

## Development Management Report

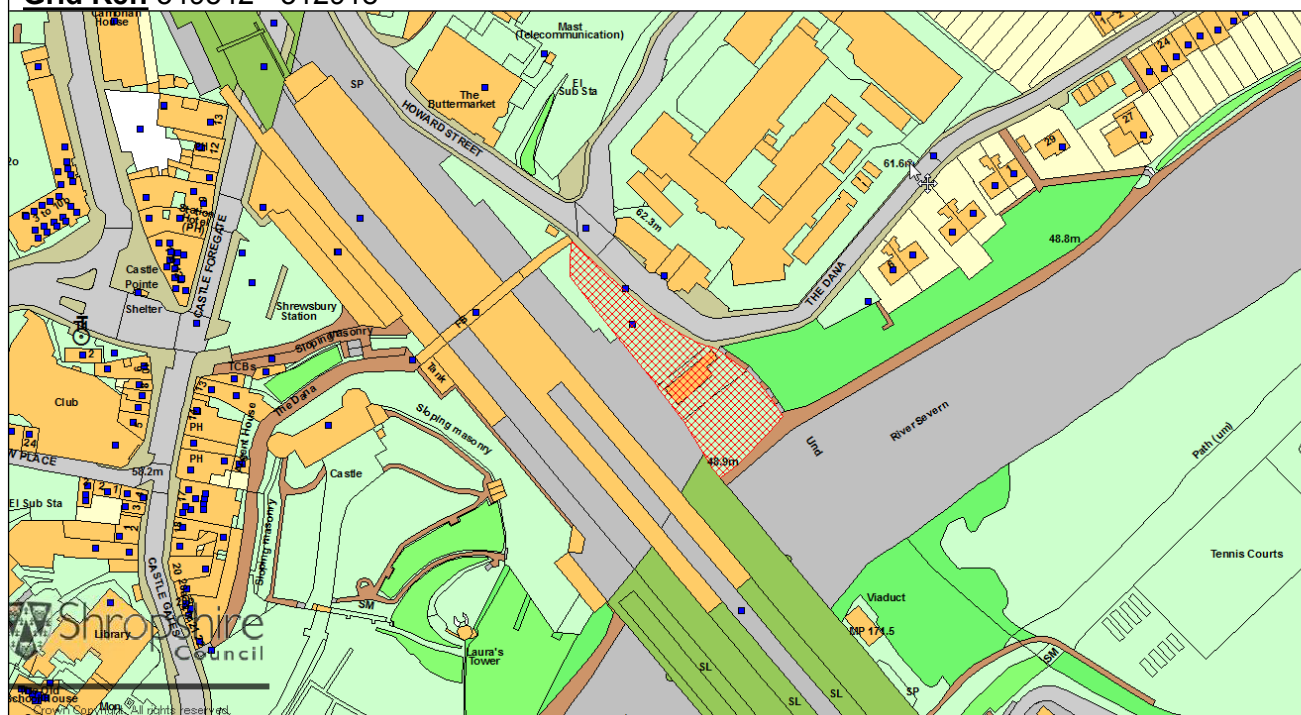
Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 18/03206/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Erection of residential building providing ten apartments following demolition of existing prison reception building; formation of associated car parking, cycle parking and shared storage space; landscaping scheme; revised vehicle and pedestrian access		
<b><u>Site Address:</u></b> Car Park The Dana Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Morris & Company Limited		
<b><u>Case Officer:</u></b> Jane Raymond	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 349542 - 312918



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application relates to the erection of a part three storey and part four storey building to provide nine apartments following demolition of existing prison reception building. It also includes the formation of associated car parking, cycle parking and shared storage space, a landscaping scheme and revised vehicle and pedestrian access
- 1.2 The application when first submitted was for ten dwellings but following negotiations with Conservation the proposal has been amended and reduced from nine to ten apartments.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is the former prison visitor car park and former single storey prison reception building, and an area to the rear that slopes down to the river.
- 2.2 The site is located within Shrewsbury Conservation Area, adjacent to the listed Grade II former prison (with separately listed Gatehouse and perimeter wall), and in close proximity to the Castle, a scheduled ancient monument, and other surrounding designated heritage assets.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council have submitted a view contrary to officers with regards to the application as first submitted and the Local Member has requested that the amended application be referred to the relevant Planning Committee due to the prominence of the building within the town and its location so close to listed buildings and agreed by the Planning Services Manager in consultation with the committee chairman to be based on material planning reasons.

