

## Development Management Report

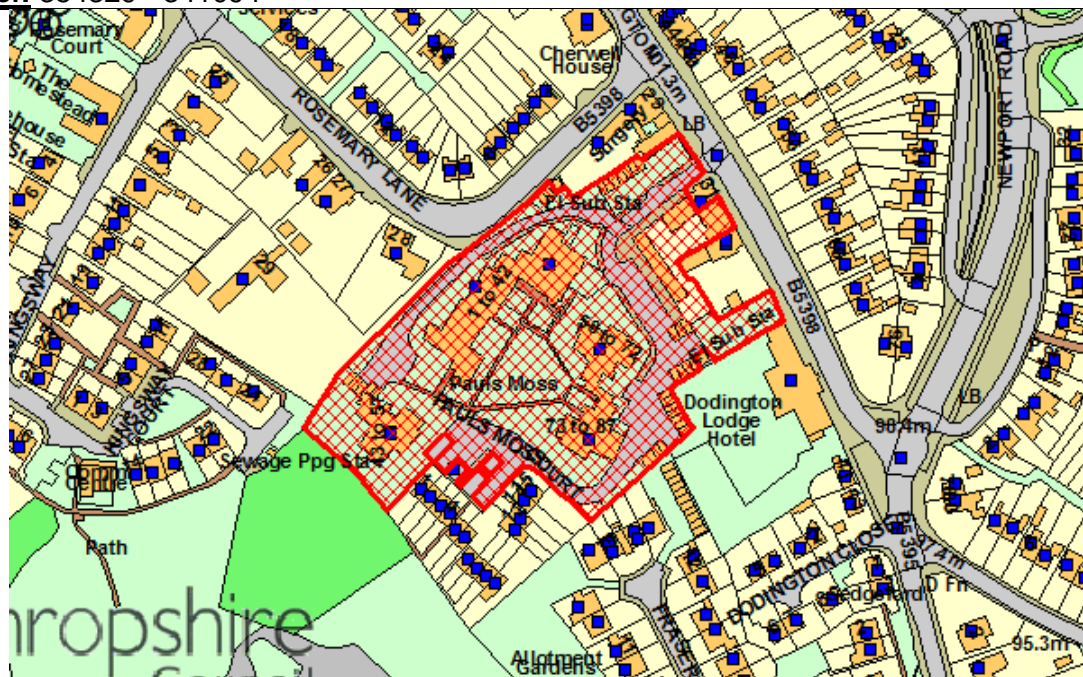
Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 20/01284/FUL	<b><u>Parish:</u></b>	Whitchurch Urban
<b><u>Proposal:</u></b> Redevelopment to include conversion of house to form cafe/community hub and flats; erection of 71 sheltered residential apartments; erection of health centre building; landscaping scheme including removal of trees; formation of car parking spaces and alterations to existing vehicular access		
<b><u>Site Address:</u></b> Pauls Moss Community Room Pauls Moss Whitchurch SY13 1HH		
<b><u>Applicant:</u></b> Ms Jane Kind		
<b><u>Case Officer:</u></b> Philip Mullineux	<b><u>email:</u></b> <a href="mailto:planning.northern@shropshire.gov.uk">planning.northern@shropshire.gov.uk</a>	

**Grid Ref:** 354329 - 341094



## REPORT

**Recommendation: Delegate approval to the Planning Service Manager subject to the conditions as set out in appendix 1 attached to this report and any amendments as considered necessary to these conditions by the Planning Service Manager.**

### 1.0 THE PROPOSAL

- 1.1 The application is made in 'Full' and proposes re-development of Pauls Moss, Dodington, Whitchurch, with retention of Pauls Moss House, demolition of existing sheltered housing accommodation and general needs flats and proposed new build Extra Care apartment scheme, health centre and conversion of Pauls Moss House to flats and a community hub. The proposal includes provision for the delivery of 71 units of supported housing for the over 55's and linked shared use space and 83 on site car parking spaces
- 1.2 The application is accompanied by a set of proposed elevation and floor plans, existing elevation and floor plans, landscaping plan, block plan, site location plan, planning statement, design and access statement, tree survey, noise impact assessment, highway transport assessment and travel survey, Pauls Moss House impact assessment, visual impact assessment, flood risk assessment, ecological appraisal, design and access statement, desk based assessment, levels strategy, landscape strategy, drainage strategy, site photographs and 3 dimensional views plans.
- 1.3 The proposed development is not considered to meet any of the criteria of the schedules of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and as such an Environmental Statement in support of the application is not considered necessary.
- 1.4 The development as proposed was subject to pre-application advice dated 27th July 2018, (reference PREAPP/18/00245) the conclusion of which stated:

*'The site for the proposed development is located in planning policy terms within a designated development area within a town, where the principle of re-development is considered acceptable subject to satisfactory consideration to issues as discussed in this letter.*

*Clearly 'Paul's Moss house' is considered a significant non-designated heritage asset and its retention on site is to be preferred. Any application which includes provision for demolition of Paul's Moss House will need to adequately demonstrate the overall benefits of its demolition and any replacement building will need to be of high quality in both design and construction. Has any consideration been given to retaining the Paul's Moss House on site and re-configuration its internal layout, as the dwelling is not presently a designated listed building and as such there is no overall protection in relation to internal fittings? (The site visit though did reveal the entrance hall and stairwell to be construction of considerable interest and worthy of preservation.*

*Also of concern is provision of open space requirements and it is concluded that this area needs re-looking at in order to be in-line with relevant local plan policies on this matter.*

*Demolition and replacement of the remaining structures on site, (fairly recent in construction), is considered acceptable subject to any re-development being in keeping with the prevailing built theme and design of the surrounding area.*

*The principle in relation to the 'health business use on site as indicated appears acceptable in principle as any retailing appears to be in relation to the core principle of the development, i.e. dispensing chemist and hairdresser in relation to occupants of the proposed complex).*

*This advice is given in the context of your request and the information provided in support and has regard to the Council's planning policy. Should you wish to submit a planning application I would recommend that this advice is taken into account. However this advice is offered without prejudice to any future decision the Council may make following the formal consideration of a planning application'*

- 1.5 A previous application for development on site, (Council reference 19/03861/FUL), for :Re-development to include conversion of house to form cafe/community hub and flats; erection of 71 sheltered residential apartments; erection of health centre building; landscaping scheme including removal of trees; formation of car parking spaces and alterations to existing vehicular access was approved by Committee subject to conditions in accordance with the Officer recommendation, the minutes of the October 15<sup>th</sup> 2019 meeting confirming: (This application is now subject to a claim for Judicial review).

*'That authority be delegated to the Planning Services Manager to approve the application subject to:*

- The conditions as outlined in Appendix 1;*
- Any modifications to these conditions as considered necessary by the Planning Services Manager; and*
- The rewording of Condition 3 as detailed on the Schedule of Additional Letters'.*

- 1.6 The current application is a resubmission of this previous approved application, which is currently subject to judicial review proceedings. Councillors are advised not to treat the previous application as a material consideration in favour of the grant of planning permission in the determination of the current application.

Prior to the above application, an earlier application (Council reference 18/05901/FUL) was refused on 28th June 2019 for the following reasons:

- 1. The boundary of the Whitchurch Conservation Area was drawn to incorporate the Pauls Moss mansion when designated in 1987 and this building is considered specifically to make a positive contribution to the character and appearance of the conservation area by virtue of its design, detailing, historic character and visual significance within the site. The proposed demolition of the Pauls Moss house would cause total loss of a non-designated heritage asset and substantial harm to the significance of the Conservation Area which*

*is a designated heritage asset. Whilst the community benefits of the scheme are acknowledged insufficient justification has been provided in order to justify the substantial harm to a designated heritage asset. Therefore the application does not comply with the National Planning Policy Framework and in particular paragraphs 192, 193, 194 and 195 and Policy CS6 of the Shropshire Core Strategy and Policies MD2 and MD13 of the SAMDev.*

- 2. The application proposes development of a scale and mass that is considered to represent over development of the site, incongruous to the built form and urban grain of the surrounding area, which will therefore have an overbearing detrimental impact on the character of the surrounding area. The design and external construction materials of the development are not considered to provide any enhancement to the surrounding Conservation Area. As such the development is considered contrary to Policies CS3 and CS6 of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev, the National Planning Policy Framework and Section 72(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to the Conservation Area.*
- 3. The application proposes insufficient open space and landscaping provision on a site considered overdevelopment. Further still it has not been adequately demonstrated that off-site provision and connectivity can be provided as indicated in information submitted in support of the application. The application is considered contrary to Policies CS6, CS9 and CS17 of the Shropshire Core Strategy, Policies MD2, MD8, MD12 and S18 of the SAMDev and the National Planning Policy Framework.*
- 4. The application does not provide adequate mitigation/compensation for loss of trees on site, many of which are considered worthy of retention and contribute positively to the character of the location and the Conservation Area. The application is considered contrary to Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2 and MD12 of the SAMDev and the National Planning Policy Framework on this matter.*

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1** The site is located to the south of Whitchurch town centre and within the recognised development boundary of the town, in part of the designated Conservation Area. On site is a recognised non-designated heritage asset in the form of Pauls Moss Mansion House, this house is considered to make an important contribution to the designated Conservation Area. Pauls Moss comprises a substantial late 19th century suburban mansion house which was previously set within landscaped grounds. It was built c.1891-5 for Edward Philips Thompson; a wealthy Liverpool banker who settled in Whitchurch and became both a significant figure in the community and a major benefactor to the town. It is situated behind frontage development with its primary elevations to the South and West. Consequently views to the house are more limited from Doddington but more significant when viewed from Rosemary Lane which runs parallel in part to the North boundary of the site, the larger scale of the original house in relation to other development means that it is legible and can be viewed within the townscape.

