

Development Management Report

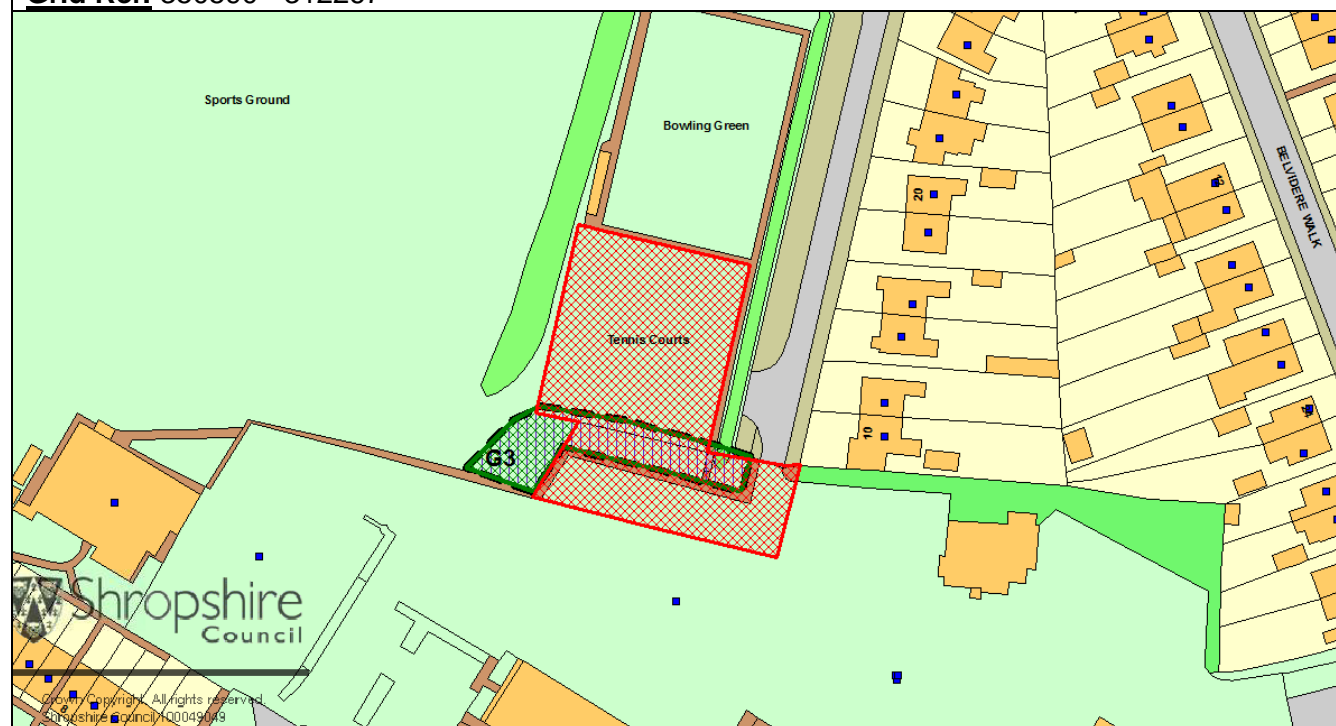
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 20/00660/VAR	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Variation of condition no 1 (timescale) pursuant to 17/06119/FUL to allow for an extension in temporary permission until February 2022		
<u>Site Address:</u> Car Park The Shirehall Abbey Foregate Shrewsbury Shropshire		
<u>Applicant:</u> Shropshire Council		
<u>Case Officer:</u> Shannon Franklin	<u>email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 350590 - 312267



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

- 1.1 The application seeks planning permission for the variation of condition No.1 pursuant to 17/06119/FUL. Condition No.1 currently reads as follows;

The development hereby permitted shall be for a limited period being the period of 2 years from the date of this permission. At the end of this period the development hereby permitted shall cease.

