



Committee and date

Central Planning Committee

10 September 2015

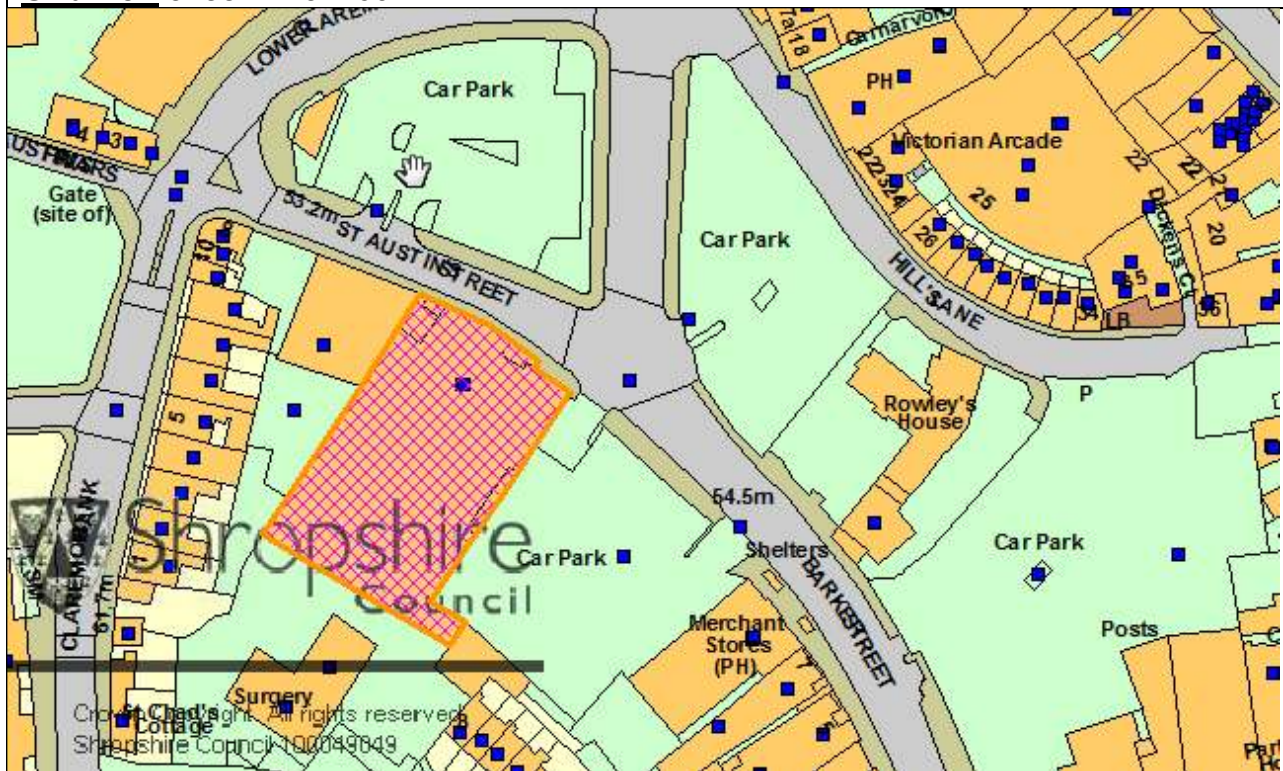
Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/03009/FUL	Parish:	Shrewsbury Town Council
Proposal: Demolition of former Shrewsbury Sixth Form College building known as The Tannery		
Site Address: Former Shrewsbury Sixth Form College The Tannery Barker Street Shrewsbury Shropshire		
Applicant: Shropshire Council		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 348871 - 312604



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to demolition of the former Shrewsbury Sixth Form College building known as The Tannery. A subsequent application (15/03580/FUL) has been submitted for the erection of three (4-storey) blocks of student accommodation and one (3-storey) block of management and post-graduate accommodation on this site and the adjacent car park. The consultation period on this application has not expired and is not ready to be determined.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is situated within the 'Town Centre Special Character Area' which makes up part of the larger Shrewsbury Conservation Area. The building is a 20th Century building on the site of a former tannery previously occupied by Shrewsbury Sixth Form College and faces St Austins Street. The building to the West has already been demolished and there is a surface car park on the adjacent land to the East..