- 2.2 A conservation area is an area which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.(s69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers). The Conservation Area boundary appears to have been specifically drawn up to include the Pauls Moss House within it. (Historic England's advice).
- 2.3 The site is surrounded by existing housing much of it interwar, an allotment, community park, (Queens Park), and local public highways. The site has 3 main buildings on it at present situated with open grounds. The main building is Pauls Moss House, which as indicated above is considered a non-designated heritage asset. The other buildings which are of much later construction are effectively annexes to the Paul Moss house building.
- 2.4 Existing development is mainly of external brick construction and 3 storeys in height albeit Pauls Moss itself sits higher in the townscape given its high internal ceilings and high pitched roof. The development site is also located to the rear, and within the setting of two Grade II listed buildings which front onto Dodington: 29 Dodington and Dodington Lodge.
- 2.5 Detail as contained within the applicants Design and Access Statement indicates the scheme design proposes the retention of the existing late 19th Century red brick Paul's Moss House and the demolition of the adjacent 1980's three storey supported living apartments which are no longer considered fit for purpose. The Community Hub element of the scheme is located within the existing Pauls Moss house with adjacent new build Extra Care residential apartments to the west and south of the house and a new build Health Centre facing Pauls Moss eastern elevation. Collectively the proposal delivers a site responsive, design solution combining supported retirement living accommodation, community facilities and state-of-the-art medical centre.
- 2.6 The proposed building mass is a mix of two and three storey heights which alter across the site depending on the changing site levels whilst also considering distances between the retained Pauls Moss house and neighbouring properties.
- 2.7 The application proposes a Hub for community integration, learning and wellbeing. A 71 Unit Extra Care Housing scheme made up of one and two bedroomed contemporary, independent living apartments. A health centre made up of 21 consulting rooms. adjacent car parking and landscaped areas both public and private. The 71 self-contained Extra Care apartments (36 two bed units and 35 one bed units) are supported with private resident only communal areas, staff accommodation including housing management services and service areas including laundry, scooter charging area, public toilets and passenger lifts. The proposed hub with community meeting room, café and dining areas will encourage social interaction between Residents and the wider public who are encouraged to make full use of the facilities on offer.
- 2.8 The two storey health centre is located to the east of the site and incorporates 21 consulting rooms, waiting areas which benefit from natural daylight via central glazed rooflights as well as views out onto the adjacent central open public plaza via a fully glazed, double height waiting area. The glazed atrium space is located opposite the

main entrance into the Pauls Moss house which provides clear views of the house from inside the Health Centre as well as creating an open vista of the Paul Moss house from outside the Health Centre as one moves around the site.

- 2.9 The health centre will offer a range of modern health services to the wider Whitchurch community within a centrally located purpose built medical centre. Car parking provision is 83 spaces in total with designated disabled person spaces, taxi-drop off areas and emergency vehicle spaces is provided in line with the local authority planning guidance, the planning application is also supported by a travel statement prepared by David Tucker Associates Transport Planning Consultants.
- 2.10 It is proposed to retain the exiting vehicular access point into the site with some minor improvements. The plans as submitted indicated a new vehicular access point adjacent to Dodington Hotel. A third vehicular access point is proposed off Rosemary Way but for use by health care staff only.

### 3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 This application represents significant development in the Whitchurch Conservation Area and with consideration to the previous application and planning history for development on site the Planning Services Manager considers in this instance Committee consideration is appropriate.

### 4.0 **Community Representations**

- 4.1 *Whitchurch Town Council (no objection) has responded indicating:*

*SUPPORT on the following points:*

*Whitchurch Town Council (WTC) resubmits its original submission\* with the caveat that WTC echoes the original comments, following a Planning Committee meeting in October 2019, having heard public comments.*

- WTC notes that open spaces were miscalculated and welcomes the applicants assertion of the open spaces and amenity planting.*
  - Equalities issue has been addressed by virtue of this planning application for sheltered residential apartments.*
  - There is a bus stop outside the development, within a short walk, which needs to be retained to promote sustainable transport connections*
- There is currently minimal parking space and WTC are aware of the challenge of parking locally, and hope the applicant would consider more parking.*

*Whitchurch Town Council's comments in relation to the previous application were resubmitted with their response to this application as follows:*

*It was resolved: to support the Pauls Moss development 9/03861/FUL stressing the importance of the new Medical Centre, with the following caveats, noting the following concerns of residents*

- Concerns over access to all residents during and after the build*
- Flat rooves in a conservation area*
- Traffic plans – the internal routing of the turning circle*
- Over-development of housing and overlooking existing Pauls Moss Court residents*

- *Still awaiting the outcome of the impact Assessment*
- Concerns regarding the removal of Heritage features of the existing building i.e. fire places and mahogany panelling*
- Whitchurch Town Council expressed concerns over the fact that this application is not a phased development.*

#### **4.2 Consultee Comments**

#### **4.3 Historic England (no objections) have responded indicating:**

*This application for extra care housing, a health centre and community use space incorporating Paul's Moss is identical to that permitted under 19/03861/FUL following the refusal of an application which involved the demolition of Paul's Moss (18/05901/FUL). The significance of Pauls Moss as a non-designated heritage asset and the positive contribution it makes to the Whitchurch Conservation Area was set out in our letter dated 23 January 2019 regarding 18/05901/FUL. Our comments remain the same as those set out in our letter of 18 September 2019 regarding 19/03861/FUL but for the sake of clarity are repeated below.*

##### *Historic England Advice*

*The application retains the non-designated heritage asset of Pauls Moss, demolishes existing buildings that are negative elements in the conservation area and proposes a large new flat-roofed extension rising to four stories. It therefore represents a considerable change to the conservation area and should be assessed in terms of the policy set out in section 16 of the NPPF. This is clear that great weight should be given to the conservation of designated heritage assets (193) and that any harm or loss requires a clear and convincing justification (194), including public benefits where this harm is less than substantial (196). In considering new development in conservation areas the NPPF emphasizes the importance of enhancing or better revealing their significance (200) and considers that loss of a building that makes a positive contribution to significance should be treated as causing either substantial or less than substantial harm (201).*

*In this context Historic England welcomes the retention and reuse of Pauls Moss and the visual prominence given to it by insuring that new development sits below its eaves line. We remain concerned that the amount of new building proposed and its large areas of flat roof change the character of the conservation area and result in some harm. In making your assessment of the application in accordance with paragraph 196 of the NPPF we therefore urge you to consider whether this is justified by the public benefits offered as this is not an area of Historic England expertise.*

##### *Recommendation*

*Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.*

#### **4.4 SC Regulatory Services (no objections) have responded indicating:**

*A similar application was submitted in the past. Any conditions and detail recommended in previous applications are considered appropriate to the current application and it is recommended that they are placed on any decision notice.*

The response from Regulatory Services to application reference 19/03861/FUL indicated:

*The noise assessment provided indicates that internal noise levels will be exceeded in certain habitable rooms when windows are open for ventilation and hence an alternative form of ventilation needs to be provided in these rooms. Therefore I would recommend that a condition is applied requiring compliance with the noise mitigation measures detailed in the Noise Impact Assessment.*

*Due to the close proximity of existing residential properties the standard construction hours should be applied to the consent.*

*I would recommend that a condition is placed which ensures that all proposed dwellings with off road parking are provided with external charging points capable of charging electric vehicles. The reason for this is to ensure that the properties are fit for future demand.*

*Should it be considered appropriate to grant consent I recommend that the following condition is applied to the consent:*

*1. The approved scheme for the noise attenuation as detailed in the REC, Noise Assessment Report dated Aug 2019, ref: AC106392-1r1, shall be completed prior to the occupation of the site and thereafter retained..*

*Reason: To protect residential amenity, health and wellbeing.*

*2. Construction shall only take place between the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday. No construction activities shall occur on Sundays and public holidays.*

*Reason: to protect the amenity of the area and the health and wellbeing of local residents.*

*3. No development shall take place until a suitable scheme for the provision of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the use commencing and shall thereafter be retained.*

*Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."*

**4.5 SC Tree Officer (no objections)** has responded to the application indicating:

*From the tree and landscaping aspect this application is identical to the previous one which I supported with the addition of 53 new heavy standard trees in mitigation for some tree losses on site to facilitate the proposals, including 5 category C and one category B (Lime tree).*

*Therefore with this identical scheme I have no further comments to make.*



The previous response to application reference 19/03861/FUL from the Tree Officer indicated:

*Having read the tree report and new landscaping scheme I raise no objections to this proposal. I support the planting of 53 new heavy standard trees in mitigation for some tree losses on site to facilitate the proposals.*

**4.6 SC Drainage Manager (no objections)** has responded indicating:

*The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.*

*The proposed surface water drainage is acceptable*

**4.7 SC Planning Ecologist (no objections)** has responded indicating:

*Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.*

*As there is no material difference between 19/03861/FUL and this application, SC ecology will re-submit our response to the previous application.*

*Habitats Regulations Assessment*

*The site lies within the 3.8km recreation zone of influence of Brown Moss, i.e. the distance within which 75% of visitors to Brown Moss live. Damaging recreational impacts have been identified on Brown Moss which is a Special Area of Conservation (SAC) and part of the Meres and Mosses Phase 1 Ramsar Site. Damage has particularly been related to dog walking and swimming of dogs in the pools on site. Residential applications within this zone of influence normally require a Habitats Regulations Assessment under the Conservation of Habitats and Species Regulations 2017.*

*Currently the site supports a total of 88 housing units (see submitted Travel Plan). These are split between 14 properties at Pauls Moss Court which will be retained. The remaining units are 29 retirement units and 45 general needs housing. These will all be demolished as part of the scheme (74 units).*