Reason: To enable the provision and implementation of a full car parking strategy and travel plan for the wider site of Shirehall, which considers more travel options, and assesses the optimum and most sustainable level of parking provision.

- 1.2 The variation of condition sought will enable the continued use of the application site as a car park, associated with the Shirehall, for an extended temporary period up until February 2022.

2.0 SITE LOCATION

- 2.1 The application relates to an existing area of car parking which prior to temporary permission being granted, accommodated 2no.tennis courts. The site is situated to the north of the existing main Shirehall car park within the area of Belvidere approximately 1.6km to the east of Shrewsbury town centre.
- 2.2 The site is bounded to the north by a bowling green, to the east by Belvidere Road on the opposite side of which are semi-detached residential properties, to the south by a 6m wide grass verge and pavement beyond which lies Shirehall's existing car park and to the east by recreational playing fields.
- 2.3 The site is bounded by a chain link fence with the vehicular access from Shirehall car park on its southern boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is made by the Council on land owned by the Council for development which is not in line with statutory functions and is therefore required to be determined by Committee under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

4.0 COMMUNITY REPRESENTATIONS**4.1 - Consultee Comments**

- 4.1 Shrewsbury Town Council – 16.03.2020 – No objection.

- 4.2 SC SUDS – 24.03.2020 – No comments.

4.3 SC Highways – 27.02.2020 – No objection.**4.4 SC Parks and Recreation – 18.02.2020 – No comments.****4.2 - Public Comments**

4.2.1 This application was advertised via notice at the site and the Council's website. Additionally, the residents of fourteen neighbouring properties were notified by way of publication of this application. At the time of writing this report, one representation had been received in response to this publicity from the Shropshire Playing Fields Association. This comment is provided in full below:

4.2.2 Shropshire Playing Fields Association – 28.02.2020 – Objection

Shropshire Playing Fields Association objects to the proposed loss of two community tennis courts whose purpose has been to enhance the health and well-being of their own workforce, their families and members of the surrounding local community.

There is no indication from the application that Shropshire Council intend replacing or providing similar facilities nearby, so we can only assume they intend ignoring government planning policy and that this will be another loss of valued community open space, without compensation to the local community.

These two tennis courts make 25 tennis courts either lost or under serious threat of being lost in and around Shrewsbury in recent years.

- Shrewsbury Academy: (Sundorne Site) - 4 tennis courts lost replaced by classrooms.
- Shrewsbury Academy: (Grange Site) - 4 tennis courts under threat of being sold for future housing development.
- Shrewsbury Sixth Form College; (Castle walk Site) - 4 tennis courts at castle walk disused waiting to be developed.
- Radbrook College - 4 tennis courts recently replaced by housing
- Priory School - 4 tennis courts replaced by classrooms
- Shelton Hospital - 2 tennis courts replaced by housing
- Shrewsbury hospital - 1 tennis court replaced by carpark

Shrewsbury has also lost or is likely to lose considerable amounts of community open spaces to development at:

- Greenfields Recreation Ground
- Copthorne Barracks site
- Shrewsbury Football Club Community football pitch
- Meole Brace School; Grass sports pitch
- Castle Walk; loss of community access to sport pitches enclosed by security fencing.
- Meole Brace Pitch and Putt Golf Course
- Remans Bowls and Cricket club

The proposal to erode even more open space social facilities at the Shirehall and

use it for car parking, we believe goes against national and local planning guidelines and policy.

The people of Shrewsbury including its young people are currently experiencing an obesity crisis that is putting immense pressure on the health service increasing levels of physical activity is one crucial tool being used to combat the problem, whether it be playing sport, walking or cycling to school or work.

This application if approved will only encourage more usage of the car by providing 50 more car parking space, reducing numbers opting to cycle and walk to work whilst also denying access for people to a diminishing stock of open spaces and accessible facilities, this makes no sense and is certainly not a sustainable proposal.

