment in the Frankwell site is evidenced and supported by the Shropshire Playing Pitch Strategy Investment Plan and the site is located within Shrewsbury, close to the Barracks site.

Frankwell is an important site for the development of cricket (including disabled and girls cricket) in Shrewsbury and further investment would support this development. One of the crickets club that play at Frankwell (Beacon Cricket Club) formerly played at the Barracks cricket pitch and are seeking to expand the club.

Demand from the residential development

The occupiers of the new residential development will generate demand for sporting provision. The existing provision within Shrewsbury may not be able to accommodate this increased demand without exacerbating existing and predicted future deficiencies. Sport England therefore considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site.

Costs

Based on current costs, Sport England estimates the cost of replacing the playing field including artificial wicket (of equivalent size to Copthorne Barracks and excluding the cost of land) would be approximately £150,000.

The ECB have outlined the improvements into Frankwell County Ground required in order to increase the capacity of the ground and which would mitigate the loss of playing field at Copthorne Barracks. Sport England considers that a payment of £105,000 - £115,000 is made towards the improvements at Frankwell County Ground in order to compensate the loss of playing field and help meet the demand for sporting facilities created by the residents of the proposed development.

Conclusion

Sport England considers that a financial contribution as outlined above to make improvements to Frankwell County Ground could, in this particular instance, broadly meet the requirements of policy exception E4 by increasing the capacity of Frankwell County Ground to accommodate additional cricket and winter sports usage. In the interim Sport England wishes to issue a holding objection to this application on the basis that it will result in the loss of playing field, until a suitable Section 106 agreement, or other legal mechanism is agreed.

Sport England can confirm that once a suitable section 106 agreement or other legal mechanism has been agreed, we will withdraw our holding objection.

4.2 PUBLIC COMMENTS

4.2.1 **Shrewsbury Town Council:** (Comments received 27 October 2016): The Town Council accepts that the former barracks is ripe for development but objects to the outline plans for the following reasons.

- ❑ Members are of the view that this site should have a mixed use rather than residential so as to provide a more sustainable community on site;
- ❑ Members are deeply saddened that this plan relies on the fact that all existing buildings are raised to the ground. Whilst none of these buildings are listed they are none-the-less iconic and add greatly to the historic context of the site; a context that the applicant should want to preserve and enhance rather than totally obliterate. These buildings include the Officers Mess, Old Administration Block and two accommodation wings to the front of the site.
- ❑ Members see the only saving grace to this application is the retention of The Keep.
- ❑ Members are of the view that the provision of open space on the site is exceptionally poor and provide very little amenity value for prospective residents;
- ❑ Members see the "re-establishment of the former parade ground" as a very poor attempt to mitigate against the feeling of loss of many people who found the barracks their home at some point of their military life.
- ❑ Members deeply regret the loss of the football and cricket pitch in an area which already lacks local quality recreational and amenity space. Many locally involved in sport have memories of playing on these facilities. A rationale of these pitches not being in public use is no justification for their complete removal and should these not be retained a commuted sum over and above any CIL contribution should be made to providing like facilities elsewhere within the town.

- ② Given the number of dwellings on-site members are of the view that play provision should be accommodated on site and at worst a LEAP of 400 sq metres should be provided. Members are of the view that it is unreasonable of the applicant to expect residents of infants to have to seek play provision off-site.
- ② Members have general concerns for the impact this development will have on an already busy Copthorne Road and the likely delays accessing and egress in the site.
- ② Members are firmly of the view that the use of Barracks Lane to serve the retirement living units is wholly inadequate and that should this facility have regular flow of traffic movements and potentially ones from vehicles larger than a domestic car, this should be catered for via the main Copthorne Road entrance
- ② Members respectfully asked that any affordable housing provision be allocated to SSAFA to support past military personnel.

4.2.2 Cllr Chebsey: (Received 23 October 2016): Copthorne Barracks was built between 1877 and 1881. Since that time there has been a continual Army presence on the site until November 2014. Whilst I welcome the development of the site I believe that some of the buildings should be preserved in order to retain the historical relevance of its previous use. It is proposed to convert the "Keep" into apartments and I would suggest that the Officers' Mess should also be retained.

The site lies between Copthorne Road and The Mount two busy arterial routes into Shrewsbury town centre. Along both these roadways there is limited on-street parking and so it is vital that the new development provides adequate parking on site. There is virtually no detail about the access arrangements on The Mount side for the retirement apartments and no change is proposed to the access on the Copthorne Road. It has been suggested that the new development will only generate the same amount of traffic as when the Barracks was used as an administrative centre for the Army but since then planning applications have been approved for large housing estates along Mytton Oak Road and there is no doubt that the residents of the new developments will use Copthorne Road as their access route into the town centre. I would urge that careful consideration is given to improving the access and egress from the site to improve visibility for drivers and to prevent any queueing out on to Copthorne Road at busy times of the day.

Although not a planning issue it should be noted that the two local schools are over subscribed. It should also be noted that Porthill has a shortage of public open space for sport and the development of this site would reduce this further even though it has been sometime since the pitches at the Barracks have been in use.

4.2.3 Shrewsbury Civic Society: (Comments received 7 October 2016): The Civic Society regrets that, now there is a supply of potential housing land, consideration has not been given to alternative or mixed uses, eg to support the much greater established local need for SMEs having high value employment. If housing is the only use, the proposed density is deemed too high for the area.

This application has insufficient detail to enable full evaluation of the plans. For example, the nature of the retirement living building(s) is not clear so it is impossible to tell if it will meet remaining local need at a time when there are several other major developments for the elderly taking place in the town. The detail of the demographics of the proposal could make considerable differences to the need for infra-structure and local services, such as schools. Certainly, the scheme should not saddle the town with public service costs. Despite its potential, this proposal does little to benefit the immediate area. However, it could provide some imaginative open space for local people or some heritage reminders for ex-soldiers. Perhaps the most important aspect is called "appearance" and here the application has no hints as to the proposal's visual relevance to the area and Shrewsbury at large.

We understand there are constraints upon the use of, and planning for, this important site, however, this application does not yet show efforts to meet Shrewsbury's demographic or visual amenity needs and so we cannot welcome or object currently.