*The proposed development would consist of 71 sheltered residential apartments. In view of the similar number of dwellings proposed to the existing number, and their sheltered nature, it can be concluded that the number of visitors to Brown Moss from the development is unlikely to increase and hence there will be no likely significant effect on Brown Moss SAC/Ramsar/SSSI, alone or in-combination, as a result of this proposed development.*

*I have read the submitted Phase 1 Preliminary Ecological Appraisal (Stefan Bodnar, September 2019). I am happy with the level of survey work and recommend that the following conditions and informatives are included on the decision notice:*

### *Bat and bird boxes condition*

*Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:*

- A minimum of 10 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.*
- A minimum of 20 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species, including starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).*

*The boxes shall be sited in suitable locations, 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 and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.*

### *Lighting Plan condition*

*No development shall take place, including demolition, ground works and vegetation clearance, until a lighting plan has been submitted to and approved in writing by the Local Planning Authority.*

*The plan shall:*

- 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 (including bat boxes/bricks) and resting places or along important routes (e.g. site boundary routes) used to access key areas of their territory, for example for foraging; and*
- 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 Guidance Note 08/18 Bats and artificial lighting in the UK*

*Reason: To minimise disturbance to bats, which are European Protected Species.*

### *Bats informative*

*All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).*

*It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.*

*If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.*

*Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.*

#### *Nesting birds informative*

*The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.*

*It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.*

*All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.*

*If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*

*If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.*

#### *General site informative for wildlife protection*

*Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.*

*The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.*

*If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.*

*Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.*

*The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.*

*All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.*

*Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*

*Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.*

*If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.*

*If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).*

*Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.*

#### *Landscaping informative*

*Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.*

- 4.8 **SC Conservation and Archaeology Manager (no objections)** has responded indicating:

*It is understood that the design, layout etc. of the proposed development is identical to that previously granted planning permission under reference 19/03861/FUL but which is currently subject to Judicial Review. Given this, in their consultation response of 9 April 2020 Historic England have restated the advice they gave in respect of the previous application. Our position likewise remains unchanged, except in respect to the archaeological interest of the proposed development site. We therefore restate, and where necessary update, our advice in full below.*

*Pauls Moss comprises a substantial late 19th century suburban mansion house which was previously set within landscaped grounds. It was built c.1891-5 for Edward Philips Thompson; a wealthy Liverpool banker who settled in Whitchurch and became a both a significant figure in the community and a major benefactor to the town. The architects were the Liverpool based practice Willink and Thicknesse, who specialised in schools and office developments, including the Grade II\* listed Cunard Building in Liverpool. Thompson was presumably aware of their work through his links to the banking sector in the city, and Pauls Moss represents one of their few domestic commissions. The two-storey house with attics and basement is in a mixed revivalist architectural style and is of good quality red brick with red sandstone detailing beneath a hipped, dormered roof of slate with ceramic bonnet tiles and around a central light well. Internally, it has a late Victorian variation of the villa plan, arranged around a large and impressive double-height hallway which retains the original staircase, doors and door cases and deeply moulded and brightly coloured ceiling with ocular ceiling light. Original fixtures and fittings also survive well in the lounge, including the fireplace and joinery. However, many of the other rooms have been altered as a result of the later refurbishment of the building for institutional uses and following its acquisition by Whitchurch Urban Council in 1857. Although not a listed building, because of its date, architectural associations with Willink and Thicknesse, and its historic links with E. P. Thompson, it is considered to be non-designated heritage asset of at least county level importance.*

*Pauls Moss and parts of its former grounds have been intentionally included within the Whitchurch Conservation Area, and its environs a defined as a specific character area in the Whitchurch Conservation Area Summary Character Appraisal. Although set back from the frontage, there are clear sight lines through to it from Doddington and, because of its imposing size and scale, it therefore retains a substantial presence in the streetscape. Likewise, important views of the building, set behind its boundary wall, are also gained from Rosemary Lane to the north. For these reasons the former mansion house is considered to make a significant, positive contribution to the character and appearance of the Conservation Area. However, the late 20th century extensions and surrounding former sheltered housing detract from it and are considered to make a negative contribution to it.*

*The proposed development site is also located to the rears, and within the settings of, two Grade II listed buildings which front onto Doddington: 29 Doddington (NHLE ref. 1366534) and Doddington Lodge (NHLE ref. 1055974)*

*The proposed development site also falls within part of the area of the Roman cemetery (HER PRN 00910) to the south of the Roman town at Whitchurch. A number of Roman coins (HER PRN 00569) are also recorded to have been found on the proposed development site itself. The area of the site towards the street frontage also falls forms part of the tenement plots (HER PRN 05952) associated with the post-medieval suburb of Doddington. The proposed development site was subsequently subject to extensive landscaping and disturbance in the later 19th century through the construction of Pauls Moss and the laying out of its garden and*

grounds (during which some the Roman finds referred to above appear to have come to light), and subsequently through redevelopment in the later 20th century. Despite this disturbance, at the time of the previous application (ref. 19/03861/FUL) it was stated the proposed development site was still considered to have moderate archaeological potential for Roman and post medieval remains. An archaeological condition was subsequently included on the planning permission which made provision for a phased programme of archaeological to comprise an initial archaeological evaluation followed by further mitigation if necessary.

The archaeological evaluation required under the archaeological planning condition was subsequently undertaken in February 2020. During preparations for this work consultation of utility plans confirmed that many parts of the site had been heavily comprised by servicing. However, working around these services, it was possible to open four evaluation trenches. No features or deposits pre-dating the post-medieval period were found in any of these trenches, and the results indicate that a high degree of truncation down to natural deposits has occurred across much, if not all, of the site as a result of Victorian and modern landscaping and construction. As a consequence, the proposed development site is now considered to have low – negligible archaeological potential.

The following advice is provided as a joint consultation response on behalf of the Historic Environment Team.

The current proposed development (together with that previously approved under ref. represents 19/03861/FUL) comprises a substantially revised and redesigned version of the scheme submitted under application reference 18/05901/FUL. Unlike this earlier scheme, it is proposed to retain Pauls Moss mansion house and to refurbish and provide a mixed use for the building, which includes a community room and café, as part of the development. The existing former residential blocks will be demolished and a new extra-care facility constructed. In addition, the development will also incorporate a new Health Centre. The site will be re-landscaped to provide both amenity space for the residents of the extra-care facility and a new public plaza between and adjacent to the Health Centre and mansion house.

With regards to Policy MD13 of the Local Plan and Paragraph 189 of the NPPF, the applicant has submitted an archaeological Desk Based Assessment and Visual Impact Assessment (retaining Pauls Moss), both by Clare Henshaw and Associates. Together with the heritage assessments submitted with the previous application, these describe significant of the heritage assets that will be affected by the proposed development and provide the Applicant's assessment of the impacts upon their significance.

In their consultation response of 9 April 2020, Historic England restates that the fact that they welcome "...the retention and reuse of Pauls Moss and the visual prominence given to it by insuring that new development sits below its eaves line.". However, whilst they do not object to the proposed development, they repeat their concerns regarding the impact it will have on the character of the Conservation Area as a result of amount of new building that would be involved and the large area of flat roof.

*When assessing the amended scheme, we have given due consideration 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).*

*Like Historic England, we greatly welcome the retention and re-use of Pauls Moss mansion. In our opinion the design of the proposed development will ensure this building retains its current scale and dominance within this part of Conservation Area, and within the views from Doddington and Rosemary Lane. We note in particular that the Medical Centre has been positioned to provide a separation from the mansion, whilst the two storey flat roofed design will ensure that it sits well below the eaves level of the mansion. At the same time, the contemporary architectural style of the medical centre will differentiate between the new build and the retained building, whilst the mixed palette of brickwork, glass, timber and render will create both interest and act to visually break up the form and scale of this part of the new building.*

*Likewise, on the north-west elevation, the use of the proposed flat roof design will ensure that building will again sit well below the eaves of the house throughout its length. Again the use of different brick types, balconies and glazing within the stair well, will act to visually break up the massing of the building.*

*The proposed new public plaza, if executed well, also has the potential to provide both a new setting for the retained mansion and a new area of public open space for the town as a whole. Together with the terraces on the south-west side of the mansion and the glazing on the western elevation of the Medical Centre, these elements of the proposed scheme should ensure that the retained mansion remains the focal point on the proposed developed site. With reference to Paragraph 200 of the Framework, they should also better reveal the significance of this part of the Conservation Area, and the positive contribution the mansion house makes to it, to both residents and visitors.*

*In terms of the amount and scale of new build that the proposed development would entail, it is acknowledged that it would create a very substantial new building in this part of the Conservation Area. However, we note that the three stories at the south-western end of the building is accommodated within the change in site levels. In combination with the use of the flat roofed design, and as observed above, this means that at no point does the roof level project above the eaves level of the retained mansion, ensuring that it remains subservient to it in terms of its height. Likewise, we accept that the use of mixed materials, together with architectural distinction that is created between Medical Centre and extra-care residential elements, will act to visually break up the massing of the building. At the same time, the scheme will remove the negative contribution that the existing residential blocks make to the character and appearance of this part of the Conservation Area, and replace them by comparison with a building with greater architectural merit. Taking all of these points together, and on balance, we therefore disagree with Historic England that the proposed development will cause harm to the significance of the Conservation Area as a result of its impact of the new build elements upon its character and appearance. In other words, we consider that the proposed*

development will cause no harm to the significance of the Conservation Area. With reference to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, we consider that the retention of the mansion house would mean that the scheme preserves the character and appearance of the Conservation Areas, whilst the overall design also offers some enhancement. For the same reason, and with reference to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, we likewise consider that proposed development will not affect the settings of any listed buildings.

