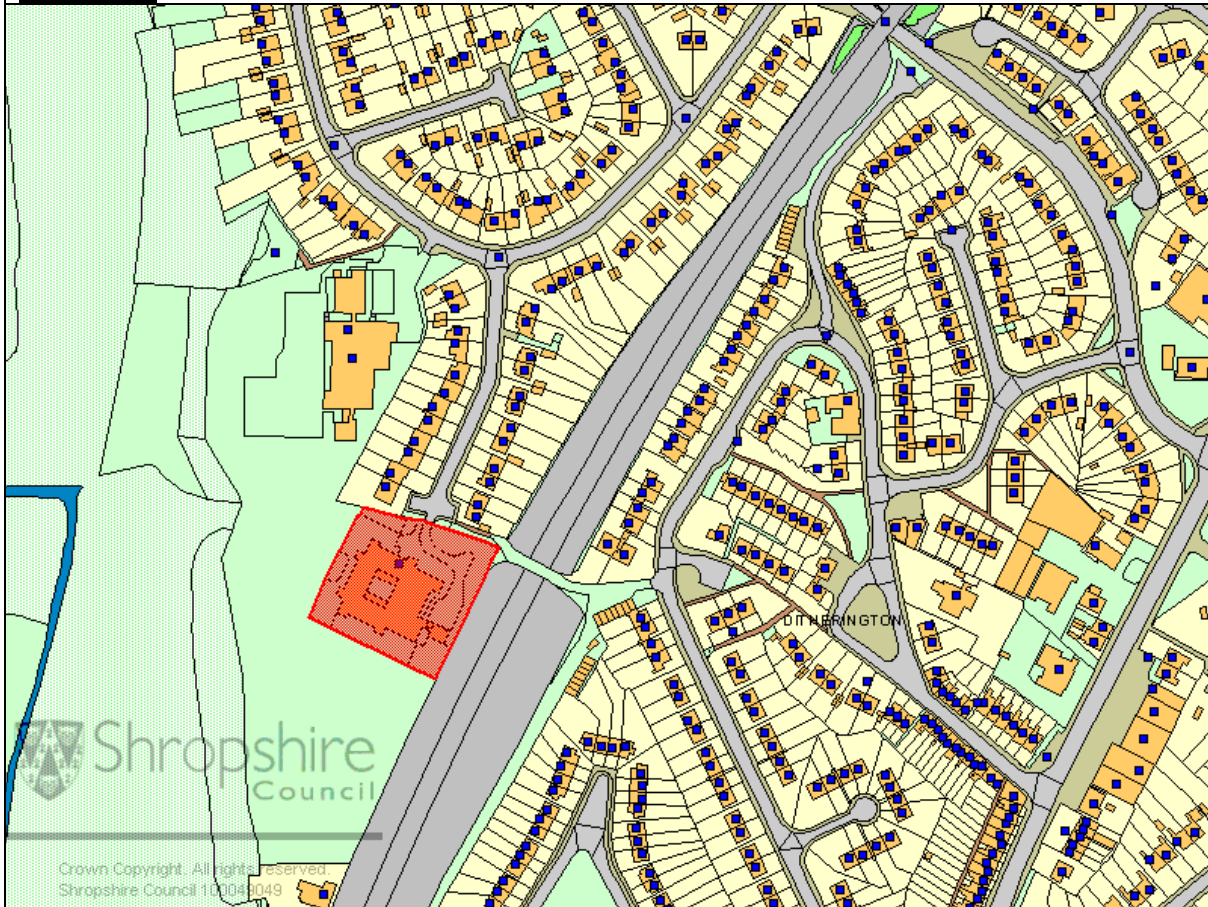


Development Management Report

Responsible Officer: Stuart Thomas
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Summary of Application

Application Number: 12/01093/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of 8 no. two storey dwellings, one single storey assisted living dwelling, and car parking associated with the adjacent school following demolition of former school buildings		
Site Address: Former Mount Pleasant Infant School Bagley Drive Shrewsbury		
Applicant: Shropshire Council (Facilities Management)		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	
Grid Ref: 349924 - 314387		



Recommendation: Grant Permission subject to the conditions sets out in Appendix 1 and the completion of a Section 106 planning obligation.