4.2.4 Shropshire Playing Fields Association: (Comments received 15 October 2016): Objects for the following summary of reasons:

- ② We believe the open space assessment provided by the applicant is misleading and not robust therefore does not comply with paragraph 73 and 74 of the National Planning Policy Framework
- ② The allocated on site open space allocation falls well short of Shropshire Council Planning Policy guidelines. (see paragraphs 6.2, 6.3 and 6.4 of the open space assessment document provided)
- ② Shropshire Council does not currently have an up-to-date needs assessment in place
- ② There is an identified quantitative deficit of amenity open space in the Port Hill Ward which is not reflected fairly in the application, but does form part of Shropshire Councils 2010-2020 Playing Pitch strategy
- ② No consideration has been given whatsoever to the provision of children's play opportunities
- ② No consideration has been given to the critical elements of Quality and Accessibility throughout the application.
- ② The application fails to acknowledge the long standing partnership between the military and the local community that has existed through the usage of their sports pitches for over 100 years.

4.2.5 Sustainable transport Shropshire: (Comments received November 2016): Main concern is that the impact of the proposals on the surrounding area is such that a major reappraisal is needed; and that sustainable transport modes needed to be fully incorporated. Suggests a target speed of 20mph on Copthorne Road and that within the site roads should be designed to reduce speeds and eliminate accidents. This could be achieved by incorporating much tighter bends in the road layout, speed-limiting details, separation of vehicles from pedestrians, including physical barriers if necessary. Pedestrian and cycle pathways need to form a continuous attractive network and join up with networks outside the site.

4.2.6 **Neighbours/residents:** 15 Letters of objection, 4 representations and 1 in support have been received and are available in full on the file. Concerns and comments summarised as follows:

- ☐ The proposal represents over development of the site
- ☐ Impact of increased traffic onto Barracks Lane, The Mount and Copthorne Road
- ☐ Impact on highway and pedestrian safety
- ☐ Limited visibility and poor access to proposed retirement living from the Mount
- ☐ The proposal to remove/reshape part of the wall at 59 the Mount would impact on the appearance of the Conservation area
- ☐ Insufficient parking and loss of on street parking on Copthorne Road
- ☐ Increased traffic and congestion
- ☐ Increased flooding and impact on existing foul sewage during severe weather
- ☐ Impact on school places and GP provision
- ☐ Potential for noise and disturbance to granny flat at rear of 61 The Mount
- ☐ Loss of privacy
- ☐ Loss of heritage assets and impact on Cadogan House
- ☐ More of the existing buildings and parade ground should be preserved
- ☐ Flag pole near Cardwell Keep needs to be preserved
- ☐ Size of retained parade ground and amount of open space not adequate for proposed accommodation on site
- ☐ Part of the site should be preserved to accommodate military uses and re-union events
- ☐ Hallowed grounds/potentially haunted
- ☐ Site should be preserved for tourism
- ☐ Potential for mixed use rather than all housing
- ☐ Additional uses within the site such as a gym and/or swimming pool would be beneficial to the community
- ☐ The Armed Forces Covenant is not being upheld by the MOD and the sale of the land should include a restrictive covenant to stipulate that part of the site should be allocated for assisted living affordable housing for homeless and/or disabled veterans and injured service personnel and their families
- ☐ One of the existing buildings should be retained and used as a therapy/community centre
- ☐ The old parade ground should be retained to enable the return of the annual Light Infantry reunion
- ☐ A heritage sign should be erected to explain the significance of the parade ground
- ☐ Little regard is paid to the significant heritage of the 'site, place, area' that the barracks holds for those who walked through the gates for over 138 years to train as soldiers and who served in two world wars and countless conflicts since.
- ☐ It is disappointing that apart from the Town Council, the only communication from the public which acknowledges the veteran Infantry community in any way is the letter from the Shrewsbury Civic Society
- ☐ Objects to it's change of use to C3 purely residential, without some part of it

reflecting the continuing heritage of the site and the Military's long established connections with the local community

- ② Due to vacant building credit the applicant is seeking to reduce the amount of affordable housing

A large document has been produced on behalf of the 'Bring Sir John Moore's Barracks Back to life Light Infantry Veterans' Group' (March 2017) and distributed to the following:

Ministry of Defence
Department of Communities & Local Government
Defence Select Committee
Communities & Local Government Select Committee

The previous planning portfolio holder asked for this document to be placed on the public file primarily due to its reference to Vacant Building Credit. The conclusion requests that the MOD review their policy and procedures in respect of the sale of all MOD land and takes the following into consideration:

The failure to make any significant contribution towards the provision of affordable housing resulting from the effect of the vacant building credit.

Failure to consider the implications of, or apply the spirit of, the Armed Forces Covenant in connection with the disposal of its estate which is specifically intended to provide affordable housing, as claimed.

It also requests that all MOD estates sales should include a restrictive covenant stipulating that a certain percentage of the affordable housing built on any ex-MOD land, be allocated for the use of the local authority/SSAFA/RBL for the specific benefit of veterans covered by the Armed Forces Covenant and for a S106 Agreement to be set up to ensure that a significant percentage of affordable housing built on the site be allocated to ex-service personnel in 'priority' need as set out in the Armed Forces Covenant, as 'qualifying persons' of a 'defined area' of Copthorne Barracks under the Shropshire Affordable Housing Scheme.

5.0 THE MAIN ISSUES

- ② Principle of development
- ② Access/Highway impacts
- ② Layout, scale, appearance & impact on designated/non designated heritage assets
- ② Landscaping and trees
- ② Ecology
- ② Impact on residential amenity
- ② Loss of a playing field/Open space provision
- ② Developer contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The site is situated in an established residential area within the urban development boundary of Shrewsbury. It is close to services and facilities that can be accessed by foot or by cycle and the Town Centre is also readily accessible by public transport. The location of the development therefore accords with the NPPFs presumption in favour of sustainable development and Shropshire Core Strategy Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. In addition it represents residential development of a predominantly brownfield site making optimum use of previously developed land which is supported by the NPPF.
- 6.1.2 Whilst alternative uses (or a mixed use proposal) might also be acceptable in principle in this sustainable location the Council has not allocated this site for any particular use within the Local Plan. The Council cannot dictate what development comes forward on this land but is required (in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) to determine whether the submitted proposal is considered acceptable having regard to the relevant local development plan policies and any other material considerations including National policy and guidance.
- 6.1.3 Core Strategy CS11 (Type and affordability of housing) seeks to ensure that all new open market housing development makes appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target rate. In the case of Outline applications the Type and Affordability of Housing Supplementary Planning Document (SPD) indicates that this is applied at the time of the Reserved Matters application.
- 6.1.4 The target rate for this area is currently 20% and a development of 228 dwellings (as indicated on the illustrative layout) would yield 45 affordable homes with the balance as a financial AHC. The applicant initially sought to apply vacant building credit (VBC) and to agree a fixed and reduced amount of affordable housing as National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building National Planning Guidance advises that the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings when the local planning authority calculates any affordable housing contribution.
- 6.1.5 The application of VBC would significantly reduce the amount of affordable housing required to be provided on this site and the applicants were advised that although the application of VBC is a material consideration it was considered that in this instance local policy outweighed national guidance and in particular it was not considered necessary to agree to a reduced amount of affordable housing in order to incentivise the sale and development of the site. The applicant has now advised that the application of VBC is a matter that it does not wish to pursue for the purposes of agreeing the S106 and accepts that the S106 will not make any reference to VBC.
- 6.1.6 In addition to the objection to the applicants initial intention to apply VBC and