In these respects, however, we note that it is proposed to replace the existing plain tiles on the roof of the retained mansion house and to replace the windows with double glazed uPVC units to a similar design. The existing plastic gutters and down pipes will be replaced with powered coated metal rainwater goods, and the decorative hoppers replaced to match where necessary. To maintain the contribution the buildings makes to the character and appearance of the Conservation Area, it is essential that the roof tiles represent a like-for like replacement and that the new windows are high quality uPVC sashes. Similarly, the replacement of the rainwater good should provide an enhancement Provided that they are of a suitable colour and design. The existing lead hoppers should be retained if at all possible. Some details of the materials for the hard landscaping elements have yet to be provided. If planning permission is granted, appropriate conditions should therefore be included to ensure prior approval of these elements of the scheme at the appropriate point as the development progresses.

In terms of the fixtures and fittings within the interior of the mansion house, these are not subject to planning control because this is not a listed. It is noted that proposed development will entail the removal and alteration of some of the remaining historic fabric, through the removal of some walls, doors and doorways, timber panelling and a fireplace (the staircase and plaster ceiling mouldings within the entrance hall will remain). In terms of the status of the building as a non-designated heritage asset, and with reference to Policy MD13 of the Local Plan and Paragraph 197 of the NPPF, this will cause some harm to its significance, which we would assess to be at the level of less than substantial harm. However, it is understood that these alterations are necessary to facilitate the new uses of the building in a manner that is DDA compliant, whilst the asbestos that was fitted within some of the original doors in the later 20th means that they cannot be re-used. When undertaking the planning balance with respect to the harm to the significance of this heritage asset, it should also be acknowledged that the proposed development will provide the building with a viable use for the foreseeable future. Paragraph: 020 Reference ID: 18a-020-20190723 of the NPPG indicates that this can be considered as a public benefit that the proposed development will provide.

Finally, as indicated above, on the basis of the results of the archaeological evaluation that was undertaken in February 2020 proposed development site is now considered to have low-negligible archaeological potential. As a consequence, it is advised that no further archaeological mitigation will be required on the proposed development site and, as a result, that an archaeological planning condition will not be required in planning permission is granted for the current application.

#### *Suggested Conditions:*

*Conditions that require approval during the construction of the development*  
*Roofing materials*



*Prior to the above ground works commencing samples and/or details of the plain clay roof tiles to be used on the retained Pauls Moss mansion 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.*

#### *Windows*

*Prior to the above ground works details of the windows to be fitted in the retained Pauls Moss mansion 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*

#### *Rainwater goods*

*Prior to the above ground works samples and/or details of the metal rainwater goods to be used on the retained Pauls Moss mansion 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.*

#### *Hard landscaping*

*No above ground works shall be commenced until full details hard landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales.*

*Reason: To ensure the provision of a reasonable standard of landscape in accordance with the approved designs.*

#### **4.9 SC Housing (no objections)** have responded indicating:

*Shropshire has an ageing population and the projections show that this will continue to increase, therefore increasing the need for accommodation such as this which will provide 71 much needed affordable rented homes for residents over the age of 55 who have some care requirements. We have seen from recent completed developments of Extra Care facilities that the provision doesn't just meet a need but improves the health and well-being of the residents living in the apartments. The location of a new health facility on site adds to the benefits this scheme will bring.*

#### **4.10 SC Parks and Countryside (no objections)** have responded indicating:

*With regards to the above planning application at Pauls Moss Whitchurch, our comments made to planning application 19/03861 still apply therefore I have no further comments to make.*

The response to the previous application subsequently approved indicated:

*The resubmitted application shows the addition of public open space within the development and Officers are content with the proposals and have no further comments to make.*

4.11 **SC Highways Manager (no objections)** has responded indicating:

*From a highway perspective I reiterate the advice/comments as previously set out in relation to the previous application.*

The response from the SC Highways Manager to application reference 19/03861/FUL indicated:

*The submission of this application follows the refusal of planning permission in respect of application reference 18/05901/FUL, although the reasons for refusal were planning based and not related to issues of highway safety, road capacity or parking provision.*

*The previous application included scheme included 74 extra care apartments, a pharmacy and large community hub. The current revised scheme now includes 71 extra care apartments, no pharmacy and smaller community hub. In terms of car parking provision, whilst the vehicular accesses and parking layout are as previously shown in connection with the application 18/05901/FUL, the parking level has reduced from 85 to 83 spaces.*

#### **LOCAL CONTEXT**

*The site is proposed to be served by three accesses, one from Rosemary Lane and the others from Dodington. Rosemary Lane is the B5476, a road of near 10m in width which accommodates two-way traffic and some on street parking near the site. On the section approaching the junction with Dodington informal on street parking is available on both sides of the street allowing about 20 on street parking spaces near to the site. A site visit to the area identified 13 of these to be in use. Dodington is the B5398, it currently serves two-way traffic. The road length fronting the development site does have defined on street parking bays available on the development site side and some additional capacity for informal on street parking opposite. Capacity would appear to be around 16 spaces and site visit have identified around 8 of these to be in use.*

*At just 340m to the north of the site via Dodington and Bridgewater Street lies the community parking facility adjacent to Tesco and the Swimming Pool. This car park has a capacity in excess of 250 spaces and has a 3hr stay limit. A midweek site visit between 10.00am and 11.00am identified this car park to be half full and therefore well in excess of 100 spaces available for use. Pedestrian routes between the development site and this car park are good and the walk generally takes between 4 and 5 minutes. The 340m distance walk falls within the generally accepted 400m walking distance parameter for planning and evaluation purposes of development.*

*There are not considered to be any current adverse highway issues either in terms of highway safety or traffic capacity within the local highway network. It is considered that the local highway network can adequately cater for the traffic likely to be generated by the current proposal.*

#### **ON-SITE PARKING**

*Extra Care Facility*

*Extra Care apartments traditionally do not attract particularly high car ownership numbers and the provision of one parking space per three sheltered units is considered acceptable. Based upon this development, the Extra Care facility should provide in the order of 24 spaces. However for robustness and taking on board some local concern regarding these units, I consider the application of 1 space per 2 units to be more suitable and therefore the provision of 48 spaces is considered acceptable in this town centre location.*

#### *Medical Centre*

*Parking provision of 35 spaces are proposed for the medical centre of which include 11 staff spaces. Based upon 10 consulting rooms being in use at any one time, the Transport Assessment indicates a maximum parking demand of up to 36 spaces although generally the parking demand is suggested to be below this figure through most of the day. I have no reason to dispute these parking numbers or the rationale regarding consulting rooms being used. The reality is however that there may be periods where parking demand exceeds the site provision, which would lead to some on-street parking.*

*The allocated staff parking is accessed from Rosemary Lane where 11 spaces are proposed. 6 of the parking bays are in a tandem arrangement, which is only really suitable if the staff utilising these spaces leave work at the same time or a mass backing up exercise is required if someone needs to get out during the day. However, being reasonable, I am confident the use of these spaces can be carefully managed between staff and if this area wasn't allocated for formal parking it would get parked in anyway and the same potential issue would result. It should be noted however that access would, on infrequent occasions, be required to the pumping station. In those instances this parking area would need to be managed to allow access to the pumping station. Again in those instances this would result in some car displacement and in all probability on street parking.*

*Using the Travel Survey data provided, an initial presumption can be made that 50 staff would require 40 spaces but just 18 of these are full time so it would be unreasonable to expect such a high level of staff parking. All the staff will not be on-site at any one time and 32 staff are part time. No specific information regarding working patterns has been submitted but it is appreciated that shift and working patterns are difficult to predict as things change and it would also be difficult to control over time. 25 spaces are provided for visitors and patients to the medical centre. The facility is proposing 21 consulting rooms and it is understood that all the rooms will not be in use at any one time.*

*Overall, it is considered that the parking for the medical centre should be considered holistically rather than by accounting for every possible staff and visitor scenario.*

#### *PARKING SUMMARY*

*It is considered that sufficient parking is proposed for the extra care units in that 48 spaces are provided and 38 would be required. This results in a potential net availability to the other operations on the site of 10 spaces. The medical facility holistically is assumed to require 51 spaces with 36 being provided; a deficit of 15 spaces which could be balanced by the 11 from the extra care element to an extent.*

*It is noted that some concern has been raised through the planning consultation regarding parking provision on the site but any parking overspill which may occur from the site could be sufficiently picked up by local on street parking provision and the use of the public car park off Bridgewater Street, which is within accepted walking distance of the facility and appears to have available capacity during a standard weekday.*

*Whilst Shropshire Council currently has no adopted parking standards the above assumptions on parking within the site could be considered to be based on first principles; moreover, consideration would have to be given to how any refusal recommendation based on parking provision could be justified. It is our view that an objection to this development on parking grounds is not justified.*

*However, notwithstanding the above, what is important is how the available on-site parking is properly managed. In order for the on-site parking provision to work efficiently and at its most effective, the careful marking up and allocation of bays including associated instructional and directional signage will be required on site. It is considered this could be dealt with by submission of specific detail and delivery under condition prior to commencement in use.*

#### **CYCLE PARKING**

*The site will cater for two differing businesses, with some staff on site 24 hours per day in the Extra Care facility for example. The development as a whole is offering five cycle stands for the site, these can cater for 10 cycles. For the cycle parking the two businesses should be dealt with separately. Cycle parking facilities for the staff should reassure staff that their cycle is secure and protected from the weather.*

#### **The Medical Centre**

*There should be, as a minimum, a four-cycle secure sheltered facility provided. For visitors/users, who tend not to leave their cycles for long periods, as a minimum a further two non-sheltered but secure cycle stands for four cycles should be provided. These need to be located close to an access point into the main building and be in an overlooked and prominent position.*

#### **Extra Care Facility**

*This facility will be a 24 hour per day operation, to encourage the use of sustainable transport (cycling) it needs to provide similar to the above at a location prominent, overlooked and close to the main entrance of the Extra Care facility.*