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposal does not comply with the delegation to officers as set out in Part 8 on the Shropshire Council Constitution as it is an application made by the Council and is on land owned by the Council and is not in line with statutory functions

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Historic England

Historic England Advice

We recommend that conditions should be imposed requiring the contract for the replacement building to be let before demolition of the existing building takes place.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

4.1.2 SC Conservation

Background to Recommendation:

This application proposes the demolition of the former Sixth Form College building, which sits in a central and visually prominent location in the Shrewsbury town

centre The property is located within the 'Town Centre Special Character Area' which makes up part of the larger Shrewsbury Conservation Area. The building is of relatively modern construction, is tired in appearance and does not contribute positively to the visual amenity of the surrounding area and the street scene. Our records and archival mapping indicate the site was formerly occupied by a tannery of likely 19th Century construction, much of which was destroyed by a fire in the 1960s, after which the current building was constructed.

Principles of Scheme:

In considering this proposal, due regard to the following local and national policies, guidance and legislation has been taken: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF) published March 2012, the Planning Practice Guidance, and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

There is no objection in terms of historic environment matters to the demolition of the existing building which presents an opportunity to enhance the site in this key location within the town centre. The archaeology half of our Team has requested that remains of the former 19th Century tannery building are formally recorded prior to demolition and a condition in this regard should be added to the Decision Notice. We would also note the advice from Historic England, which aims to prevent the creation of long term gap site which is not appropriate here. We would ask that our Team and Historic England are formally consulted on subsequent planning applications related to this site so that we can fully assess the potential impacts of future proposals on the setting of adjacent heritage assets, the visual character of the immediate street scene and the character and appearance of the wider Conservation Area and to ensure future proposals will preserve and enhance the Conservation Area as required by Section 77 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.1.3 **SC Archaeology**

It is understood that this the north-eastern wall of the existing building comprises standing remains of the late 19th century tannery buildings which previously occupied the site. This wall should therefore be subject to a programme of building recording prior to demolition. However, it is understood that fieldwork that will achieve this will be completed prior to the determination of the application, as part of a wider archaeological assessment of the site. As a consequence, we have no further comments to make on this application with respect to archaeological matters at this stage.

4.1.4 **SC Ecology**

An internal and external survey of the building and its surroundings was carried out on June 18th 2015. All rooms were searched with the exception of one ground floor toilet, which was locked. The roof was accessed through a hatch. All suspended ceiling spaces around the perimeter of the building were examined by using ladders and a powerful torch. The exterior of the building was also examined, using binoculars. There are no sites with statutory protection for nature conservation

within 1km of the site. The River Severn is a Local Wildlife Site and lies c. 110m from the demolition site. The Quarry (about 200m W) and Porthill Meadows (about 450m W, beyond the river) both have some recognised habitat value. Impacts on protected or valued habitat are unlikely.

The only semi-natural habitat close to the site is the scrub and climber growth on adjacent walls. There are no ponds or other water bodies close to the site, and no woodland, hedgerow networks or diverse grassland. The only protected species that are at all likely to be present are bats and nesting birds.

Bats

No evidence of bat activity was found inside the building or the adjacent store room out building. The main building is tightly sealed around its roofline and there was no visible access to the interior of the building for bats. The only areas of concern identified were the hanging tiles on two sides of the building, the voids in the western wall and two disused chimney shafts in the store room which could not be inspected effectively. The consultant advised that an evening activity survey in summer for pipistrelle bats and other crevice dwelling species such as Daubenton's bat should be carried out. The consultant considered that species that favour large voids, such as long-eared bats and Natterer's bat are very unlikely to be present.

Three bat activity surveys were carried out, the first on 25th June 2015 as a roaming survey by one observer around the outside building, from shortly before sunset to one hour after sunset. Two further surveys were completed, on 28th and 29th July, to Bat Conservation Trust standards. These were by two observers from fixed positions, with an Anabat ultrasonic recorder in a third location on each night.

No bats were seen or heard emerging from the building during the survey. The only activity detected was a single pass, by a noctule, at 22:08 on 29th July. The consultant concludes 'This strongly indicates that there are no bats present in the building and that the location is not attractive to foraging bats, which further decreases the likelihood of bats roosting in the building.'

Nesting Birds

There was no sign of any birds nesting in the building, on or in the walls, or on the roofs. Large numbers of birds were seen around the ivy and creeper-covered walls to either side, including many house sparrows, now of conservation concern because of a sharp decline in their UK population. These walls are likely to have nest sites, so vegetation should be left intact wherever possible and the walls undisturbed. If works have to be carried out on these walls it should not take place in the bird nesting season i.e. not before the end of August.