reduce the amount of affordable homes there was also some objection to the fact that none of the proposed affordable homes (and that no additional affordable homes were proposed to be provided) that would be prioritised for veterans and ex-service personnel and that the MOD (and potentially the Council) would be in breach of the Armed Forces Covenant.

- 6.1.7 The Armed Forces Covenant is a promise from the nation that those who serve or have served, and their families, are treated fairly and have the same access to Government and commercial services and products as any other citizen. Shropshire Council signed the Armed Forces Covenant in 2012 and it is a voluntary pledge of support for Shropshire's Armed Forces communities, both past and present. As a signatory to the Military Covenant the council endeavours to ensure that current and former members of the British Armed Forces are not disadvantaged with respect to accessing public services such as school places, affordable housing and adult social care provision.
- 6.1.8 The Council in carrying out its function in determining this application has to have regard to relevant Local and National policies in addition to any other material considerations. Having regard to the objectives of the Covenant it is considered that current and former members of the British Armed Forces would not be disadvantaged by the granting of planning permission subject to a S106 to secure the policy compliant amount of affordable housing on this site that would be allocated through the adopted Shropshire Allocation Policy and Scheme in combination with any Local Lettings Plan.
- 6.1.9 Shropshire Home Point (a choice-based lettings scheme) advertise affordable housing and manage the Housing Waiting List. The need for housing is assessed using a banding system rather than the traditional complicated points based method. There are four main bands (levels) of housing need, Priority, Gold, Silver and Bronze. Gold band applicants are considered to have a high level of housing need, but in emergency cases, a Priority band is issued to help with finding a home more quickly. Any Veteran or transitioning service person already receives 'gold banding' which is an additional preference for military personnel. This is no guarantee of housing provision, but puts them on a higher band than might otherwise have been possible given their military service.
- 6.1.9 It is not necessary for the Council to require the applicant to enter into a S106 agreement to prioritise affordable housing or secure additional affordable housing above that required by policy for use solely by veterans and ex-service personnel. The applicant could however choose to provide more affordable housing than is required by local policy. The '*Bring Sir John Moore's Barracks Back to life Light Infantry Veterans' Group*' has sought to bring pressure on the MOD to do so (by means of restrictive covenant) when disposing of this and other MOD land. This is outside of the control of the Council.
- 6.1.10 The principal of residential development of this site with a S106 to secure the full amount of onsite affordable housing (in accordance with the prevailing rate at the time of the reserved matters application) and to be allocated in accordance with the Housing SPD is therefore considered acceptable in principle.

6.2 Access/Highway impacts

- 6.2.1 The site consists of the larger main site proposed to continue to be accessed via the main entrance off Copthorne Road (with a secondary access off The Mount/Barracks Lane) and a small triangular shaped piece of land that is proposed to be served by the existing access off Copthorne Road.
- 6.2.2 The existing secondary access is proposed to be improved and the details of this are indicated on a drawing contained within the supplementary heritage statement submitted in December 2016. These proposals indicate that the existing access onto Barracks Lane off The Mount will be stopped up and converted to a footpath and cycle path, and that a new opening will be formed in the wall further to the West. This new access will be an improvement to the existing, with wider visibility splays and will be able to accommodate large vehicles including refuse collection trucks and emergency vehicles.
- 6.2.3 Highways are satisfied in principle with the revised access to serve a small portion of the development from this proposed new Barracks Lane junction with The Mount, subject to the imposition of conditions regarding no through route and technical approval of the details of this new access.
- 6.2.4 Highways have confirmed that the submitted Technical Note has satisfactorily addressed the impact of the development traffic on the Frankwell and Mytton-Oak roundabout junctions and that the submitted Travel Plan Framework is considered to be acceptable in principle as the basis for a future detailed Travel Plan
- 6.2.5 Although local residents have raised concern about the impact of increased traffic onto Copthorne Road, Barracks Lane and The Mount and the potential impact on highway and pedestrian safety Highway officers do not share this concern. The NPPF advises that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*. Highways have not advised that the additional traffic from this proposed development (compared to its previous use) would result in excessive delays or severe congestion within the local road network.
- 6.2.6 Highways have no objection to the proposal from a Highway perspective and have confirmed that the information and drawings submitted are sufficient to enable recommendation for approval of the means of access to the development site for residential development subject to the recommended conditions and that the development should provide a controlled pedestrian crossing on Copthorne Road. Funding for the investigation, feasibility and implementation of a controlled pedestrian crossing will be secured through a Section 106 planning obligation. Parking provision will be considered at the Reserved Matters stage.

6.3 Layout, scale, appearance & impact on designated/non designated heritage assets

- 6.3.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern

and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.