### 4.0 Community Representations

#### 4.1 - Consultee Comments

##### 4.1.1 SC Historic Environment:

##### Background to Recommendation:

Following submission of our previous comments on the application of 3 September 2018, negotiations have taken place with the applicant regarding the design of the proposed development and an amended scheme has now been submitted.

##### Recommendation:

When assessing the amended scheme, due consideration has been given to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the policies contained in Chapter 16 of the NPPF; Policies CS6, CS17, MD2 and MD13 of the Local Plan, and the guidance contained in the NPPG and Historic

England's Historic Environment Good Practice in Planning Advice Notes 2 (Managing Significance in Decision-Taking in the Historic Environment) and 3 (The Settings of Heritage Assets).

In their further consultation response of 4 April 2019, Historic has again expressed concern about the design of the amended development, although they have not formally objected to the application.

However, we note that the northern frontage of the amended scheme has been pushed back further to the south. This will mean that the views that can be gained of Shrewsbury Castle from the Dana will not be blocked to the same extent as previously. This addresses our previously expressed concerns regarding the severance of the visual connection between the Castle and Castle Fields, which we considered harmed both the significance of the Castle as a Scheduled Monument, as a consequence of development within its setting, and the Conservation Area, as a result of this impact on its character and appearance.

Pushing back the northern frontage of the building creates a greater stand-off from the listed Gatehouse for the prison. Likewise, further mitigation is provided by the stepped back of the second floor of the building on the northern elevation, whilst the greater degree of articulation and variation in the fenestration breaks up the overall scale and massing of the building. Likewise, the walls of second floor will be clad in dark grey standing seam zinc, which together with the metal balustrade on the northern elevation, creates the impression of a roof at this level, with the overall effect of visually lowering the building. Taken together it is considered that these changes significantly reduce the impact on the setting of the Gatehouse, creating a building which will be less overbearing and more subservient to it. We therefore consider that the harm to the significance of the listed Gatehouse, as a result of development within its setting, has now been substantially reduced.

We previously had some concerns that the introduction of standard sized trees into the soft landscaping scheme of the carpark might also have an impact on the setting of the Gatehouse. However, we note that only low shrubs are now proposed, which is considered more appropriate in this location.

As previously advised, the proposed development site is not considered to hold archaeological interest.

As a consequence of the above considerations, we therefore withdraw our previous objection to the proposed development, subject to materials and landscaping conditions.

- 4.1.2 **Historic England:** Historic England has concerns regarding the application on heritage grounds. Whilst not objecting to the proposal as amended do not consider that the revised scheme fully addresses their concerns.
- 4.1.3 **SC Ecology:** The 2016 bat survey has been submitted as requested and the location of replacement trees/shrubs indicated on the updated landscape plan. However, details of the planting proposed in the garden facing the river have not been clarified, or the degree of pruning of trees to provide views across the river from the new

development. These matters should be covered in a detailed landscaping plan and the Construction Environmental Management plan. The conditions and informatives in my response dated 21st September 2018 should be attached to any planning permission.

- 4.1.4 **SC Trees:** No objection to this proposal on arboreal grounds. There will be loss of 2 "B" category trees - one a Silver Birch with current public visibility on the street scene and a Sycamore at the back of the building.

The proposal is for low level landscaping at the front of the building however I would like to see some replacement tree planting incorporated here using suitable fastigate species to soften the frontage (more than proposed) and replace lost amenity. The car park would benefit from trees with a more spreading canopy to make an attractive and shady parking area.

- 4.1.5 **SC Rights of Way:** No comments to make on this application.

- 4.1.6 **SC Waste Management:** The bin store shown on plans will provide appropriate capacity for refuse and recycling for 10x properties.

- 4.1.7 **SC Highways:** No response received.