Recommended Reason for Approval

The design and layout of the dwellings is acceptable and although contemporary in design relates in scale and layout to the nearby semi-detached dwellings. Adequate amenity and parking space will be provided for each dwelling, including the assisted living bungalow, and the proposal would not be harmful to the residential amenity of neighbouring properties. The proposal would not result in a significant increase in traffic and would therefore have no highway safety implications. A landscaping scheme will help soften the appearance of the development and enhance the appearance of the site and biodiversity enhancements will be secured by the imposition of conditions. The proposal therefore accords with Shropshire LDF Policies CS2, CS6 and CS17 and the NPPF.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of 8 open market houses, one assisted living bungalow to provide residential accommodation for up to three adults with learning disabilities and provision of a staff car park for Mount Pleasant Primary School following demolition of the Mount Pleasant Infant school building that is now vacant.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed site is the former Mount Pleasant Infant School building and school grounds. It is situated within a residential area accessed via Bagley Drive to the North of the site. The Eastern boundary is adjacent the railway line and the school playing fields surround the site boundaries to the South and the West.

3.0 REASON FOR COMMITTEE/DELGATED 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 application is made by the Council in relation to land owned by the Council for development which is not in line with statutory functions.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 **SC Highways DC:** Do not raise any highway objections in principle to permission being granted for this application. It is assumed that the roadway and footways on the site would remain in the private ownership of the Council but should it be required for them to become part of the adopted public highway, plans detailing the specification for their construction would need to first be verified by the Highway Authority before works commenced. In order that the development does not give rise to any undue parking or congestion on Bagley Drive recommends a condition is attached to any permission granted.

- 4.1.2 **SC Drainage:** The site lies over a Source Protection Zone 3. SUDs applicability for the site is Infiltration. The application form states that surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection is not desirable, as it can result in increased flood risk elsewhere. The site is classed as brownfield, therefore a 50% betterment to current surface water flows should be provided in accordance with Shropshire Council's 'Surface Water Management: Interim Guidance for Developers'. The betterment requirement will be assumed to have been achieved if all surface water is disposed of via soakaways. The site is within a high risk area of surface water flooding and a Surface Water Management Plan is required to accompany applications for all development within a medium or high risk surface water area. On receipt of a 'Surface Water Management Plan' requested additional information in respect of percolation tests and the use of soakaways or alternative drainage system.
- 4.1.3 **SC Public Protection** – Specialist: Specialist Pollution do not have any comments to make in respect of this planning application.
- 4.1.4 **SC Trees:** The scheme does not appear to remove any protected or significant amenity trees. I would like to see a landscape plan with the reserved matters which includes new tree planting with adequate space for trees to soften and enhance the proposal.
- 4.1.5 **SC Ecologist:** I have read the above application and the supporting documents including the Bat Survey by Worsfold & Bowen (2009). The site has also been visited in 2012 by EcoTech. There was very little potential for bats according to Worsfold & Bowen (2009) and this is confirmed by the informal comments of EcoTech following their site visit in 2012. I am satisfied that no further bat surveys are required. The wider environment has potential for foraging and commuting bats. The site has potential for nesting Wild Birds to be present. The informal site visit notes from EcoTech identify some ditch sections which have potential for Great Crested Newts but these are all over 100m from the proposed development site and as such EcoTech do not recommend further survey. The proposed development is close to a SSSI and a Local Wildlife Site and as such Natural England and Shropshire Wildlife Trust should be formally consulted. This site is in close proximity to a County Wildlife Site, Old River Bed Shrewsbury (non SSSI portions), designated by Shropshire Wildlife Trust for its peat filled old river bed, marsh and damp grassland and sedge flora with unimproved meadows. Shropshire Wildlife Trust should be consulted on this application.
- 4.1.6 **Natural England:** Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. This application is in close proximity to Old River Bed Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites. This proposal does not appear to affect any other statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.