- 6.3.2 The site comprises the buildings and parade ground at the former Copthorne Barracks and none of the buildings are listed or protected by an article 4 direction and the majority of the site is not within a Conservation area. All of the buildings have been assessed by Historic England who have determined that none of the buildings merit national designation as listed buildings. The Southerly boundary of The Mount Conservation Area runs along Barracks Lane adjacent to the site and the proposed alterations and removal of a small section of the wall adjacent to the Mount is within The Mount Conservation area. In addition Cadogan House and Stable (53 The Mount) lies adjacent to the North East corner of the site and is grade 2 listed.
- 6.3.3 The proposed development has the potential to impact on these identified heritage assets and therefore has to be considered against Shropshire Council policies MD2, MD13, CS6 and CS17 and with national policies and guidance including section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving a listed building and its setting and preserving or enhancing the character or appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.3.4 The proposal is outline only with layout, scale and appearance reserved for later approval and the full impact of the development can therefore only be assessed when detailed proposals are provided at that stage. An illustrative layout has been submitted that indicates demolition of all the buildings on site apart from The Armoury (Cardwell Keep). There has been some objection to the demolition of the buildings and requests for more buildings to be retained and in particular the Officers Mess. The Conservation Officer has expressed concern that in addition to the Keep the Officers' Mess has a degree of heritage interest and amenity value and that developers' should give consideration to its retention. However it would be difficult to defend refusal of this application due to the loss of any buildings on this site as the demolition of these buildings is permitted development subject to an application for prior approval for the means of demolition. An application for prior approval for demolition of all the buildings (excluding the Keep) has already been submitted and approved.
- 6.3.5 In addition to retaining more of the buildings as part of any future development, requests have also been made that the parade ground should be retained to enable the return of the annual Light Infantry reunion. However it is not reasonable for such a large area of land be retained (and in its original location) as it would restrict the development of the site and in years to come this land would no longer be required for this purpose. It is acknowledged that the buildings and parade ground hold memories for the service personnel that lived, trained and worked here and that the loss of all the buildings on this site would eradicate all evidence of military history in this part of Shrewsbury. However in recognition of this the applicant amended the prior approval application for demolition to include the

retention of the Keep and boundary walls.

- 6.3.6 This outline application indicates that the applicant is committed to retaining the Keep and boundary enclosures (with some alterations) as part of the development proposals in addition to the existing main entrance becoming the main access to the development site. The Keep and the boundary walls and main entrance are the aspects of the site that were predominantly in public view when the military occupied the site. Their retention will serve as a reminder to the existing and future residents of Shrewsbury of the previous use of this site. The applicants have agreed to the Conservation Officers suggested condition to secure a recording of all buildings on the site prior to demolition and the installation of information boards to explain the history and the importance of the site to ensure that recognition of the history and importance of the site is secured for future generations.
- 6.3.7 Although the full detail of the layout, scale and appearance is reserved for later approval the access is included at this outline stage and requires the removal and re-building of a section of wall adjacent to the Mount to enable the formation of an access with adequate visibility splays. A heritage impact assessment has been submitted to appraise and consider the impact of the proposal on the Mount Conservation Area and the nearby Grade II Listed Cadogan House and Stable.
- 6.3.8 In determining whether the proposed alterations to the existing wall are acceptable the principle matter to be considered is whether the proposal would:
- ❑ Fail to preserve and enhance the character and appearance of the conservation area as required by the Planning (Listed Building and Conservation Areas) Act 1990.
 - ❑ Cause harm to the heritage assets, and whether any such harm would be substantial or less than substantial (as set out in Section 12, paragraph 134 of the National Planning Policy Framework 2012), and whether any benefits arising from the proposal would be such as to mitigate or outweigh any such harm (paragraph 135).
- 6.3.9 The heritage assessment indicates that the section of wall to be removed consists of a plain brick wall, longer in its uninterrupted length, and of greater height than the walls to adjoining houses, which are generally more varied in materials and detail and that include decorative brickwork. The assessment indicates that:

The cutting out of a section of wall on the frontages to The Mount and to Barracks Lane would remove no architecturally significant feature of the conservation area. The new opening would follow the pattern and rhythm of openings along the frontage to The Mount and the wall could be modified to follow the character of the frontages to the adjoining house at no. 59.

It is agreed that the removal of a section of the wall and its re-building would introduce more decorative elements that would reflect the majority of walls along here (varied heights and stepping back of walls and the introduction of additional brick piers). In this context it is considered that the proposed alterations to the wall that faces the Mount would preserve and enhance the character and appearance of

the Mount Conservation area subject to the new wall being built in accordance with full details that will be submitted at the Reserved Matters stage.

- 6.3.10 In addition the proposal will require the removal of a section of the wall facing Barracks Lane. It is also considered that this aspect of the proposal would have no adverse impact on the character and appearance of the locality and together with appropriate development of the wider site would preserve and enhance the setting of the nearby listed building.
- 6.3.10 The proposed alterations to the wall in addition to providing an acceptable new access to serve part of the development site would also (in conjunction with the re-development of the site) improve connectivity for pedestrians and cyclists and improve the access for the existing vehicles that use Barracks Lane and also provide an accessible and safe through route for emergency vehicles. It is considered that this part of the proposal would have no adverse impact on the character and appearance of the Conservation area or the setting of the Listed Building. Even if harm had been identified this would be less than substantial harm and outweighed by the benefits of the proposal.
- 6.3.11 The indicative layout indicates a three storey apartment building in this North East corner of the site and it is considered that this has the potential to adversely impact on the setting of the Listed Building. However the scale and appearance of the buildings is not a matter for consideration now and the full impact of the development of the whole of this site on the setting of the listed building, the character and appearance of the conservation area and the wider area will be considered when full details are submitted at the Reserved Matters stage.

6.4 Landscaping and trees

- 6.4.1 Landscaping is a matter reserved for later approval and will include the planting of new trees and proposals for the removal or protection and retention of existing trees. An arboricultural impact assessment (AIA) has been submitted that has been reviewed by the Councils tree officer. The tree officer has confirmed that the categorisation of the trees within the AIA (based on their current and potential public amenity value) is appropriate. The tree officer has suggested the following having regard to the indicative layout and the design of the layout and landscaping to be determined at the Reserved Matters stage:

- ② The categorisation of existing trees should form the basis for how much weight should be put on the loss of a particular tree and should help to inform the site layout and design process.
- ② Existing trees have the potential to enhance the landscape and amenity of the proposed development, providing that they are sympathetically incorporated into the site design and layout.
- ② Concerned about the proximity of new development to the trees on the Western boundary of the site, which provide an important linear feature, and to the trees on the South East corner and the South East corner of the site and the potential for the proposed houses on the indicative layout to

negatively impact on the living conditions.