- 4.1.8 **SC Regulatory Services:** As indicated in the Acoustic report, the construction details have not been submitted. Please could the developer provide glazing specification and subsequent ventilation specification for the building which will be directly facing the railway platform (the south west elevation or elevation which is partially marked 'façade A' as mentioned in the acoustic report diagram) and the side elevations facing the carpark and landscaped area (facades B, c and G) - this is to allow any occupant to use the rooms, especially those facing the railway station, without significant disturbance as they may be impacted by railway noise, including the noise from announcements over the loud speaker. If this information is not forthcoming at this stage I recommend that a condition is included to this effect for details to be submitted for approval prior to construction.

- 4.1.9 **WSP on behalf of SC Drainage:** Suggests a drainage condition and informative advice.

- 4.1.10 **SC Affordable Housing:** Requests confirmation that the whole building is below 1000sqm.

- 4.1.11 **Network Rail:** Whilst there is no objection in principle to this proposal, provides comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

- 4.1.12 **Environment Agency:** The site is predominantly in Flood Zone 1, the low risk zone with the garden area within Flood Zone 2 (medium risk). Has provided a copy of EA Standing Advice for development within Flood Zone 2 of a Main River and recommends that the views of SC Flood and Water team are sought

- 4.1.3 **West Mercia Constabulary:** Provides advice on Secured by Design and the new

Approved Document Q.

## 4.2 - Public Comments

4.2.1 **Shrewsbury Town Council:** (Comments on proposal as first submitted): The Town Council is not opposed to the development of this site but due to its important and prominent location would like to see alternative designs considered that are more sensitive to the area. Artist's impressions and photomontages would be helpful to visualise the scheme.

4.2.2 **Shrewsbury Civic Society:** (Comment on proposal as first submitted): The scheme represents a good use of the site and is likely to have several advantages. The position is a sensitive one sited opposite listed parts of the old prison and within the Shrewsbury Conservation Area.

The danger is that the new building could dominate the streetscape thereby undermining the importance of the prison entrance. Members of our committee suggest that there are ways of ameliorating the height and bulk of the proposed building, perhaps by stepping the top floor or providing a mansard type roof.

There is an anxiety that views from the Dana street will be more limited and so any alterations to the car-park wall will need careful consideration.

There was also some concern for the albeit slight loss of green hedge and trees. Consequently, some degree of planting in the car park could make the space more acceptable.

Being so close to the railway station would suggest significant noise issues, not just from trains but also from the stations tannoy system, of which local residents are very aware. It is noted that sound proofing is considered in plans showing that BS 8233 could be achieved with the right construction. Is this enough?

Overall, we are positive about this application and see several advantages. However, we are keen to ensure that the above aspects are considered and improvements made where possible.

4.2.3 **Sustainable Transport Shropshire:** (Comment on proposal as first submitted): The proposals for cycle parking (P/06: Upper Ground Floor Plan) are welcome in that they are secure and covered, but are not satisfactory in other ways.

Currently the design requires for a cycle to negotiate the front door (with door closer?), be fed through a narrow corridor ending in a sharp right-angled turn, and then lifted on to a complicated elevator. There is no manoeuvring space at all at the sides of the room. This is really quite awkward, and may actually deter use. We could even foresee the space becoming a dump for unwanted items.

Fortunately it is probably not too difficult to reallocate space from the Communal Storage and Storage Area, to follow recommendations in, eg, Sustrans Design Manual.

The interior parking of bikes is welcome but 6 spaces seems too few given the sizeable potential population of up to 40 people, all of whom might want a bike. The application stresses the low usage of cars expected in this central location, but errs on the side of overprovision of car parking on the grounds of preventing spill over of cars onto residential streets.

The statement is silent about the role of car clubs in reducing the need for parking space and in reducing trips by car. Some of the parking spaces could be reallocated. At least one should go to external cycle parking (preferably under cover) while another one or two should be allocated to car club cars. Co-Wheels car club have confirmed that they are enthusiastic about having a car close to the site.

The requirement is to provide attractive facilities that will encourage cycle use. This requirement is repeatedly stressed in the NPPF.