- 4.1.7 **Shrewsbury Town Council:** Members initially expressed concerns regarding the suitability of the development for unsupervised, vulnerable people, especially so close to the school. The Town Council has discussed with officers the provision of the facility proposed for the site and members now have a better understanding of the levels of assisted care that shall be made available. With that regard the Town Council has no objections to the proposed development and wishes to remove the comments previously made.
- 4.1.8 **SC Transport Planner:** Our team has been working closely with the school on School Travel Plans and Bike It projects for a number of years and we are keen to ensure that the new development does not have a negative impact on sustainable access to the school, nor encourage overuse of cars for access to the new properties. The application form mentions 24 cycle parking spaces but I see no details of this. The school already has good cycle parking (part-funded by us) but the new housing and sheltered bungalow should include at least 2 secure, covered cycle spaces per property, as there are no garages included in the proposals. Could this be a condition of the development, given its good access to the local cycling network? The design and access statement mentions a raised pedestrian crossing but again, this is not shown on the plans. Would it be possible to ensure that this is a condition of the development? In particular, there needs to be improved access between the well-used railway bridge path, Bagley Drive and the school path. Suggested improvements would be widening and resurfacing of the railway bridge path at the Bagley Drive end plus the raised pedestrian crossing across the new access road, parking regulations and/or markings need to be considered to prevent parent parking around the development site. Keep clear zigzags should be considered at the southern end of the development, adjacent to the school access.

4.2 - Public Comments

- 4.2.1 5 letters of objection have been received from residents in Bagley Drive summarised as follows:
- ☐ Local residents were not consulted prior to submission of this application and a formal meeting should be arranged prior to a decision being made.
 - ☐ Not all residents in Bagley Drive were notified about the application.
 - ☐ When this land was purchased it was on the condition it was used for educational use.
 - ☐ The proposed development would bring around an extra 50 vehicles along Bagley Drive which would represent a 50% increase in traffic.
 - ☐ Bagley Drive is a cul-de-sac not designed for heavy traffic; it is narrow and with cars parked on the road (including parents picking up children) makes it difficult for cars to pass.

- ☐ The increase in traffic would put the residents and children in Bagley Drive at risk.
- ☐ Children will now have to cross a through road rather than the existing turning head on their way to school.
- ☐ A 15mph speed restriction should be introduced.
- ☐ The proposed car park will not give a good look to the area.
- ☐ Lighting of the car park may cause a nuisance if not controlled.
- ☐ Where will school staff park whilst building work is in progress?
- ☐ The proposed houses will not be in keeping with existing properties as they are not sympathetic or complementary to existing houses but are incongruous.
- ☐ There should be no social housing as Bagley Drive is all privately owned.
- ☐ It is not a good idea to locate a bungalow for people with learning difficulties adjacent to a school and no detail has been given regarding the kind of disability.
- ☐ The proposal will reduce the value of existing houses.
- ☐ The proposal might result in the sewer in the main road being changed again.
- ☐ We have already had to put up with workmen for the last 3 years whilst work was carried out at Mount Pleasant Primary School.

5.0 THE MAIN ISSUES

The main issues in determining this proposal are:

- ☐ Principle of the Development
- ☐ Layout, Scale and Design
- ☐ Highway Implications
- ☐ Impact on Neighbouring properties
- ☐ Ecology
- ☐ Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The provision of housing within the urban area of Shrewsbury accords with policy CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire. The development of the site for residential use is therefore acceptable in principle and would make could use of a redundant brownfield site. CS11 requires that all new housing development makes a contribution to affordable housing calculated at a rate of 13% under the current Housing SPD. One assisted living affordable unit will be provided on site in addition to an off-site affordable Housing Contribution secured by a S106 agreement. The scheme will also be liable for a financial contribution towards infrastructure under the CIL regulations.

