

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 18/01747/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Retention of existing two storey temporary unit on raised foundations to provide theatre with plant room above for a further period of 3 years		
<u>Site Address:</u> The Shropshire Nuffield Hospital Longden Road Shrewsbury SY3 9DP		
<u>Applicant:</u> c/o Agent		
<u>Case Officer:</u> Shannon Franklin	<u>email:</u> planningdmne@shropshire.gov.uk	

Grid Ref: 347956 - 310787



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

- 1.1 This application is for the retention of the existing two storey temporary unit on raised foundations to provide theatre with plant room above for a further period of three years.
- 1.2 The building is sited to the west elevation of the main hospital building and is raised off the ground on concrete pads 1.5 metres tall with the operating theatre measuring 8 metres wide by 16 metres long. A linking corridor to the main building is also provided. The flat roofed operating theatre is 4 metres in height with a plant room above measuring 3 metres wide by 11.4 metres long also to a height of 4 metres. The plant room is situated to the southern corner of the flat roof of the operating theatre.
- 1.2 This application follows the original planning approval in 2004 and three subsequent renewals in 2009, 2012 and 2015.
- 04/0739/F – Erection of a two storey temporary unit (on raised foundations) for use as an operating theatre and associated plant room on top. Granted 10th September 2004.
 - 09/00016/FUL - Erection of a two storey temporary unit on raised foundations to provide theatre with plant room above. Granted 4th June 2009.
 - 12/01233/FUL - Renewal of extant planning permission ref 09/00016/FUL for the erection of a two storey temporary unit on raised foundations to provide theatre with plant room above. Granted 24th May 2012.
 - 15/01467/FUL - Retention of existing two storey temporary unit on raised foundations to provide theatre with plant room above for a further period of 3 years. Granted 29th May 2015.
- 1.3 The applicant has been encouraged both at the point of previous renewals and in relation to this current application to consider a permanent solution to this temporary structure. The applicant has indicated that they are considering the erection of a permanent structure (which will require formal approval from the LPA) and that in the interim additional measures to address the concerns of the adjacent neighbour at No.41 Henlow Rise are being discussed. These measures predominantly relating to the boundary treatments between the sites are not considered as part of this application and are considered to be a civil matter between the parties.
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- 2.0 SITE LOCATION/DESCRIPTION**
- 2.1 The proposed site is located to the west elevation of the main hospital building which is orientated such that its main entrance faces the car park to the south. There are limited views of the proposal from Mousecroft Lane to the south from which the site is accessed.
- 2.2 The wider site is bounded to the north and east by residential dwellings, to the South by Mousecroft Lane on the opposite side of which is additional car parking

associated with the hospital and to the west by Longden Road. The sites boundaries in all directions are lined with hedges and tree planting. To the west immediately adjacent to the site is a mature leylandii hedge screening the temporary building from the neighbouring property.

- 2.3 The design of the building relates to the fact that it is a temporary building and it is constructed from composite steel panels which will allow it to be removed in due course and that the building is grey in colour. The operator of the hospital is a charity and this theatre is largely used for National Health Service procedures to the benefit of the local community. Also that the immediate neighbours to the operating theatre have been written to, to inform them that this planning application is being made.

3.0 REASON FOR DELEGATED 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 Parish Council have submitted a view contrary to officers.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Shrewsbury Town Council

Whilst the Town Council recognises that these facilities are required, they cannot support this application. They sympathise with a local resident that has had to endure the noise from the generator for the past 14 years, which was meant to be 'temporary'. The Town Council requests that a more permanent solution is now found which does not impact on the local residents.

4.1.2 SC Drainage

We have no comment from the drainage and flood risk perspective, regarding the retention of existing two storey temporary unit on raised foundations to provide theatre with plant room above for a further period of 3 years.

4.2 - Consultee Comments

- 4.2.1 This application was advertised via notice at the site. Additionally, the residents of ten neighbouring properties were individually notified by way of publication. At the time of writing this report, one representations had been received in response to this publicity. The representation receive objects to the scheme for the following reasons:

- Repeated temporary planning permission have been granted for a building with a 'shelf life' of 10 years;
- The leylandii hedge needed to screen the development is not maintained and blocks sunlight and television signal to the adjoin property;
- The building remains an intrusive eyesore.

5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
 - **Siting, scale and design of structure**
 - **Visual impact and landscaping**

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy 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. Policy CS6 also requires that development safeguards residential and local amenity and ensures sustainable design and construction principles are incorporated within the new development.
- 6.1.2 Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 6.1.3 Policy CS8 'Facilities, Services and Infrastructure Provision' aims to develop sustainable places in Shropshire and maintain and enhance existing services and facilities together with the provision of appropriate supporting infrastructure.

6.2 Siting, scale and design of structure

- 6.2.1 The proposal is designed at a suitable scale to meet the needs of the use contained within it and is constructed such that it is temporary in design and can be dismantled and moved off site as necessary.
- 6.2.2 Officers considered that the siting is appropriate to the proposed use and ensures minimal visual impact.

6.3 Visual impact and landscaping

- 6.3.1 The siting of the structure to the west (rear) of the hospital away from key public viewpoints and not clearly discernible within the street scene ensures the scheme will not be experienced as visually intrusive.
- 6.3.2 One public objection and an objection from the Town Council has been received predominantly concerned about the 'temporary' nature of the scheme.
- 6.3.3 Officers consider that the scheme does not significantly impact upon the neighbouring residents amenity through overshadowing, overbearing or impacts on privacy, due to the distances involved and the nature of the structure. It is noted that the existing hedging screens the development from the neighbouring residential dwellings.
- 6.3.4 While the repeated use of temporary permission is noted, on balance the structure complies with CS6 and CS8 and as such the principle of development is acceptable. The applicant has been advised to enter into pre-application discussions with the Local Authority to determine a more permanent solution on site.