#### 4.2.4 **Two letters of objection** to proposal as first submitted summarised as follows:

- ❑ The car park will take up all of the car park spaces used by visitors to the prison visitor experience.
- ❑ Hopes that the owners of the prison site erect a sign that directs visitors to the prison visitor experience, to the paid for car parking that is used for train passengers and is adjacent to the prison.
- ❑ Impact on open views including near views that focus on the Walls of the Castle with its Laura's Tower and distant views that include surrounding hills as far as Caer Caradoc.
- ❑ It appears to rise far too high in the presence of the listed prison Gate House on the other side of the street. One less floor would reduce the effect of overshadowing its historic neighbour.
- ❑ The proposed building is ending abruptly upwards instead of having a pitched roof like all the rest of the nearby buildings, within this Conservation Area.
- ❑ Loss of a high mature tree with a life expectancy of 40 years.
- ❑ Lack of at least one or two smaller flats in order to widen the potential social mix and also act as the affordable part of the development.

## 5.0 **THE MAIN ISSUES**

Principle of development

Scale, design and appearance and impact on the character and appearance of the locality and heritage assets

Access and parking

Landscaping and ecological implications

## 6.0 **OFFICER APPRAISAL**

## 6.1 Principle of development

- 6.1.1 As the site is situated within the current urban development boundary for Shrewsbury residential development of this site accords with policy CS1 and CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire. The site is considered to be in a sustainable location within easy walking distance of the Town Centre and both the train and bus station. It will provide nine open market apartments that will help boost housing supply numbers and make efficient use of a brownfield site. The proposal therefore also accords with the principles and objectives of the NPPF and the presumption in favour of sustainable development.

## 6.2 Scale, design and appearance and impact on the character and appearance of the locality and heritage assets

- 6.2.1 The proposed site is situated within a Conservation Area and there are listed buildings nearby and the proposal has the potential to impact on these heritage assets. The proposal therefore needs to be considered against Shropshire Council policies MD2, MD13, CS6 and CS17 and with national policies and guidance including section 16 of the National Planning Policy Framework (NPPF). Special regard needs to be given to the desirability of preserving the setting of nearby listed buildings 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.

- 6.2.2 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. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.

- 6.2.3 Paragraph 189 of the NPPF states the following:

*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.*

- 6.2.4 Setting and significance is clearly defined within Annex 2 of the NPPF:

*Setting of a heritage asset:* *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

*Significance (for heritage policy):* *The value of a heritage asset to this and future*

*generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*

- 6.2.5 Planning Practice guidance advises that '*A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.*'
- 6.2.6 Historic England Good Practice Advice notes that '*consideration of the contribution of setting to the significance of heritage assets, and how it can enable that significance to be appreciated, will almost always include the consideration of views.*'
- 6.2.7 A revised Design and Access statement and Heritage Impact Assessment statement has been submitted to support the proposed development which has been amended. These amendments seek to address the initial concerns of Historic England who considered that due to the position, scale and design the proposed four storey building would compete with the listed building and would diminish its significance.
- 6.2.4 The principle views of the building that have the potential to impact on the setting and significance of nearby heritage assets are from Howard Street to the north west and from The Dana to the north east. Photomontages have been provided to illustrate the proposal in context:



View looking south from The Dana as originally proposed





Amended proposal



View looking north from Howard Street as originally proposed



Amended proposal

- 6.2.5 The proposed building has now been more sensitively designed so that the brick built two storey aspect is no higher than the height of the perimeter walls of the prison and the third floor is set back and constructed of a different material. The stepping back of the second floor of the building clad in dark grey standing seam zinc and the greater degree of articulation and variation in the fenestration breaks up the overall scale and massing of the building and creates the impression of a two storey rather than three

storey building.