6.2 Layout, scale and design

6.2.1 The proposal includes a car park for 24 cars to the West of the proposed extended Bagley Drive and the erection of a bungalow on the opposite side of the road. The bungalow and car park will be screened from the existing residential development by the existing footpath and boundary hedge and additional landscaping. A row of 8 semi-detached properties will be erected at the head of the extended cul-de-sac and are of a contemporary design. The Design and Access statement outlines how the adjoining properties in the surrounding area are in the main, traditional two storey brick-built semi-detached properties, with tiled pitched roofs. The proposed development would recognise the established two-storey, semi-detached form, proportion and arrangement, but aims to replicate this with a modern contemporary approach embracing modern design, materials and methods of construction. The siting of the proposed dwellings at the end of the proposed extended cul-de-sac means that the site will not be immediately associated with the existing street scene of Bagley Drive. This separation from the properties in Bagley Drive means that the new dwellings would be seen as a stand alone development, rather than a continuation of the existing built form. Although the proposed contemporary design may not be to everyone's taste, and local residents have commented on this, as the proposed dwellings will be visually separated from the existing residential development it is considered that the scale and design would not have an adverse impact on the character and appearance of the locality. A similar scheme for two dwellings of the same scale and design has been approved by the Bridgnorth Committee at a site off Idsall Crescent in Shifnal (11/02634/FUL).

6.2.2 Local residents have also expressed concern regarding the appearance of the proposed car park and fencing. However it is not considered that this would have a detrimental impact on the appearance of the locality as the existing site already consists of a school building surrounded by expanses of hard surfaced areas and is surrounded by high security fencing. A landscaping scheme will be imposed on any approval and this will enhance the appearance of the site and the locality.

6.3 Highway Implications

6.3.1 Highways do not raise any objection to the proposal as it is not considered that the proposal would result in a significant increase in traffic along Bagley Drive. This cul-de-sac is already used by staff parking at the old school site and Bagley Drive is used by parents picking up children from school. This will not change as a result of

this proposal but parking arrangements will become more formalised. The old school site also provides safe staff and pupil pedestrian access to the new school, minimising vehicular and pedestrian access at the main entrance off the adjoining Whitemere Road and it is desirable that this continues. Adequate parking space and turning areas will be provided for the proposed dwellings and the assisted living bungalow, and a condition will be imposed to ensure that the parking and turning areas are implemented prior to the occupation of the dwellings. The pedestrian access to the school also indicates a cycle storage area between the staff car park and pedestrian access to the school. Details of the provision of cycle storage will be subject to condition.

- 6.3.2 The Design and Access statement and an amended proposed layout plan indicate the provision of a raised pedestrian crossing. The Transport planner has requested certain improvements to the existing well-used railway bridge path, Bagley Drive and the school path including widening and resurfacing of the railway bridge path at the Bagley Drive end plus the raised pedestrian crossing across the new access road, and parking regulations and/or markings to prevent parent parking around the development site. It is not considered that these improvements can be made a condition of this application but the scheme will be CIL liable and CIL funds can be used to make any infrastructure improvements to the highway or pedestrian routes in the vicinity of the development. However as the raised pedestrian crossing is within the application site a condition can be imposed to ensure that this is implemented prior to the use commencing.

6.4 Impact on Neighbouring properties

- 6.4.1 The proposed buildings will be several metres away from existing residential properties and would have no adverse impact in terms of overshadowing, appearing overbearing or a loss of privacy. Residents' concerns mainly relate to highway safety which has been addressed above. Comments in relation to a reduction in the value of property, social housing or the intended future occupiers of the assisted living accommodation are not material planning considerations and conditions cannot be imposed regarding this. However a condition can be imposed regarding the submission of lighting details for the proposed car park to ensure that any lighting does not cause a nuisance for neighbouring properties.