*The provision of cycle parking facilities goes hand in hand with the sites travel plan and therefore I would be happy for specific details of the cycle parking to be included in an updated travel plan that can be suitably conditioned on any consent given.*

#### **TRAVEL PLAN**

*The purpose of a Travel Plan is to set out the intentions of the applicants in regard to users and staff of the development facilities and their use of sustainable transport through the life of the development.*

*The Travel Plan (TP), as currently submitted has move some way forward when compared to the TP submitted as part of the 2018 application. I am content therefore that it satisfactory should planning permission be granted. The purpose however of the TP is that it is an evolving document for the lifetime of the development.*

## **SUMMARY**

*Overall whilst it is understood that there are some local concerns regarding this scheme, the highway authority acknowledge that the scheme has reduced to that previously promoted, particularly with the loss of the pharmacy facility. It is not considered that this development would give rise to any highway and pedestrian safety concerns.*

*It is acknowledged that car parking has been raised as a material consideration locally including the Town Council, specifically the level of parking provision on the site. The site however is located within the town centre, within reasonable walking distance of public car parks. The Travel Plan should seek to help in reducing car borne traffic to the site for both staff, visitors and patient.*

*Ultimately in terms of car parking provision, fundamentally the Council would have to demonstrate that the level of parking provision was so inadequate that it would result in 'severe impact' in the locality. I do not consider that this is the case and no information or evidence has been presented which suggests otherwise.*

## **RECOMMENDED PLANNING CONDITIONS:**

### **Access**

*Prior to the development hereby permitted being first brought into use or occupied, the staff car park access onto Rosemary Lane is delivered, constructed in full with visibility splays of 2.4m x 33m and is in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.*

*Reason: To ensure a satisfactory means of access to the highway.*

### **Car Parking**

*The development hereby permitted shall not be brought into use until a car parking management plan has been submitted to and approved in writing by the Local Planning Authority. Details within this plan will include allocation of spaces and strategy for the instructional and directional signage of the parking within the site and that available off site. The parking shall be delivered in accordance with this plan, also properly laid out, hard surfaced and drained prior to first occupation of the facility and then maintained as such for the lifetime of the development.*

*Reason: To ensure the provision of adequate and managed car parking provision within the site, to avoid congestion on adjoining roads and to protect the amenities of the area.*

### **On-site Construction**

*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 Construction Traffic Management Plan, including all HGV routing & unloading proposals;
- an appropriate community liaison and communication strategy, to inform affected local residents and businesses, throughout the works.

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

#### *Travel Plan*

*The Travel Plan (TP) objectives shall be fully implemented in accordance with approved details for the lifetime of the development. The TP shall thereafter be submitted to Shropshire Council upon request but no less than 2 years from the date that the development is first brought into use/occupied and every 2 years thereafter.*

*Reason: To minimise the use of the private car and promote the use of sustainable modes of transport*

#### *Informative:*

*Works on, within or abutting the public highway (Includes all footways & verges)*

*This planning permission does not authorise the applicant to:*

- *construct any means of access over the publicly maintained highway (footway/verge) or*
- *carry out any works within the publicly maintained highway, or*
- *authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or*
- *undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or*
- *undertake the placing of a skip, scaffolding, hording or fencing on or immediately adjacent to the highway, or*
- *use the highway for any purpose associated with the construction of this development, such as unloading delivery vehicles, parking of plant or machinery or the storage of materials, etc.*

*The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details*

*<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>*

*Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required. It should also be noted that the Developer may be directed by Shropshire Council to carry out works, within the public highway, overnight or at weekends (outside of the scope of the planning consent) to ensure through traffic disruption and health & safety requirements are managed appropriately.*

4.13 Four letters of objections have been received which include three from the resident of a local dwelling, all raising issues as follows:

- ☐ Concerns with regards to drainage plans as proposed in consideration of existing infrastructure on site.
- ☐ Concerns with regards to loss of visitor car parking to dwellings adjacent to the site which will infringe on the leaseholders property rights.  
The third letter of objection is on behalf of the Pauls Moss Court Residents Association (formed of 14 households) formally objecting to the proposed
- ☐ scheme, indicating householders have leaseholder rights to 7 'visitor' spaces
- ☐ that are to be shared with the residents of Pauls Moss Court only
- ☐ Comments about advertising of the application by the Council;.  
Open space provision is considered derisory.  
Concerns with regards to scale, mass and overall internal and external design.

4.14 Four letters of support for the proposed development have been received from members of the public.

A letter has been received from a firm of architects and urban designers on behalf of the Claimant involved in the ongoing judicial review, which says as follows (removing details for the purposes of GDPR):

*Dear Sirs*

***Pauls Moss Community Room Pauls Moss Whitchurch Shropshire SY13 1HH***

1. *We have been asked to lodge a formal objection to the application ref 20/01284/FUL.*

***Background***

2. *This is the 3<sup>rd</sup> application on this site. To recap, the first application (ref 18/05901/FUL) was refused by committee 28 June 2019. The 1<sup>st</sup> scheme provided 627sqm of outdoor*

*amenity space according to Officer's Report<sup>1</sup> for the 25 June 2019 committee meeting. There was also a reference to public outdoor space on land outside the red line boundary and the control of the applicant. Based on the accommodation schedule, the Council calculated that 3060sqm of private outdoor space should have been provided under Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan 17/12/2015.*

3. *Correctly, the Council disregarded the amenity space outside the red-line boundary due to objections from the owner. This meant the public open space deficit amounted to some **80%**. The officer who dealt with the application accepted the provision of amenity space was in breach of Council policy which amounted to a "substantial shortfall" and "this is considered unacceptable, given the scale of development..."*

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4. *The 2<sup>nd</sup> application (ref 19/0386/FUL) again seriously underprovided outdoor amenity space but was approved by decision dated 18 October 2019. According to the updated Design and Access Statement,<sup>2</sup> the outdoor amenity space provision had increased by 450sqm. There is no definitive calculation provided in the documentation and the application plans are schematic.<sup>3</sup>*
  5. *Giving the developer the benefit of the doubt, and assuming the best case of 627sqm + the additional 450sqm, the public open space in the 2<sup>nd</sup> application was 1,077sqm - still a significant under provision. According to the Officers Report for the 2<sup>nd</sup> scheme, the*
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<sup>2</sup> D.&A pg 5, under heading Pre-Application Discussions

<sup>3</sup> The Wellbeing Report by AH Design dated 10/2019 records different figures of 587 sqm of private amenity space and 994 sqm of other areas including buffer areas – in fact there is a serious lack of clarity through the documentation and no schedule of area

open space requirement was to provide 3210sqm<sup>4</sup>. On these figures, under the best-case scenario, the under provision is a **67%** deficit.

6. The Claimant commenced judicial review proceedings in the Planning Court on 5 December 2019. The grounds of claim relate directly to the inadequate provision of outdoor amenity space and allege inter alia that the Council discriminated on the basis of age and/or disability in accepting a significant deficiency of amenity space. The Court granted permission for the claim to proceed on the papers and the substantive hearing is listed for 11 June 2020 before the Planning Court.

**3<sup>rd</sup> application 20/01284/FUL**

7. As evidenced by the submitted plans, and as has been claimed in the 10 March 2020 Planning Statement at ¶4.6 (2020 PS), the 3<sup>rd</sup> planning application for Pauls Moss
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*remains the same in “all physical respects”. Significantly, there has not been any evidence of progress to resolve the design shortcomings and hence the current attempts at justification. As such, the proposals in relation to open space as configured remain inadequate, both in terms of the extent, its quality and ease of access.*

8. *The calculations of the various ‘area options’ of scant, so called ‘open space’ is reliant on the aggregation of fragmented, disconnected, disparate totals, many of which are linear strips of ‘non-built-up’ site areas on the margins of roadways, rather than considered open space conceived as true amenity space, as we all know it, for residents and visitors to frequent, occupy and actually use. For this reason, the calculations found in the 2020 PS (pg11) wildly overestimate the quantum of open space and can only be seen as a deliberate attempt to mislead the planning committee on a highly important issue.*
9. *Providing good quality, useful and readily accessible open space underpins planning advice and is not merely a retrospective ‘post-design’ optional counting exercise to justify purely numerical criteria.*
10. *Further, the developer’s counting method adopted in the Planning Statement disregards Council policy on what is amenity space. To quote part of section 3.13 of the SAMDev Plan:*

*“For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision.”*

11. *Evidence of an understanding or the prioritising of this approach has never been evident in any of the planning submissions and proposals for the Pauls Moss site, and there remains therefore a serious underlying design deficiency. The layout and fragmentation does not demonstrate how the requisite open space will work adequately as amenity space to facilitate residents’ activities and ease of association that open space amenity is intended to mediate and provide. In short, it is not policy compliant and does not meet the SAMDev Plan requirement of useable amenity space.*
12. *In addition, adequately providing for the level of occupancy is in the interests of the long-term planning and sustainability of the site. It is essential that the overall design parameters for layout represent good practice and policy compliance. It is apparent that the floor areas of the individual flats could easily be expected to accommodate a much higher level of occupancy than the level of the planned site occupancy based on the 1 bed/1 person and 2 bed/2-person ratio relied on.*
13. *When the developer’s counting methods are considered in detail, it is immediately apparent that so called options 1 and 2 are overinflated and irrelevant to understanding the public shared outdoor space provision as:*
  - (1) *they counted private balconies and private ground floor patios so cannot be included as part of shared amenity space; they also include shared roof terraces, and a strip of land to the south west that is too close to the ground floor flats to be shared public space*
  - (2) *they counted areas of extraneous margin alongside the service road entrance and parking between Pauls Moss House and the main road (Dodington) – hardly convenient, pleasant, or safe and plainly not amenity space.*