- ② The site design should ensure that there is sufficient separation between the trees and any new properties so that both the living and outdoor amenity spaces along with the buildings are not negatively impacted by shade, obstruction to light, leaf fall and accumulation of debris, or fears that the trees may fall or break and cause harm.
- ② Given the nature of the trees on the Western boundary, the fact that they are large specimens and may require future work, it is recommended that this area is reserved as POS or similar.
- ② The proposed layout of the site should not enclose large mature trees in the rear gardens of any property unless a considerable additional amenity space is provided.
- ② The development also provides the opportunity to provide additional tree planting to ensure that current urban tree canopy levels are maintained and the age and species diversity is enhanced in the Shrewsbury urban forest.

The tree officer raises no objection to the principle of residential development of this site from a tree perspective. Trees present on the site are important elements in the landscape and provide a significant local amenity and the above should be taken into account when designing the layout and landscaping of the site. It is considered essential that a revised AIA report and a Tree protection plan is submitted at the Reserved Matters stage in addition to a detailed landscaping proposal and a condition is recommended regarding this.

6.5 Ecology

- 6.5.1 The proposal involves the demolition of buildings and therefore ecological surveys and report area required and an updated report has recently been submitted. These have been reviewed by the Councils Ecologist who has confirmed that an individual Common Pipistrelle bat was recorded roosting in building 15, and in Building 7 and that the bat populations roosting in, and foraging around, the site will be adversely affected by the development and mitigation will be required. Due to the destruction of two bat roosts demolition will need to occur under an EPS mitigation licence from Natural England.
- 6.5.2 Ecology 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 are imposed. These conditions will ensure that updated Ecological Surveys, Ecological Mitigation and Enhancement Strategy and Risk Avoidance method statements are submitted as part of the Reserved Matters application. These will ensure that the following mitigation and enhancements are provided:
 - ② New roosting potentials to include the provision of a bat loft and a combination of bat bricks, bat tubes, bat boxes and bat tiles in at least 10% of the new buildings

- ☐ Bird Nesting opportunities incorporated into the building design in at least 20% of the new buildings
- ☐ Retention and protection of existing trees and planting of new trees to maintain and enhance ecological connectivity across the site
- ☐ Landscape design to provide enhancements for bio-diversity
- ☐ Landscape and Habitat management plan

As work will need to be conducted under licence from Natural England the completed EPS three tests matrix is attached as appendix 2 to this report and should be noted by members.

6.6 Impact on residential amenity

- 6.6.1 Any new buildings on this site have the potential to impact on existing residents particularly those proposed to be positioned close to the boundary with existing dwellings. The scale and mass of any building sited in close proximity to existing dwellings may result in development that would appear overbearing and obtrusive or result in a loss of light. In addition first floor windows in the elevations of any new buildings sited close to existing properties might result in unacceptable overlooking and a loss of privacy.
- 6.6.2 Whilst an indicative layout has been provided that indicates 228 dwellings including a three storey apartment building, approval of this outline application is not an indication that the scale, layout and amount of development indicated is acceptable having regard to the impact on residential amenity. The exact scale, design and location of the buildings will be determined at the Reserved Matters stage and care with the scale and positioning of buildings will be required in order to minimise impact on neighbours.

6.7 Open Space provision and loss of a playing field

- 6.7.1 The application site includes a playing field and the applicant has advised that they are seeking approval for residential development of this site that will result in the loss of this sports pitch. The Shropshire Playing Fields association has objected to this proposal and has provided examples of cricket matches and football matches played on this sports pitch and some in the last 5 years. Although these matches have been infrequent as it has been used by the public in the last 5 years Sports England are a statutory consultee and have been consulted. They have confirmed that the proposal will lead to the loss of an area of playing field which accommodates a cricket pitch with artificial cricket wicket and which has also been laid out with a football pitch and has been used by the army barracks and by local sports teams.
- 6.7.2 Paragraph 74 of the NPPF provides the following guidance with regards to the loss of playing fields/sports pitches:

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

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;*
- or
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

6.7.3 Sports England have objected to the application due to the loss of the sports pitch and that the loss of the playing field would compound any shortfall in grass pitches in Shrewsbury and that this would be in conflict with paragraph 74. Sport England have confirmed that they will withdraw their holding objection if the applicants agree to a S106 agreement to secure a payment of £105,000 - £115,000 towards improvements to Frankwell County Ground which would compensate for this loss.

6.7.4 This amount (and how it would be spent) has been negotiated between Sports England, England and Wales Cricket Board (ECB) and the applicant. Sports England have confirmed that what has been negotiated satisfies both paragraph 74 of the NPPF and also policy E4 of its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England':

E4 – The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

Sports England and ECB have worked with the Shropshire Cricket Board to identify suitable projects and have agreed that the most suitable site to increase capacity and develop cricket in Shrewsbury is Frankwell County Ground which is within approximately one mile of the application site.

6.7.5 A table has been provided that breaks down how the £115,000 would be spent. It is considered that the proposed improvements will increase the capacity of the ground and also help meet the demand for sporting facilities created by the residents of the proposed development. It is considered that this would mitigate the loss of a playing field at Copthorne Barracks and that the contribution would ensure that *'the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location'* as required by the NPPF and Sport England advice.

6.7.6 In addition to seeking approval for the loss of a sports pitch, as part of the residential development of this site, the applicant is also seeking to fix the amount of on-site provision of open space and agree a financial contribution in lieu of any shortfall. The applicant has requested that the amount of open space provision is considered and set at this outline stage (rather than leaving it to the Reserved Matters stage) in order to provide certainty to developers about the costs of developing this site.

6.7.7 SAMDev policy MD2 requires all development to provide adequate public open space (POS), set at a minimum standard of 30sqm per person (equivalent to 30,000 square metres/3ha per 1,000 population). For larger sites such as this MD2

also advises that the open space should comprise an area of functional recreational space for play, recreation, formal or informal uses including semi- open space.

- 6.7.8 The amount and type of development on the indicative layout would require the provision of approximately 1.5ha (15,000 square metres) of POS. The amount of POS would be less if the amount of housing was less than that indicated. Shropshire Parks and Recreation officers have confirmed that due to the large amount of POS within walking distance of the site the full amount of POS provision on this site is not required and have suggested a 50/50 split of 0.74 ha of POS onsite and an offsite contribution.
- 6.7.9 Based on the calculation provide by Parks and Recreation the applicant has agreed an off site contribution of £30,498 in lieu of the full on-site provision of POS in addition to the payment of £115,000 in lieu of the provision of a playing field on site. The applicant has also agreed to the imposition of the following condition:

The layout plan submitted as part of any Reserved matters application shall include at least 0.75 ha of open space on site.