- 6.2.6 The Conservation officer and Historic Environment Manager consider that these changes significantly reduce the impact on the setting of the Gatehouse so that the proposed building now appears subservient to the listed Gatehouse and no longer competes with it so that its significance is not diminished. In addition to the third floor being set back the whole of the building has been set back further to the south so that the views of the Castle from The Dana are not significantly obscured.
- 6.2.7 Conservation and planning officers now consider that the proposed development would not result in 'substantial harm' or 'less than substantial harm' to the character and appearance of the Conservation area or the setting of nearby heritage assets. However Historic England whilst not objecting to the proposal still have some concerns regarding the impact of the development on the significance of the prison gatehouse though they have not identified that the proposal would result in 'less than substantial harm'
- 6.2.8 If it was considered that the proposal would have 'less than substantial harm' to the significance of heritage assets paragraph 196 of the NPPF requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 193 requires that any harm to, or loss of, the significance of a designated heritage asset from development within its setting should require clear and convincing justification.
- 6.2.9 The proposed development will make efficient use of a brownfield site providing nine apartments in a sustainable location and helping to boost housing supply. Development of this site will help fund the continuing development of the remainder of the prison site ensuring that it is restored and maintained for future generations.
- 6.2.10 It is considered that the removal of the existing single storey visitor building (that currently makes a negative contribution to the character and appearance of the conservation area) and its replacement with the proposed building will have no significant adverse impact on the views of the nearby heritage assets and thereby have no significant harm to their setting or diminish the significance of these heritage assets.

### 6.3 Access and parking

- 6.3.1 The area in front of the existing visitor building and proposed apartment building is currently used for parking in association with the current use of the prison as a visitor attraction. Once the planning permission for the conversion of the prison has been implemented the car park will no longer be required by visitors and the existing planning permission includes adequate parking provision for future residents.
- 6.3.2 This proposal indicates 12 parking spaces for future residents (including one disabled) and covered cycle storage within the building. This is considered more than adequate for a building situated in such a sustainable location.
- 6.3.3 Sustainable Transport Shropshire consider that the cycle provision as originally submitted was inadequate and inaccessible. The proposal as amended indicates a

double stacked cycle store within the building to provide storage for 8 cycles easily accessed via the entrance hall at the front of the building. This secure store is considered more than satisfactory.

- 6.3.4 The proposal includes some amendments to the existing vehicular and pedestrian access and Highways have not responded to their consultation. However considering the existing use as a car park it is not considered that the proposal would have any impact on highway safety or congestion in the locality.

#### 6.4 **Landscaping and ecological implications**

- 6.4.1 CS17 and MD12 seek to ensure the conservation and enhancement of natural assets and to ensure satisfactory landscaping of new development. Ecology have commented that the planting proposed in the garden facing the river have not been clarified and recommends a detailed landscaping plan and Construction Environmental Management plan to ensure the provision of amenity and biodiversity. The proposal does include the loss of two trees (a Sycamore to the rear of the site and a Silver Birch nearer the front of the site). The Tree officer has no objection to the proposed loss of these trees and this will be mitigated by the planting of additional trees.
- 6.4.2 The Tree officer has commented that the proposal might benefit from additional tree planting within the car park to the front of the building. However Conservation consider that the introduction of standard sized trees into the soft landscaping scheme of the car park might have an impact on the open views and setting of the Gatehouse. It is therefore considered that landscaping to the car park should be restricted to low shrubs, and any tree additional tree planting should be to the rear of the site facing the river.
- 6.4.3 It is considered that subject to compliance with the suggested conditions the proposal would have no adverse ecological implications and that trees to be retained will be protected and a satisfactory landscaping proposal will be secured.

#### 6.5 **Other matters**

- 6.5.1 Flood risk/drainage: The bottom of the site closest to the river is within flood zone 2 but the majority of the site and the part where the building and car park will be located are within flood zone 1 (the lowest risk of flooding). A condition will ensure the provision of satisfactory foul and surface water drainage.
- 6.5.2 Noise: Due to its location adjacent to the station there is potential for disturbance to future residents due to noise. A condition is recommended requiring details of the glazing specification and ventilation specification for the north, south and east facing elevations to be submitted for approval to ensure adequate sound insulation.

#### 7.0 **CONCLUSION**

- 7.1 Residential development of this site is acceptable in principle and accords with policy CS1 and CS2 that identifies Shrewsbury as the primary focus for housing development for Shropshire. The site is within easy walking distance of the Town

Centre and both the train and bus station, and the proposed development will make efficient use of this brownfield site providing nine apartments in a sustainable location and helping to boost housing supply.