14. *Although so-called option 3 omits the landscaping buffer areas and ground floor patios and upper floor balconies, it continues to count areas that are invalid as shared amenity space. For example, the linear perimeter area of open space along the eastern and southern site boundary is just a paved footpath/roadside planted verge between and/or contiguous with the roadway and parking bays and drop-off lay-bys. The areas are distanced from between 0 to 2 metres from the windows to 12 ground floor flats, and from 0 to 2.5m adjacent to 6 ground floor consulting rooms on the eastern elevation. This area is far from being open space amenity, it is also contiguous with a delivery and taxi drop off lay-by. See attached sketch diagram.*
15. *An important consideration in the provision of shared outdoor space is to ensure it does not impinge on the privacy of occupants of the ground floor flats. Here the perimeter strips cannot be considered as suitable for usable shared amenity outdoor space that could in any way be enjoyed recreationally by residents given the close proximity to the windows in the ground floor flats. Indeed, most residents would feel inhibited by using the areas is such close proximity to another resident's flat.*
16. *It is my professional judgment that counting the marginal perimeter spaces as part of all of the three options' provision of outdoor amenity space is invalid because these areas do not meet the definition of what commonly understood by architects and landscape designers as viable shared open space amenity. They are predominately the footpaths and verges planted as ground cover or with shrubs to the perimeter footpaths, e.g. 150m long and by between 3m and 5m wide.*
17. *There is also a significant design flaw with the central amenity area that is provided. Only 13 of the 71 flats actually overlook the central open space, which is totally overshadowed with three storey buildings on the south, east and west sides. The only area of lawn provided is also within this central space which, as already noted, has limited opportunities to receive sunlight as it faces north and is enclosed on all three other sides by three storey buildings. As a flexible recreational space, it is very small. At approximately 35 sqm it does not even match the area of a one-person studio flat.*
18. *Further, because of the long double-banked corridor layout, all residents have to access the central outside space via internal corridors without natural light and either stairs or a lift (there are only two, and for many they are 50m distant). Neither of the two staircases directly serve the central space.*
19. *The dominance of hard landscaping, coupled with the excess of roadway, resulting from the ill-conceived brief and site planning, contributes to the very dominant and detrimental prevalence of impermeable surface, with only a very limited presence of green impermeable 'soft' amenity areas. These are traditionally and universally welcomed by residents and, in particular, are highly important for over 55s and those with special needs and limited mobility.*
20. *In my previous letter to the Council, I referred to relevant guidance on what is needed for accommodation of this nature. To be more specific, Richard Best, the Chair of the All-Party Parliamentary Group on Housing and Care for Older People, said in his November 2012 forward to: 'HAPPI - Housing Our Ageing Population Plan for Implementation:*  
  
*"Good retirement housing involves plenty of space and light, accessibility, bathrooms with walk-in showers, the highest levels of energy efficiency and good ventilation, a pleasing natural environment outside, balconies, and more. And if the dangers of loneliness are to be replaced with opportunities for a good social life, there must be space for people to get together.*

*This higher quality and extra space pays for itself: for the occupier, for family and informal carers, and for providers of health services and social care. And these benefits, quite enough in themselves, are greatly magnified by the release of acutely-needed family homes”.*

21. *Underpinning these recommendations, the HAPPI panel stressed the importance of design, identifying ten elements that are critical to achieving age-inclusive housing for “HAPPI-style” projects. They include:*

- 1. Generous internal space standards*
- 2. Plenty of natural light in the home and in circulation space*
- 3. Balconies and outdoor space, avoiding internal corridors and single-aspect flats*
- 4. Adaptability and ‘care aware’ design which is ready for emerging telecare and telehealth care technologies*
- 5. Circulation spaces that encourage interaction and avoid an ‘institutional feel’*
- 6. Shared facilities and community ‘hubs’ where these are lacking in the neighbourhood*
- 7. Plants, trees, and the natural environment*
- 8. High levels of energy efficiency, with good ventilation to avoid overheating*
- 9. Extra storage for belongings and bicycles*
- 10. Shared external areas such as ‘home zones’ that give priority to pedestrians*

22. *Demonstrably the Pauls Moss proposals do not comply with these well-established principles. To summarise:*

- 1. Internal facing kitchens and bathroom exist in all flats, and all but 9 of the 71 flats are single aspect*
- 2. All flats are served by internal windowless corridors*
- 3. Access to flats is from highly institutional corridors, the longest straight length (on three levels) being 65 metres*
- 4. Space for plants and trees has become minimised - this is due to the excessive roadway area, poor design site planning and massing, and the planning authority’s failure to recognise and support the fundamental importance of open space for over 55s.*
- 5. Shared external home zones do not feature, as a large proportion of open space has been relegated to a very long, public, narrow strip of roadside verge planting that also serves as parking for other residents. The difficult to access central area is hidden and remote from 80% of the residents and the western wildflower meadow is not likely to be accessible throughout the whole year and necessitates passing immediately beside the private open space and windows of the 8 ground floor flats that serve it.*

23. *There are also serious issues concerning the lack of easy access from flats to the central area. It too, regrettably, consists of overly structured, inflexible, hard ornamental planting, ground cover and flower beds and a split level that prevents easy external movement north-south across the site. Many of the counted external ‘open spaces’ are disproportionally located to the north of the site where the hard landscaping is not directly connected to the flats and is more in the nature of public realm open space rather than open space for the amenity and use of residents.*

24. *Finally, people are not going to contemplate sitting overlooking a busy car park that is also shared with local residents. There are 28 south-facing flats that overlook the open tarmac car park and the vehicle drop off point, which has no provision for exit and reversing. Neither does the other eastern drop off, nor do the disabled parking bays to the northern end of the scheme.*

## **Heritage**

25. *I previously commented on the harmful heritage aspects on this scheme and note that Historic England continues to have concerns with the application as recorded in its April 2020 consultation response. The short point is that the scheme may retain Pauls Moss but the scheme so adversely impacts on that heritage asset in such a negative way that the benefit of retention of the house is undermined.*
26. *Specifically, and to be clear, the retention of Pauls Moss House along with its setting in relationship to its former garden now requires more careful consideration as a retained and to be accommodated historic building. So, a fresh more considered approach to the site layout is necessary. There is no design logic or validity to continue with what is practically the same design response to the site. By simply retaining Pauls Moss amidst and 'melded' to the former proposals, it results in effect to a worsening of the situation. It demonstrates even more starkly the effect and folly of the original scheme based on ignoring the site context and its history and Pauls Moss House. The current proposals appear as a glib short-cut to overcoming objections with no evidence of the new site conditions having provoked any further thought, care and consideration. In summary the current proposals worsen the setting of the newly retained Pauls Moss house.*
27. *I note that the Council's conservation officer disagreed with Historic England's advice on the 2<sup>nd</sup> application and advised that the application would cause "no harm" to the conservation area. This is irrational given the only aspect relied on was the use of a variety of construction materials to break up the massing. The changes in scheme 2 and this scheme 3 do not address other significant concerns raised in the Officer's Report for the 1<sup>st</sup> application about the scale and density of the development as well as the absence of green open space.*

## **Conclusion**

28. *In conclusion, the aggregation of random slivers and scraps of miscellaneous planting and ground cover cannot be considered as open space and the counting methods reveal a deliberate attempt to mislead members as to the quantum and quality of open space provided in the scheme. The current layout and design of the proposals clearly do not demonstrate how to accommodate a satisfactory, compliant, and balanced level of development and occupation on this important social housing site.*
29. *The Council should be wary of accepting the fabricated and spurious counting in the planning statement given the risk of further legal proceedings, and it does no credit to the professionals advising the developer to have resorted to such measures when faced with a Court challenge to its inadequate development scheme proposals.*

## **5.0 THE MAIN ISSUES**

- Principle of development
- Historic environment and impact
- Siting, scale and design
- Visual impact, landscaping and open space provision.
- Economic and social benefits
- Highway and transportation

## **6.0 OFFICER APPRAISAL**

## 6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The development plan in Shropshire consists of the Core Strategy (adopted in February 2011), and the Site Allocations and Management of Development (SAMDev) Plan (adopted in December 2015). While planning applications are considered against the policies of the development plan as a whole, specifically relevant policies to this application are set out further below.
- 6.1.2 Core Strategy Policy CS6: Sustainable design and development principles states that to create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change. It further states that all development will protect, restore, conserve and enhance the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance.
- 6.1.3 Policy MD2 of the SAMDev on Sustainable Design indicates for development proposals to be considered acceptable development must respond positively to local design aspirations and contribute to and respect local distinctive or valued character.
- 6.1.4 Policy MD13: The Historic Environment in the SAMDev states that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that where ever possible proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings and that ensuring that proposals which are likely to have an adverse effect on the significance of a non-designated heritage asset, including its setting will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect.
- 6.1.5 Paragraph 3.132 in support of Policy MD13 states Heritage assets are buildings, monuments, sites, places, areas or landscapes that merit consideration as part of the planning process. The term includes all designated and non-designated assets and makes reference to 'Conservation Areas' as a designated asset.
- 6.1.6 The National Planning Policy Framework, (NPPF) sets out the Governments planning policy, it was revised in February 2019 and is a significant material planning consideration for decision takers. Paragraph 38 of the framework says that "Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area." The NPPF indicates a presumption in favour

of sustainable development and that for decision taking this means approving development proposals that accord with an up-to-date development plan.

#### 6.1.7

The NPPF states that achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are:

An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

#### 6.1.8

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

#### 6.1.9

The principle of this form of development is considered acceptable within the town of Whitchurch. The key considerations in this case are whether the merits of the proposal in providing the new medical centre and extra care housing through both its use and the design of the replacement building along with the impacts on the non-designated asset structure outweigh any detrimental impacts in relation to the setting of the Conservation Area, and the contribution the site makes to the historic and architectural character and appearance of the Whitchurch Conservation Area. The key material considerations are considered further below.