7.0 CONCLUSION

- 7.1 On balance it is considered that the continued siting of the temporary building to the rear of the hospital away from the main public views is acceptable for a further temporary period of 3 years. The scheme is considered to accord with the principles of Policies CS6 and CS8 and the National Planning Policy Framework (NPPF).

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of

being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

09/00016/FUL Erection of a two storey temporary unit on raised foundations to provide theatre with plant room above GRANT 4th June 2009

12/01233/FUL Renewal of extant planning permission ref 09/00016/FUL for the erection of a two storey temporary unit on raised foundations to provide theatre with plant room above GRANT 24th May 2012

PREAPP/13/00175 Proposed residential development for up to 190 no. dwellings, access, open space and associated works. PREAIP 23rd June 2013

15/01467/FUL Retention of existing two storey temporary unit on raised foundations to provide theatre with plant room above for a further period of 3 years GRANT 29th May 2015

18/01747/FUL Retention of existing two storey temporary unit on raised foundations to provide theatre with plant room above for a further period of 3 years PDE

SA/90/1257 Refurbishment and extension to existing hospital to provide additional day care, outpatient and operating theatre facilities. PERCON 9th January 1991

SA/90/0537 Erection of an extension to provide bulk store. PERCON 24th May 1990

SA/91/0744 Provision of 4 no. air cooled condensers on north wing roof. For Nuffield Hospitals. PERCON 31st July 1991

SA/91/0836 Erect and display a non illuminated temporary sign board. For Nuffield Hospitals. PERCON 28th August 1991

SA/91/1307 Formation of a temporary site access from Longden Road (renewal of planning permission reference 91/534/92/85 dated 22nd May 1991). For Nuffield Hospitals. PERCON 8th January 1992

SA/92/0524 Continue to site a single storey demountable type building providing temporary staff accommodation whilst hospital is undergoing alterations and refurbishment. For Nuffield Hospital. PERCON 17th June 1992

SA/92/0928 Erect and display an internally illuminated fascia sign. For Nuffield Hospital. PERCON 25th September 1992

SA/85/0564 Erection of a flat roof extension to enclose north staircase. PERCON 1st August 1985

SA/85/0371 Alterations and additions to change the use of existing staff accommodation block into a consulting room suite. PERCON 13th June 1985

SA/87/0226 Erection of a flat roof incinerator house with chimney. PERCON 4th June 1987

SA/90/0690 Refurbishment and extension of existing hospital to provide additional bedroom and theatre wing. PERCON 29th August 1990

SA/90/1190 Erection of a 144 metre square portakabin duplex system single storey building to provide temporary accommodation for out-patient consulting when existing building is demolished to make way for proposed hospital extensions. PERCON 28th November 1990

SA/91/0354 Formation of a temporary site access from Longden Road. For Nuffield Hospitals. PERCON 22nd May 1991

SA/85/0997 Extensions to existing car parking facilities. PERCON 12th December 1985

SA/96/0206 Erection of an extension to provide linen store after removal of existing portable building. PERCON 4th April 1996

SA/95/1237 Siting of a single storey portable building (Renewal of temporary permission reference 94/666/92/85 dated 27/7/94). PERCON 16th January 1996

SA/94/0666 Siting of a single storey portable building for a temporary period of 18 months. PERCON 27th July 1994

SA/05/0129/F Erection of a two storey temporary unit for the use as operating theatre with associated plant room, external staircase, external ducting and external waste chute (amendment to planning permission 04/0739/F granted 10.09.04) Retrospective. PERCON 27th April 2005

SA/04/0739/F Erection of a two storey temporary unit (on raised foundations) for use as an operating theatre and associated plant room on top PERCON 10th September 2004

SA/04/0462/F Erection of a two storey temporary building to accommodate an operating theatre on raised foundations and associated plant room on first floor WDN 12th May 2004

SA/04/0306/ADV Erection of 2 no. double pole mounted externally illuminated signs, 5 no. single pole mounted non-illuminated signs and 1 no. double pole mounted non-illuminated sign for existing and new car parks PERCON 30th April 2004

SA/02/1623/REW To continue to site for a period of 3 years 1 no. portable office building (renewal of planning permission 99/1104/92/85) PERCON 20th January 2003

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Keith Roberts
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be for a limited period being the period of 3 years from the date of this permission. At the end of this period the development hereby permitted shall cease.
2. The development shall be carried out strictly in accordance with the approved plans and drawings.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

3. The sound levels emitted at any time from the plant room shall not exceed 45d(B) LA eq when measured at any point along the line AB and shall not exceed 26d(B) LA eq when measured along line BC on the approved plan drawing no. 080391P(0)03.

Reason: To safeguard the amenities of the occupiers of the adjoining properties.

4. The temporary operating theatre and plant room hereby approved shall not be used between the hours of 18:00 and 08:00 Monday to Saturday and at no time on Sundays and Bank Holidays with the exception of emergency admissions.

Reason: To safeguard the amenities of the occupiers of the adjoining properties.

5. The opening to the hopper on the waste chute shall be covered whilst not in use and the opening to the waste skip (positioned under the chute) shall be lidded or suitably covered.

Reason: In the interest of public health.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.