6.5 Ecology

- 6.5.1 The proposed development is close to a SSSI and a Local Wildlife Site and Natural England have confirmed that given the nature and scale of this proposal it would have no impact on designated sites and does not appear to affect any other statutorily protected sites or landscapes. The Councils ecologist has confirmed that having reviewed the submitted ecological reports the proposal would have no impact on protected species or habitats.

6.6 Drainage

- 6.6.1 Foul drainage will be to the main sewer and a Surface Water Management Plan has been submitted. The Councils Drainage engineers have requested additional information regarding surface water drainage to demonstrate why surface water drainage to soakaways is not feasible and a condition will be imposed regarding this.

7.0 CONCLUSION

7.1 The design and layout of the dwellings is acceptable and although contemporary in design relates in scale and layout to the nearby semi-detached dwellings. Adequate amenity and parking space will be provided for each dwelling, including the assisted living bungalow, and the proposal would not be harmful to the residential amenity of neighbouring properties. The proposal would not result in a significant increase in traffic and would therefore have no highway safety implications. A landscaping scheme will help soften the appearance of the development and enhance the appearance of the site and biodiversity enhancements will be secured by the imposition of conditions. The proposal therefore accords with Shropshire LDF Policies CS2, CS6 and CS17 and the 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 - written representations, a hearing or inquiry.
- ☐ The decision is 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 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 give 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 1970.

9.0 FINANCIAL IMPLICATIONS

There are likely financial implications of 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 dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

10. BACKGROUND

Relevant Planning Policies:

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:

CS2: Shrewsbury Development Strategy

CS6 : Sustainable Design and Development Principles

CS11 : Type and Affordability of Housing

Supplementary Planning Document (SPD) on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

10/00889/FUL Proposed alterations to extend, re-plan and re-furbish existing school buildings, including extended classrooms, studio canopies, extended boiler room, covered outdoor teaching area, open air amphitheatre, raised open play area with associated seating, enhanced playground area, provision of new multi games area, rearrangement of car parking areas, rearranged garden areas and new pedestrian access GRANT 11th June 2010

11. Additional Information

List of Background Papers: File 12/0093/FUL
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Vernon Bushell
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 REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

3. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

4. Prior to the occupation of the development approved by this permission a landscaping scheme shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to any part of the development being first brought into use. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs)

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Implementation timetables

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years

after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

6. Prior to the dwellings hereby approved being first occupied, the parking and turning areas shall be fully implemented in accordance with the approved drawing.

Reason: In the interest of Highway Safety

7. Prior to the first use of the development hereby approved a lighting plan shall be submitted to and approved in writing by the local planning authority, including types, position and heights and times of operation. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species and to protect residential amenity.

8. A total of 3 woodcrete bat box suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted, in a location agreed with the local planning authority, and shall be retained for the lifetime of the development. Note: The bat boxes should be 4m or more above the ground and in a non-illuminated area as described in the manufacturers guidance or advice should be sought from an experienced ecologist

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

9. Full details and calculations of the proposed surface water drainage system, attenuation and SUD designs shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of these works. Full details of percolation tests undertaken to discount the use of soakaways shall be submitted and if soakaways are proved not to be feasible, an attenuation system must be provided, where the drainage system should be designed to cater for a 1 in 100 year storm event plus 30% for climate change. The flow rate from the site should be restricted to a 1 in 1 or 2 year brownfield runoff (depending on ground slope) with 50% betterment. . The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

10. The development hereby permitted shall not be brought into use until the raised pedestrian crossing indicated on the approved plans has been provided and shall be permanently retained.

Reason: In the interest of highway safety.

11. Prior to their installation details of the cycle stands indicated on the approved plans shall be submitted to and agreed in writing with the Local Planning Authority. The cycle stands shall be installed as approved prior to any part of the development hereby permitted being brought into use and shall be permanently retained.

Reason: To promote the use of cycles in the interests of sustainable development.