### 6.2 **Historic environment and impact**

6.2.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining planning applications within Conservation Areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. There is a statutory presumption, and according to the Courts, a strong one, against the grant of planning permission in instances where a scheme cannot be demonstrated to either preserve or enhance the character or appearance of the Conservation Area, unless these very strong considerations are outweighed by other material planning considerations. Case law



has established that an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering. Harm to a Conservation Area must be given considerable importance and weight in that balance even if that harm is less than substantial.

6.2.2 Section 16: Conserving and enhancing the historic environment in the National Planning Policy Framework, (NPPF), indicates:

*‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’* (para 193).

*‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.* (para 197)

*‘Local planning authorities should not permit the loss or harm of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred’.*(para 198)

*‘Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably’.* (para 200)

6.2.3 *‘Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other elements) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole’.*(para 201)

*‘Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies’* In this instance the heritage assets, (the Conservation Area and the non–designated Pauls Moss House)’.(para 202)

6.2.4 Paragraph 189 of the NPPF indicates: *‘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. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'. As indicated in this report the Conservation Area was drawn up to specifically include Pauls Moss House within its area.*

- 6.2.5 Paragraph 190 indicates that, '*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal*'. It is considered that this matter has been adequately considered by the Council's conservation team as referred to in paragraph 4.8 of this report.
- 6.2.6 Paragraph 192 indicates: '*In determining applications, local planning authorities should take account of:*  
*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*  
*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*  
*c) the desirability of new development making a positive contribution to local character and distinctiveness*'. This matter is further considered later in this report.
- 6.2.7 Paragraph 197 states: '*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*'. (This matter is discussed in more detail later in the report). Whilst the Paul's Moss House on site is considered a non-designated heritage asset, it is located within the Whitchurch Conservation Area, a designated heritage asset in its own right. The Council's Conservation Manager's response is clear in that the mansion house known as Pauls Moss House has been intentionally included within the Whitchurch Conservation Area and that this makes a substantial, positive contribution to its character and appearance.
- 6.2.8 The starting point for the Local Planning Authority's assessment of the impact on the Conservation Area is the positive legal duty imposed upon it by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. When determining planning applications within Conservation Area this requires that "*...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*". The fact that 'special attention' has to be paid to these considerations indicates that this issue should be assigned considerable weight in undertaking the planning balance.
- 6.2.9 The Council's Conservation response clearly states that the Conservation Area has been drawn up in this area in specific recognition of the Paul's Moss House and therefore this building is considered to make a significant and positive contribution to the Conservation Area (a designated heritage asset), The Conservation team

manager's response considers the current application under consideration will ensure this building retains its current scale and dominance within this part of the Conservation Area, as well as within the views from Dodington and Rosemary Lane. Comment is made that the Medical Centre has been positioned to provide a separation from the mansion, whilst the two storey flat roofed design will ensure that it sits well below the eaves level of the mansion. The response also comments that the contemporary architectural style of the medical centre will differentiate between the new build and the retained building, whilst the mixed palette of brickwork, glass, timber and render will create both interest and act to visually break up the form and scale of this part of the new building. Comment is also made that the north-west elevation and its flat roof design will ensure that the new build sits well below the eaves of the mansion house throughout its length and that the massing of the new build is broken up as a result of a different palette of external construction materials. Comment is also made that the proposed new public plaza has the potential to provide both a new setting for the retained mansion as well as providing a new area of public open space on site, this along with the terraces on the south-western side of the mansion and the glazing on the western elevation of the medical centre should ensure, as long as the development is executed well, that the retained mansion remains the focal point and key development within the overall development proposed on site. On this basis the development as proposed in relation to Pauls Moss House and its status as a non-designated heritage asset, it is considered that the development complies with Paragraph 200 of the NPPF.

6.2.10 As the site is located within the Conservation Area, the Council's Conservation Manager has also commented in relation to the scale and mass of the proposed new build acknowledging that new build development as proposed is very substantial. However comment is made that the development of three levels of construction, storey wise, is accommodated within the change of ground levels on site and that this in combination with the proposed flat roof design and its overall height in relation to the mansion house as commented on above will ensure that the development is subservient in terms of height to that of the mansion house, whilst the use of a variety of external construction materials will also help break up the massing of the proposed new build development. Whilst at the same time the scheme as proposed removes the negative contribution the existing on-site later residential development on makes towards the Conservation Area. As noted in the Conservation Manager's response to this application this part of the Whitchurch Conservation Area appears to have been drawn up to specifically include Pauls Moss House within its boundary. Taking all the points as raised by the Conservation Manager in response to the application, it is therefore considered the proposed development will cause no harm to the significance of the Conservation Area. With reference to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the retention of the mansion house would mean that the scheme preserves the character and appearance of the Conservation Area, whilst the overall design also offers some enhancement. For the same reason, and with reference to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed development will not affect the settings of any listed buildings.

6.2.11 It is acknowledged that Historic England in its response to the application has indicated that it considers the proposed development entails a considerable change to the Conservation Area and should be assessed in terms of the policy set out in Section 16 of the NPPF. As Historic England acknowledge in their response, it is

clear that great weight should be given to the conservation of designated heritage assets (193) and that any harm or loss requires a clear and convincing justification (194), including public benefits where this harm is less than substantial (196). In considering new development in Conservation Areas the NPPF emphasizes the importance of enhancing or better revealing their significance (200) and considers that loss of a building that makes a positive contribution to significance should be treated as causing either substantial or less than substantial harm (201).

In this context Historic England has welcomed the retention and reuse of Pauls Moss House and the visual prominence given to it by insuring that new development sits below its eaves line. As such Officers consider the retention of the non-designated asset, (the mansion house), as proposed is welcomed and it is considered this will remain the dominant feature within the built environment and retain its significant presence within the Conservation Area to which it appears this part of the Whitchurch Conservation Area was drawn up to specifically include Pauls Moss House. Whilst the scale of the proposed new build is considered significant, it is considered to be broken up by means of a different palette of external construction materials, and in part taking advantage of the low ground levels will sit below the eaves height of the mansion house. Further still the existing residential development on site proposed for demolition, whilst acknowledging it is overall smaller in footprint and scale, is not considered to be of any significant contribution towards the surrounding Conservation Area to which it does not preserve or enhance. As such on balance, the concerns as raised by Historic England are not shared as overall it is considered that the proposed development will not cause harm to the significance of the Conservation Area as a result of the new build elements upon its character and appearance. As such it is considered that the proposed development will cause no harm to the significance of the Conservation Area. As has been commented upon by the Council's Conservation Manager, in reference to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the retention of the mansion house would mean that the scheme preserves the character and appearance of the Conservation Area, whilst the overall design also offers some enhancement, when compared to what is presently on site. With reference to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed development will not affect the settings of any listed buildings. Even if the response of Historic England was accepted that there was some less than substantial harm to the Conservation Area, the overall public benefits this development as a whole will bring to Whitchurch are considerable and would weigh against any such harm (paragraph 196 of the NPPF).

6.2.12

It is noted that in response to the application, Whitchurch Town Council as well as members of the public have raised concerns with regard to scale and mass and overall internal and external design. These matters were concerns in relation to the previous application subsequently approved by Committee with regards to loss of internal heritage fittings from within the Mansion House. In terms of the fixtures and fittings within the interior of the mansion house, as referred to by the SC Conservation Manager in response to the previous application, these fittings are not subject to planning control because the structure is not a listed building. It is noted that proposed development will entail the removal and alteration of some of the remaining historic fabric, through the removal of some walls, doors and doorways, timber panelling and a fireplace, however the main internal heritage feature is the hallway staircase and plaster ceiling mouldings, and it is understood these will

remain along with as much wall panelling where possible in consideration of the proposed refurbishment of the Mansion House for its proposed new use.

- 6.2.13 In relation to historic environmental impact, taking account of the issues outlined above, the proposed development is considered acceptable and in accordance with Policies CS6, CS17 and MD13 of the local plan and paragraphs 193, 194, 196, 197, 200 and 201 of the NPPF as well as Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 with regard to special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

### 6.3 **Siting, scale and design.**

- 6.3.1 Policy CS6 of the Core Strategy is concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by SAMDev Policy MD2. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduced reliance on private motor traffic, be respectful of its physical, landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping. Significantly, Policy MD2 allows for appropriate modern design and promotes “embracing opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”
- 6.3.2 Paragraph 127 of the NPPF indicates that decisions should ensure that developments, ‘are sympathetic to local character and history, including the surrounding built environment and landscape setting and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Comment is also made that innovation and appropriate change should not be discouraged such as increased densities’.
- 6.3.3 While Pauls Moss House is considered an important historic and architectural feature within the site as discussed earlier in this report, it is also acknowledged that the free standing residential blocks built within the grounds of the house, are negative features, not of any architectural or historic significance and do not enhance the Conservation Area and therefore their removal is considered acceptable in principle.
- 6.3.4 It is considered the application retains the Mansion House which is a non-designated heritage asset as the primary built form, whilst its setting is catered for with the creation of the open space/plaza alongside its southern side. This helps in making the Mansion House the primary feature within the built environment, thus respecting the key feature of this area of the Conservation Area. Whilst it is acknowledged that the new build is extensive in scale, it is subservient in height sitting below the eaves of Pauls Moss House and with its various palette of external construction materials, considered on balance acceptable in relation to scale and design taking into consideration the existing built form on site it is to replace which is

considered to represent bland development that does not enhance or preserve the character of the Conservation Area.