- 7.2 It is considered that the removal of the existing single storey visitor building (that currently makes a negative contribution to the character and appearance of the conservation area) and its replacement with the proposed building will have no significant adverse impact on the views of the nearby heritage assets and thereby have no significant harm to their setting or diminish the significance of these heritage assets.
- 7.3 Subject to the imposition of the suggested conditions the proposal would have no adverse ecological implications, the trees to be retained will be protected and a satisfactory landscaping proposal will be secured. In addition adequate parking and a safe means of access to the site, drainage and sound insulation will also be provided.
- 7.4 It is therefore considered that the proposal accords with the relevant parts of Shropshire Council policies MD2, MD12, MD13, CS2, CS6 and CS17 and with national policies and guidance including section 16 of the NPPF and 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: Section 16 of the NPPF and section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Core Strategy and SAMDev Policies: MD2, MD12, MD13, CS2, CS6 and CS17

## 11. Additional Information

### **List of Background Papers**

18/03206/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages

Cabinet Member (Portfolio Holder) - Cllr G. Butler

Local Member - Cllr Nat Green

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 BEFORE THE DEVELOPMENT COMMENCES**

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

4. No development shall take place (including demolition, ground works and vegetation clearance) 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) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) 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.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

5. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, bat boxes);
- 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) Details of species-rich grassland creation, enhancement or restoration including details of green hay or seed mixes (if used);
- e) Native species are to be used and are to be of local provenance (Shropshire or surrounding counties);
- 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 and to ensure that the landscaping is appropriate in relation to the settings of designated heritage assets and the character and appearance of the Conservation Area

6. An update bat survey of the buildings and site shall be carried out in the June to August period immediately before demolition or disturbance of the building on the development site if these works are to commence after August 2019. Where update surveys show that conditions on the site have changed (and are not addressed through the originally agreed mitigation measures) then a revised updated and amended mitigation scheme, and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the demolition or other works to the building. Works will then be carried forward strictly in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that development is informed by up to date ecological information on bats (European Protected Species) and that ecological mitigation is appropriate to the state of the site at the time demolition or other works to the building commences.

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

7. Ground clearance, demolition and construction work shall be carried out in accordance with the recommendations and tree protection measures of the submitted Tree Report and the tree protection measures retained for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

8. Prior to above ground works commencing details of the glazing specification and ventilation specification for the north, south and east facing elevations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable future occupiers to use the rooms, especially those facing the railway station, without significant disturbance as they may be impacted by railway noise, including the noise from announcements over the loud speaker.

9. No above ground works shall take place until a scheme of the surface and foul water drainage has been 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.

10. Prior to the above ground works commencing of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory and that any impacts on the settings of designated heritage assets and the character and appearance of the Conservation Area are minimised.

11. Within 3 months of the commencement of development a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The 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) A 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 175 of the NPPF.

12. Prior to first occupation / use of the building, a minimum of one woodcrete bat box, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on each of trees T7 and T9. The boxes 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 thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.



13. Prior to first occupation / use of the building, the following boxes shall be erected on the site:

A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for

swifts (swift bricks or boxes), sparrows (32mm hole, terrace design) and small birds (32mm hole, standard design) shall be erected on the site.

The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (e.g. under eaves of a building if possible) with a clear flight path, and thereafter be 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 175 of the NPPF as mitigation for loss of nesting habitat and enhanced nesting opportunities.

14. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. 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.

15. Prior to the relevant parts of the works commencing full details of the design and construction of the revised access and car parking area including any new footways, verges, accesses, and street lighting together with details of the disposal of surface water shall be submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure a satisfactory access to the site.

16. The car parking spaces and cycle storage indicated on the approved plans shall be provided prior to the first occupation of the dwellings hereby approved and shall be kept available for the parking of motor vehicles, at all times. The car parking spaces shall be used solely for the benefit of the occupants of the development hereby approved and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure an appropriate level of parking and cycle storage is provided for the lifetime of the development.