Reason: Whilst it has been determined that the full amount of open space provision in accordance with MD2 is not required on this site a minimum amount of 0.75 ha of open space is required to meet the needs of the future occupiers and to provide space for a toddler and junior play area.

It is considered that the provision of 0.75ha (7,500 square metres) of open space is more than adequate for a development of approximately 200 houses in an area where there are large areas of open space and recreational facilities within walking distance of the site. However for a development of this size it is essential that an equipped junior and toddler play area is provided on site and 0.75ha is more than sufficient space to provide this. The position of the equipped play areas will be determined at the Reserved Matters stage and the funds for the provision of the play equipment would be provided by CIL.

- 6.7.10 The contribution of £30,498 is proposed to be allocated between Silks Meadow Recreation Facility (£10,000) and Shorncliffe Drive Recreation Facility (£20,498). It is considered that a contribution to maintaining existing facilities in the area and improvements at Frankwell County Ground, in addition to the benefit of the provision of more homes (including more affordable homes) outweighs the retention of a playing field and the provision of the full amount of open space on site.
- 6.7.11 The future maintenance and management of the onsite POS and equipped Toddler and Junior play areas will be subject to a separate agreement with either, a private company, a community organisation, the town council, or by Shropshire Council. A condition will be imposed to ensure that details of the future management and maintenance of the POS is provided and secured in perpetuity.

6.8 **Developer contributions**

- 6.8.1 The application is recommended for approval subject to the following being secured by a S106 agreement:

Affordable Housing

Affordable housing in accordance with the provisions of the Type and Affordability of Housing SPD and at the prevailing rate at the time of the Reserved Matters application.

Highways

A financial contribution of £95,000 to provide funding for the investigation, feasibility and implementation of a controlled pedestrian crossing and £15,000 for long-term maintenance.

Loss of Sports pitch / Open Space contribution

A financial contribution of £115,000 for improvement to Frankwell County Ground for compensation for the loss of the playing field and to meet the sports and recreational needs of the new residents.

A financial contribution of £30,498 to compensate for the reduced level of POS provided on-site to be allocated between Silks Meadow Recreation Facility (£10,000) & the residue to Shorncliffe Drive Recreation Facility (£20,498).

Education

A financial contribution for primary school provision within the catchment area of the site in the South and West of Shrewsbury and/or towards primary education places/facilities at Woodfield/St Georges Primary, and a secondary education contribution towards secondary education places/facilities at Meole Brace School and/or Priory School.

A development of 200 houses (using the formula provided by education and accepted by the applicant) would provide a total education contribution of approximately £950,000.

7.0 CONCLUSION

- 7.1 Residential development of this site is acceptable in principle being located in a sustainable location within the urban development boundary for Shrewsbury and would make efficient and effective use of a brownfield site. Layout, scale, appearance and landscaping are reserved for later approval but it is considered that an acceptable and appropriately designed development could be achieved that would have no significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and appearance of the locality, the Conservation area, the setting of the adjacent listed building and the Keep to be retained.
- 7.2 It is considered that the proposed accesses to serve the different parts of the development site are satisfactory and that the proposal would have no adverse impact on highway or pedestrian safety or result in significant congestion in the area subject to the recommended conditions being imposed. Provided that the suggested ecology and tree protection conditions are followed the proposal would also ensure the retention of important trees within and adjacent to the boundaries of the site and would preserve the conservation status of the local bat population

and provide ecological enhancement of the site.

- 7.3 Recommendation for the approval of this outline application relates only to the principal of residential development of and access to the site and does not purport to grant consent for the type or number of dwellings shown on the submitted Illustrative masterplan or indicated in the description of development. The details of the number and type of dwellings, layout and landscaping of the site and scale and appearance of the buildings are reserved for later approval and it is considered that this additional information is required to determine whether the site could satisfactorily accommodate up to 228 dwellings. A condition is recommended regarding this.
- 7.4 It is considered that a satisfactory layout and landscaping of the site and scale and appearance of the buildings could be achieved provided the advice within this report and the suggested conditions and informatives are followed and complied with. The suggested conditions in appendix 1, and the affordable housing provision and the developer contributions identified in 6.8.1 above have been agreed with the applicant and can be secured by a S106 agreement. It is considered that the proposal accords with the aims and provisions of the NPPF and the relevant Shropshire LDF policies CS1, CS2, CS6, CS11, CS17, MD2, MD12 and MD13. Special regard has also been given to preserving or enhancing the character or appearance of the Conservation area and the setting of the listed building as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS1, CS2, CS6, CS11, CS17, MD2, MD12 and MD13

RELEVANT PLANNING HISTORY:

16/03117/DEM: Application for prior notification under Schedule 2 Part 11 of the Town & Country Planning (General Permitted Development) Order 2015 for the demolition of 39 No. buildings (including a range of military buildings (e.g. stores/offices/etc), Single Living Accommodation (SLA) buildings and sports and welfare buildings) and associated structures (excluding boundary walls and fences and 'The Keep') (amended description)

Prior Approval Not Required 9th August 2016

11. Additional Information

List of Background Papers: File 16/04228/OUT
Cabinet Member (Portfolio Holder) : Cllr R. Macey
Local Member: Cllr Julian Dean and Cllr Peter Nutting
Appendices APPENDIX 1 – CONDITIONS APPENDIX 2 - EUROPEAN PROTECTED SPECIES

APPENDIX 1: Conditions

STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. This permission does not purport to grant consent for the number of dwellings (houses and apartments) shown on the deposited Illustrative masterplan reference 16287 - 003 REVPO as details of the number of dwellings and layout, scale and appearance of the buildings are reserved for later approval.

Reason: To enable the Local Planning Authority to consider the number of units when the layout, scale and appearance of the buildings and the landscaping of the site are submitted at the Reserved matters stage as it is considered that this additional information is required to determine whether the site could satisfactorily accommodate 228 dwellings.

5. The layout plan submitted as part of any Reserved matters application shall include at least 0.75 ha of open space on site.

Reason: Whilst it has been determined that the full amount of open space provision in accordance with MD2 is not required on this site a minimum amount of 0.75 ha of open space is required to meet the needs of the future occupiers and to provide space for a toddler and junior play area.