We believe this application poses a real threat to the whole future of this open space area and rather than it be destroyed and lost forever it should in fact be considered a jewel in the crown worthy of future investment by Shropshire Council.

In addition, we draw officers and members attention to;

Paragraph 73 of the NPPF states that:

"Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required".

Quite simply after many years of being asked Shropshire Council planning authority has still not provided a robust up-to-date assessment as is required under national planning policy guidelines, so have no data available upon which officers or members can make an informed decision.

Shropshire Council's current Local Plan (2006-2026) comprises of the Core Strategy (2011) and the Site Allocations and Management of Development of Adopted Plan (SAMDev 2015).

Policy CS6 - seeks to ensure that all development contributes to the health and wellbeing of communities, this includes safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities.

Clearly replacing two community tennis courts for the purpose of parking a car does not contribute to the health and well-being of the local community.

Policy CS8 seeks to ensure the protection and enhancement of existing facilities and services that contribute to quality of life.

Clearly the protection of existing sporting facilities is not being adhered to in this instance and indeed the need to enhance the facilities for the benefit of its own staff over recent years has also not been adhered to even though Shropshire Council are responsible for doing so in respect of this piece of land.

Policy CS9 - Infrastructure Contributions; The immense amount of development that has taken place over the past decade and is proposed to continue through the advancement of the nearby development off Preston Street would suggest there is a need for more open spaces to be retained for their purpose and for some of the CIL money from these developments to be invested in the enhancement of existing open space infrastructure to support these developments.

To-date we note Shropshire Council has not spent any community infrastructure levy funds on new sport facilities - to remove existing facilities without providing new facilities is in our opinion in conflict with planning policy.

We also believe the application would be against the proposed integrated transport plan which is encouraging more sustainable options like cycling and walking as a main option for staff to access the workplace.

5.0 THE MAIN ISSUES

- 5.1
 - **Principle of development**
 - **Other matters**

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The application seeks to vary the existing condition no.1 implemented on the planning permission 17/06119/FUL to enable the continued use of the site as additional parking for staff and visitors to the Shirehall.
- 6.1.2 The key determining policies of the development plan are as previously considered and are primarily Policy CS8 Facilities, Services and Infrastructure Provision and Policy CS7 Communications and Transport. Policy CS8 aims to develop sustainable places in Shropshire and maintain and enhance existing services and facilities. In addition, the policy seeks to ensure timely provision of additional facilities, services and infrastructure to meet identified needs.
- 6.1.3 Policy CS7 acknowledges the need to support development which enables the provision of a sustainable pattern of development including maintenance and improvement of transport and infrastructure and services. This policy also confirms that integrated transport infrastructure and services to meet local needs should aim to minimise the impacts of transport and traffic on communities and the environment.
- 6.1.4 At the point of determination of the previous application on site, it was indicated that a temporary period of parking was required in order to enable the provision and implementation of a full car parking strategy and travel plan for the wider site of Shirehall, which considers more travel options, and assesses the optimum and

most sustainable level of parking provision. Additionally, it was considered necessary to restrict the time frame of the permission to two years such that in the event that the use of the site ceased, the site could potentially be returned to use as tennis courts for recreation purposes.

- 6.1.5 Planning permission for use of the site as additional car parking was approved on 16th February 2018 and the subsequent discharge of conditions application (referenced 18/02547/DIS) approved on 19th June 2018. The construction works associated with implementing the permission were undertaken in July 2018 and the parking spaces brought into use shortly after. At the time of writing, the application site has therefore been in use as additional car parking for a period of approximately 22 months.
- 6.1.6 Since the approval of the planning permission, an independent survey investigating staff commute and business travel habits was undertaken in spring 2018. This work informed the Council's Scope 3 greenhouse gas emission data for the Corporate Climate Change Strategy (CCCS) and set out interventions to reduce these, as well as assisting with any future development. The key recommendations made include the creation of an active travel plan and enrolling an active travel officer. The submitted planning statement indicates that measures have been implemented to secure these improvements however, at present there is a continued need for additional parking provision at Shirehall.
- 6.1.7 As such, whilst Officers accept that the provision of additional car parking facilities at the proposed site does not directly provide an integrated and sustainable transport package, the variation of condition to allow the site's continued use as car parking, addresses the short term identified local need for additional parking. This in turn enables continued work on production and implementation of the Council's full car parking strategy, as well as implementation of more agile working practices which may reduce parking demand on site. The variation of condition no.1 is therefore supported on this basis.