Other impacts

The River Severn passes c.180m north of the site and is protected from pollution and other impacts under various Acts. Care will be needed over drainage from the site; in addition to current land drainage arrangements, disused drainage routes may still be in place.

Because ecological survey can only show presence or likely absence, rather than certain absence, and because species may move into a site before the start of development work, a careful approach is advisable. The precautions and recommendations in the ecological report by Camlad Ecology Ltd should be conditioned and followed.

4.1.5 **SC Public Protection**

Having regard of past activities at the site as a Tannery we have knowledge that the Tannery tanks were not removed or when the existing structures were built. As a result it is advised that careful consideration is given to break out of any slabs above these tanks until measures are in place to undertake contaminated land assessments of the site and be in a position to remediate any contamination found.

4.2 **- Public Comments**

4.2.1 **Shrewsbury Town Council** - Raises no objections to this application.

5.0 **THE MAIN ISSUES**

Impact on the character and appearance of the Conservation area.

Archaeology

Ecology

Contaminated land

6.0 **OFFICER APPRAISAL**

6.1 **Impact on the character and appearance of the Conservation area and the setting of surrounding listed buildings**

6.1.1 The proposed site is situated within the Shrewsbury Conservation Area and special regard has to be given to preserving or enhancing the character or appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The existing building is a modern 20th Century building of no architectural interest or merit and it is considered that its loss will enhance the appearance of the area. However it is acknowledged that a large gap in the street scene could have an adverse impact on the character and appearance of the area and it would be preferable to have permission for a replacement building secured prior to its demolition. However there are time constraints with the re-development of this site and it is hoped that the proposed university student accommodation buildings to be considered under a separate application will be constructed and completed by September 2016. It is hoped that the application for the student accommodation on this and the adjacent sites will be ready to be presented to committee in October but in order to meet the tight timetable if this application for demolition is approved there is a requirement for there to be no pre-commencement conditions so that work on the demolition can commence immediately. It is considered that the commitment of both Chester University and Shropshire Council in promoting 'University Centre Shrewsbury' and that an application has already been submitted for redevelopment of the site is sufficient evidence that the site will not be left vacant and the town will not be left with a large undeveloped gap.

6.2 **Archaeology**

- 6.2.1 The north-eastern wall of the existing building comprises standing remains of the late 19th century tannery buildings which previously occupied the site. This wall has already been subject to a programme of building recording as part of the archaeological survey work and a wider archaeological assessment of the site submitted with the application for the student accommodation. No further archaeological field work is required prior to the above ground demolition of the buildings.

6.3 **Ecology**

- 6.3.1 An ecological and protected species survey has been submitted which concludes that there are no bats present in the building and that the location is not attractive to foraging bats, which further decreases the likelihood of bats roosting in the building. There was no sign of any birds nesting in the building, on or in the walls, or on the roofs of the building to be demolished. It is therefore considered that the proposal would have no adverse impact on protected species or wildlife subject to the imposition of the condition regarding precautionary methods of working.

6.4 **Contaminated land**

- 6.4.1 Due to the potential for there to be underground tanks in connection with the former use of the site as a tannery an informative will be imposed regarding the break out of any slabs above the tannery tanks to ensure measures are in place to undertake contaminated land assessments of the site and be in a position to remediate any contamination found. These assessments have been undertaken and will be considered as part of the application for the new build prior to the commencement of below ground works.

7.0 **CONCLUSION**

- 7.1 It is considered that the proposed demolition of the building would not be a loss to the character and appearance of the conservation area and that it presents an opportunity to enhance the site. Full consideration will be given to the visual impact of the proposed replacement buildings when the application for the Student accommodation is considered.

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 three months 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: CS6 and CS17

RELEVANT PLANNING HISTORY:

15/03580/FUL Erection of three (4-storey) blocks of student accommodation; one (3-storey) block of management and post-graduate accommodation; new/altered vehicular access; cycle parks; and ancillary works PCO

11. Additional Information

List of Background Papers: File 15/03009/FUL
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Andrew Bannerman
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

3. Work shall be carried out strictly in accordance with the precautions and recommendations in 'The Tannery Site, St Austin Street, Shrewsbury, Ecological and protected species survey', July 2015 by Camlad Ecology Ltd.

Reason: To ensure the protection of bats, European Protected Species, nesting birds and other wildlife.