6. No vehicular access to the development site either for construction purposes or for any of the completed residential units shall take place from The Mount or Barracks Lane until the improvement works to the junction of Barracks Lane and The Mount, as indicated on Drawing No. DWG-02 and further illustrated in the submitted Supplementary Heritage Statement: Rev A, have been substantially completed in accordance with full engineering and design details which shall be submitted to, and approved in writing by the local Planning Authority as part of the first submission of Reserved Matters.

Reason: In the interests of Highway safety.

7. The layout submitted at the Reserved Matters stage shall include further pedestrian/cycle links to Barracks Lane in addition to the controlled emergency link and taking into account any site level differences and visibility requirements.

Reason: In the interests of Highway safety

8. The layout submitted at the Reserved Matters stage shall include no permanent through route for vehicular traffic between Copthorne Road and The Mount other than for emergency vehicles. Any Reserved Matters application for the site layout shall include details of the means of control of vehicular traffic whilst being able to accommodate emergency vehicles as necessary.

Reason: In the interests of Highway safety as the proposed vehicular access off The Mount is not considered suitable to serve the whole of the development site hereby approved.

9. As part of the first submission of Reserved Matters details of the layout, design and construction of any new roads, footways and accesses together with details of the disposal of highway surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented before the dwellings are occupied.

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

10. As part of the first submission of Reserved Matters details of a scheme of foul and surface water drainage to include Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

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

11. As part of the first application for reserved matters the submitted site layout plan shall be supported by an updated Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan assessing any impacts that arise and demonstrating that any retained trees can be protected. Thereafter the development shall be carried out strictly in accordance with the recommendations within these reports.

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

12. The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

13. The first submission of reserved matters shall include a habitat management plan. The submitted plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

14. The first submission of reserved matters shall include an update phase 1 and where appropriate phase 2 ecological surveys, an assessment of impacts from the development, and a detailed Ecological Mitigation and Enhancement Strategy and Risk Avoidance method statements submitted to the local planning authority. The updated Ecological Mitigation and Enhancement Strategy, recommendations and Risk Avoidance method statements will be implemented as approved in writing by the local planning authority unless changes are required by Natural England in order to obtain a European Protected Species Mitigation Licence. Notification of any changes required by Natural England, including a copy of the licence, must be submitted to the planning authority prior to development commencing.

Reason: To ensure the protection and enhancement of biodiversity and protected species, including Bats a European Protected Species.

15. The first submission of reserved matters shall include details for the provision of bat boxes, bat loft and bat tubes. A minimum of 22 integrated bat roost features suitable for nursery or summer roosting for small crevice dwelling bat species, and a minimum of 1 bat loft suitable for Brown Long-eared bat shall be erected on the site as shown on a site plan. The boxes & bat loft shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall be erected as shown on the site plan and maintained for the lifetime of the development.

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

16. The first submission of reserved matters shall include a lighting plan.

The plan shall:

- a) identify those areas/features on site that are particularly sensitive for bats, 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; and
- b) 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 strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. 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 advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

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

17. The first submission of reserved matters shall include details for the provision of bird boxes. The following boxes shall be erected on the site:

A minimum of 40 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes), sparrows (terrace design), house martins (nest cups). The boxes shall be sited at least 2m from the ground at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

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

18. The first submission of reserved matters shall include details of interpretation boards and/or other appropriate commemorations (to be permanently maintained and retained) which explain the history and the importance of the site.

Reason: To ensure that recognition of the history and importance of the site is secured for future generations.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

19. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent

person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

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

20. No demolition, construction or vegetation clearance shall take place until either:

a) An European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted to the Local Planning Authority; or

b) A statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required, e.g. due to a change in the proposals, and setting out any additional mitigation measures required.

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

21. No demolition, construction or vegetation clearance shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;

b) Details of protective measures (both physical measures and sensitive working practices detailed from reserved matters conditions 4, 5, and 6) to avoid impacts during construction;

c) Requirements and proposals for any site lighting required during the construction phase;

d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);

e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;

f) Identification of Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;
- ii) Compliance with planning conditions relating to nature conservation;
- iii) Installation of physical protection measures during construction;
- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
- vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

22. Prior to commencement of development (including any works of demolition) a Construction Method Statement (Traffic Management Plan) shall be submitted to, and approved in writing by, the local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

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

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

23. Prior to the demolition of any buildings a level 2 photographic survey of the interior and exterior of the buildings (as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice') shall be submitted to the Local Planning Authority.

Reason: This information is required before development commences to record the historic fabric of the buildings prior to their demolition.

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

24. Prior to the first occupation of any part of the development a detailed Travel Plan shall be submitted to, and approved in writing by, the local Planning Authority. The Travel Plan shall include support and incentives for bus, cycle use, walking and car-sharing alongside measures and targets. The Travel Plan shall relate to the entirety of the residential development and reflect the phasing of occupation as appropriate. Monitoring reports setting out the progress towards meeting the targets within approved Travel Plan shall be submitted for the approval of the local Planning Authority annually for a minimum of five years.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport

25. Prior to first occupation of the buildings, or each phase of the buildings, the Ecological Clerk of Work shall provide a report to the Local Planning Authority demonstrating implementation of the Ecological Mitigation and Enhancement Strategy and Risk Avoidance method statements 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.

26. Prior to the first occupation of any part of the development or any phase of the development a landscape management plan to include management responsibilities to ensure the implementation of a maintenance schedule for all public open space and landscaped areas (other than privately owned, domestic gardens) shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved in perpetuity or in accordance with an alternative management plan to be submitted to and approved in writing by the LPA.

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

27. A minimum of one electric vehicle (EV) plug ready charging point shall be installed at every dwelling with an off-street car parking space prior to the first occupation of that dwelling.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help protect and exploit opportunities for the use of sustainable transport modes as required by paragraph 35 of the NPPF.

APPENDIX 2: EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

16/04228/OUT
Former Copthorne Barracks
Copthorne Road
Shrewsbury
Shropshire
SY3 8LZ

Outline application (including access) for residential development and associated open space for up to 228 dwellings (C3 use) (including up to 45 apartments for retirement living and the conversion of the Armoury (the 'Keep') to provide up to 9 residential apartments) with landscaping, layout, scale and appearance reserved for later approval (amended description)

Date of consideration of three tests:

22nd August 2017

Consideration of three tests carried out by:

Nicola Stone

SC Planning Ecologist

Nicola.Stone@Shropshire.gov.uk**1 Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?**

The proposal will boost housing supply (including affordable housing) in a sustainable location making effective and efficient use of a brown field site. The proposal will provide social and economic benefits for both present and future generations and will also provide bio-diversity enhancements.