6.2 Other matters

- 6.2.1 One comment in objection to the variation has been received from a representative of Shrewsbury Playing Fields Association which raises a concern over the loss of this tennis court together with other developments within the wider Shrewsbury area.
- 6.2.2 A range of recreational and sporting facilities are available locally, including Monkmoor Recreational ground 0.95km to the northeast, London Road Sports Centre and associated grounds 0.95km to the southeast, Shrewsbury Cricket Club 1.1km to the southeast and more immediate informal open space and playing field off Peace Drive 550m to the east. There are also privately-operated facilities for a range of sports within the locality and public open spaces for more informal play and recreation.
- 6.2.3 Officers are advised that no interested parties have contacted the Council with regards to needing access to a tennis court to operate, nor for development of a specialist sports pitch. As such at present there is no direct demand for the site to operate as a sports facility.

- 6.2.4 It is therefore considered that on balance, the continued use of the application site as temporary car parking, for a period up to 28th February 2022 is acceptable as whilst the loss of a sports facility is regrettable, it was not in use at the time of the original approval and had not been for some time and there is currently no identified demand for its return to a sports facility. Upon termination of the temporary period, the minor works undertaken to the site; line painting and formation of a vehicular access, do not prevent its reinstatement to a tennis court or sports pitch.
- 6.2.5 Having reviewed the proposal and the continued use of the site for car parking, Officers consider that with regards to visual impact of the proposal, reduction of on-street parking in the locality and relatively scale of the scheme the proposal is acceptable and the variation of the condition as proposed enabling the continued use of the site for a further two year period, would not demonstrably alter the outcomes of the previous approval on site.
- 6.2.6 Therefore, officers conclude that the identified benefits of the proposal; the reduction in on street parking within the vicinity, the limited scale of the development and lack of additional hardstanding proposed, and the proposal enabling a full review and more sustainable provision of transport and parking facilities at Shirehall, outweigh the limited harm associated with the continued loss of 2no.tennis courts.

7.0 CONCLUSION

- 7.1 The variation of condition No.1 on planning permission 17/06199/FUL to allow for continued use of the site for car parking up until 28th February 2022 is considered to be acceptable in this instance when considering the cumulative benefits of the proposal. This temporary permission will enable further works to be conducted in producing a full car parking strategy and travel plan for the Shirehall and therefore is considered to be in accordance with the overarching aims of the relevant policies including CS6 and CS8 and approval is therefore recommended.

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:

- National Planning Policy Framework

Core Strategy Policies:

- CS6 - Sustainable Design and Development Principles
- CS7 - Communications and Transport

- CS8 - Facilities, Services and Infrastructure Provision
- CS17 - Environmental Networks

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan:

- MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

17/06119/FUL Change of use of former tennis courts to form additional council staff car parking for a temporary period of up to 2 years. GRANT 16th February 2018

20/00660/VAR Variation of condition no 1 (timescale) pursuant to 17/06119/FUL to allow for an extension in temporary permission until February 2022 PDE

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) Councillor Gwilym Butler
Local Member Cllr. Hannah Fraser
Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be for a limited period up to 28th February 2022. At the end of this period the development hereby permitted shall cease.

Reason: To enable the provision and implementation of a full car parking strategy and travel plan for the wider site of Shirehall, which considers more travel options, and assesses the optimum and most sustainable level of parking provision.

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.