2 Is there 'no satisfactory alternative'?

The alternative is not to develop the site but this would not provide the boost to housing supply numbers in Shropshire, would not make effective use of the land and would not provide an affordable housing contribution or CIL. This would therefore not provide the social and economic benefits of the proposal and the ecological enhancements of the site.

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

I have read the above application and the supporting documents including the;

- Preliminary Bat Roost Assessment and Aerial Tree Survey, prepared by RPS reference JSL2646_873c (August 2017)
- Bat Survey Report, prepared by RPS reference JSL2646_872h (August 2017)
- Preliminary Ecological Appraisal prepared by RPS reference JSL2646_871b (November 2016)

An individual Common Pipistrelle bat was recorded roosting in building 15, and in Building 7 during the Bat Activity Survey work conducted by RPS (JSL2646_872h, August 2017).

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of a bat 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 demolished.

Section 5 of the Bat Survey Report, prepared by RPS reference JSL2646_872h (August 2017) contains the following recommended mitigation measures:

One bat was seen emerging from building 15, and one bat was seen re-entering building 7. Therefore, these two buildings are considered to be low conservation status, opportunistic roosts for low numbers of common species of bats. The removal of the roosts would need to be undertaken under licence from Natural England which would need to be secured once a final design for the site had been agreed.

Such works would be undertaken under suitably-licensed bat ecologist supervision between April and October to avoid the bat hibernation period.

However, bats are very mobile creatures and will use different roosts periodically. Due to the disuse of the site, the buildings are expected to deteriorate over the coming years, and may become more suitable for use by roosting bats. It may be several years before the submission of an application for Reserved Matters and works on site commence. Therefore, it is recommended that prior to submission of applications for Reserved Matters, an update survey is carried out to assess whether any of the buildings have significantly deteriorated, in which case further emergence surveys may be necessary.

Draft Mitigation and Enhancement Strategy

Notwithstanding the above, in order to mitigate for the loss of the low conservation status roosts and to enhance the site for bats it is recommended that a combination of bat boxes, bat bricks and bat access tiles be included within the final development on at least 10% of the total number of new buildings. These may include the Schwegler 1FR Bat Tube, Norfolk bat brick, clay bat access tiles and Schwegler 2FN bat boxes.

Breathable roofing membranes have been associated with bat mortalities, causing bats to become entangled on the membrane fibres and die due to starvation. In order to ensure any proposed buildings on site will be suitable and safe for roosting bats type 1F bitumen roofing felt will be used wherever possible.

During the design of the detailed master plan consideration should be given to enhance the site for foraging and roosting bats. It is recommended that the mature tree lines on site be retained where possible during the final development. Alternatively, similar linear features should be created by planting new native, species rich hedgerows and tree lines. This will maintain and enhance connectivity across the site, linking the site with the surrounding landscape, and ensure that bat foraging on site can continue post construction. Also, the use of sustainable urban drainage systems (SUDS) should be investigated as a mechanism for the creation of more species-rich wetland areas that would provide a significant enhancement with respect to bat foraging.

Artificial lighting on site should be minimised so as not to deter foraging and commuting bats. Any lighting should have cowls attached to direct the light to where it is needed and avoid light spill.

Further enhancements could include planting a range of night scented flowering plants that would attract night time insects, which in turn the bats would feed on.

I am 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 conditions set out in the ecology consultee response from Nicola Stone to Jane Raymond (dated 22nd August 2017) are included on the decision notice and are appropriately enforced. The conditions are:

CONDITIONS:

1. No demolition, construction or vegetation clearance shall take place until either:
 - a) An European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted to the Local Planning Authority; or
 - b) A statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required, e.g. due to a change in the proposals, and setting out any additional mitigation measures required.

Reason: To ensure the protection of bats European Protected Species.
2. No demolition, construction or vegetation clearance shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;
 - b) Details of protective measures (both physical measures and sensitive working practices detailed from reserved matters conditions 4, 5, and 6) to avoid impacts during construction;
 - c) Requirements and proposals for any site lighting required during the

construction phase;

- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

3. Prior to first occupation of the buildings, or each phase of the buildings, the Ecological Clerk of Work shall provide a report to the Local Planning Authority demonstrating implementation of the Ecological Mitigation and Enhancement Strategy and Risk Avoidance method statements 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.

CONDITION FOR RESERVED MATTERS:

4. The first submission of reserved matters shall include an update phase 1 and where appropriate phase 2 ecological surveys, an assessment of impacts from the development, and a detailed Ecological Mitigation and Enhancement Strategy and Risk Avoidance method statements submitted to the local planning authority. The updated Ecological Mitigation and Enhancement Strategy, recommendations and Risk Avoidance method statements will be implemented as approved in writing by the local planning authority unless changes are required by Natural England in order to obtain a European Protected Species Mitigation Licence. Notification of any changes required by Natural England, including a copy of the licence, must be submitted to the planning authority prior to development commencing.

Reason: To ensure the protection and enhancement of biodiversity and protected species, including Bats a European Protected Species.

5. The first submission of reserved matters shall include details for the provision of bat boxes, bat loft and bat tubes. A minimum of 22 integrated bat roost features suitable for nursery or summer roosting for small crevice dwelling bat species, and a minimum of 1 bat loft suitable for Brown Long-eared bat shall be erected on the site as shown on a site plan. The boxes & bat loft shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall be erected as shown on

the site plan and maintained for the lifetime of the development.

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

6. The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

7. The first submission of reserved matters shall include a habitat management plan. The submitted plan shall include:
- a) Description and evaluation of the features to be managed;
 - b) Ecological trends and constraints on site that may influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
 - g) Personnel responsible for implementation of the plan;
 - h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
 - i) Possible remedial/contingency measures triggered by monitoring;
 - j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

8. The first submission of reserved matters shall include a lighting plan.

The plan shall:

- a) identify those areas/features on site that are particularly sensitive for bats, 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; and
- b) 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 strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. 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 advice on lighting set out in the Bat Conservation Trust's *Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting* (2014).

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