- 6.3.5 As such the applicants' comments in their Planning Statement indicating that the development is designed around the need to retain Pauls Moss House and to provide for high quality supported residential units and adequate parking within an open landscaped setting and that the new build development responds to the site's opportunities and constraints in a positive way, whilst respecting the siting and mass of the existing Pauls Moss house, combining new and old building forms which will help facilitate all of the core project objectives, are accepted. The proposed building mass is a mix of two and three storey heights which alter across the site depending on the changing site levels whilst also considering distances between the retained Pauls Moss house and all neighbouring properties is understood and shared by officers. Detail as contained in the applicants Design and Access Statement indicates that the proposed building design and overall massing has been strongly influenced by the existing Pauls Moss house, adjacent residential properties along Dodington, Rosemary Lane and Pauls Moss Court. The proposed building heights, position of windows and balconies have been developed in order to prevent overlooking and over-bearance of the wider site context. The building form is predominantly three storeys in height with elements of two storeys such as the Health Centre broken down into plan shapes and built forms. The proposed building footprint is located in such a way as to have a reduced visual impact on the adjacent properties in particular to the Pauls Moss house which presides at 2.5 storeys in height. The retained Pauls Moss house forms the most dominant element of built form on the site with all new build elements being significantly lower in height than the original house itself. The design sits comfortably within the existing residential neighbourhood which is traditional brick dwellings with predominantly pitched tiled roofs. In order to reduce the overall mass of this mixed-use building a flat roof design approach has been proposed. The flat roof is edged in a combination of projecting aluminium stepped fascia system and pressed metal powder-coated copings. The height of the Extra Care scheme is lowered and stepped in the elevation closest to No. 1 Pauls Moss Court in order to connect with the two-storey height of the adjacent traditional pitched roofed private dwellings.
- 6.3.6 Also of importance in relation to development as proposed is the use of appropriate external construction materials. It is noted that the SC Conservation Manager has commented on how it is necessary to show consideration to replacing the existing plain tiles on the roof of the retained mansion house and to replace the windows with double glazed uPVC units to a similar design. The existing plastic gutters and down pipes will be replaced with powered coated metal rainwater goods, and the decorative hoppers replaced to match where necessary. To maintain the contribution the building makes to the character and appearance of the Conservation Area, it is essential that the roof tiles represent a like-for like replacement and that the new windows are high quality uPVC sashes. Similarly, the replacement of the rainwater goods should provide an enhancement provided that they are of a suitable colour and design. The existing lead hoppers should be retained if at all possible. Also of importance is the external construction of the new build on site. It is recommended that conditions are attached to any approval notice issued to cover this aspect as recommended in appendix one attached to this report.

- 6.3.7 In terms of siting, scale and design, the development is of significant scale, but with consideration to the existing on site structures proposed for removal and with consideration to the material considerations discussed in this report, it is considered to be in accordance with Policies CS6 and MD2 of the local plan as well as the NPPF.
- 6.3.8 Also as indicated in paragraph 4.8 on the basis of the results of the archaeological evaluation that was undertaken in February 2020 the proposed development site is considered to have low-negligible archaeological potential. As a consequence, it is recommended that no further archaeological mitigation will be required on the proposed development site and, as a result, that an archaeological planning condition will not be required if planning permission is granted.



#### 6.4 **Visual impact, landscaping and open space provision**

- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy encourages development that improves the sustainability of communities whilst requiring development to protect and conserve the natural, built and historic environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, and the achievement of local standards for the provision and quality of open space and ensure sustainable design and construction principles are incorporated within the new development.
- 6.4.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
- 6.4.3 Policy CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not

adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. In addition, SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets.

6.4.4 Also, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.4.5 It is noted that Annex 2 of the National Planning Policy Framework defines 'older people' as follows:

- *People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.*

Thus, this recognises the point that older people can have a wide range of care needs. The residential element of this application is focussed on older people with mostly extra care needs. Thus, their needs are not being considered on the basis of age. Rather, their needs are being considered specifically on account of them requiring extra care.

6.4.6 The Design and Access Statement in support of the application indicates that the residential aspect of the development is for '71 apartment Extra Care supported living residential scheme for the over 55's. The applicant's Planning Statement indicating it is for individuals who are mostly in need of extra care. Extra care housing is defined in the Planning Practice Guidance as:

***"Extra care housing or housing-with-care: This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses."***<sup>1</sup>

6.4.7 This definition is adopted for the purposes of this report. It is noted that this definition refers to 'extensive communal areas', which the open space in the development would provide.

6.4.8 The Claimant's application for judicial review asserted that the Council were having regard for a protected characteristic under the Equality Act 2010. The characteristic was considered to be either age or disability. For the avoidance of doubt, residents in extra care housing are not being considered on account of their age and any such



resident is not necessarily disabled. Rather, the prospective residents of the proposal ought to be considered as individuals with extra care needs. Thus, it is not accepted that the public sector equality duty within section 149 of the Equality Act 2010 applies to these individuals.

- 6.4.9 However, as an abundance of caution, members ought to consider whether the development will meet the tests set out in the public sector equality duty in any event and thus members should have regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010 towards disabled/older people;*
- (b) advance equality of opportunity between older/disabled people and persons who do not have these protected characteristics;*
- (c) foster good relations between persons who are disabled/older and persons who do not have these protected characteristics.*

Further, members ought to have regard to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.*

The proposal is considered to meet all of these factors in any event.

- 6.4.10 The proposal does offer less open space than is required by Policy MD2 of the development plan. However in order to ensure adequate social meeting space and relaxation area for residents and to provide choice of living arrangements within Whitchurch and surrounding area it is vital that any space is of high quality. The Planning Statement indicates that a key connecting feature between the Extra Care and the new Health Centre is the circular Hub and central public plaza which will bring people together and will become the focal point of the scheme. The area is accessible for all key user groups and offers the opportunity for the Café to spill out into a south facing terrace for users to enjoy. The proposal includes a paved public plaza space directly outside the main house which runs between Pauls Moss and the proposed health centre. This outdoor, public amenity space will be a mix of paved hard surfacing including Breedon gravel, soft landscaping, feature trees and boxed hedging and street furniture. The site plan also contains other pockets of open space for the benefit of residents on site.
- 6.4.11 The applicants have submitted a visual impact assessment and this concludes that the scheme will have only negligible or slight effects on visual setting, consideration

has been given to the surrounding Conservation Area, setting of Paul's Moss House and the setting of listed buildings located outside of the application site. The changes to setting that the construction of the proposed buildings (whilst acknowledging they are larger in scale than those to be replaced), in relation to the historic landscape are also considered slight.

- The applicants planning statement indicates that the proposal is of much better quality than the existing provision on site and compared to the previous application for development on site subsequently refused in that this proposal includes provision for Open space and landscaping proposals to meet the needs of the residents and visitors
- The council have established precedent for high quality open space provision at a lesser size than they consider policy requires when such space is designed and intended to be used by older people.

6.4.12 Whilst it is acknowledged that this application does not provide for the standard required open space in relation to bedroom ratio in respect of standard residential development, it is acknowledged that this application is for development for persons mostly in extra care needs. It is considered that the managed communal open space offered by this proposal would be a much better provision than simply requiring open space in accordance with the bedroom ration within Policy MD2. It is considered that the proposed open space on the site will contribute towards providing choice in living arrangements and attracting and inviting people from the wider community to engage with each other providing opportunities to develop new relationships across all age ranges and backgrounds. Thus, the open space being offered is better than simply the bedroom ratio stipulated by Policy MD2. Furthermore, the open space is of a much better design and quality than the open space for most developments of this nature. It is acknowledged that alternative plans have been proposed by objectors, however, officers are of the view that these alternative plans do not meet the same design quality and sense of integration that the current proposals would achieve.

6.4.13 Accordingly, whilst in terms of quantum the proposal offers less open space than stipulated by Policy MD2, the proposal offers better quality than would be required to comply with Policy MD2. This would make a better proposal irrespective of the intended residents of the development. However, it is considered that, having particular regard to the fact the prospective residents will mostly be in extra care needs, the open space in particular will be well suited to their needs. Indeed, this sort of managed communal space will effectively encourage participation in public life, as people of all ages will be attend and interact at this open space and thus, it will foster good relations in this sense between the prospective residents and those not in extra care needs. It will also assist with meeting the needs of those in extra care through allowing them to have further interaction with members of the public in this sense, including some of whom may have mobility issues. Moreover, the circular routes of the open space will further enhance the sense of integration and provide for an attractive walking space for many prospective residents.

6.4.14 In summary, the open space is far better in terms of quality as opposed to quantity than Policy MD2 requires. It is not considered that this same quality could be achieved whilst increasing the quantum of open space, as this would inevitably lead to amendments to the scheme that would undermine the sense of integration that is achieved through the current design.

- 6.4.15 It ought to be noted that the ongoing judicial review suggested that there was some disadvantage/discrimination towards the prospective residents. However, to the contrary, officers have worked with the applicant to secure the best possible design and open space provision. Through this engagement, officers are satisfied that an acceptable scheme has been arrived at – this being acceptable irrespective of whether this was for those in extra care or for the public at large. Albeit, officers are of the view that the proposal does meet the needs of those in extra care in particular, including the fact that those in extra care benefit from extensive communal areas, which the open space on offer would provide.
- 6.4.16 In the event that the public sector equality duty does apply, contrary to the view of officers, on account of the residents being elderly or disabled, officers are of the view that the duty is still discharged. Officers have worked to ensure that a scheme of open space is delivered that is better than the requirements of Policy MD2 would require. Indeed, the quality of the open space, with the sense of integration offered through the central hub and circular routes makes the specific open space on offer better, irrespective of who it is intended for. But this particularly applies to those in extra care, many of whom may have mobility issues and, irrespective of mobility issues, benefit from extensive communal areas, which this managed open space would provide.
- 6.4.17 Officers' views, therefore, remain from the previous application. However, members are reminded to not treat the previous approval as a material consideration in the determination of the current application and ensure that they consider matters afresh.
- 6.4.18 A tree survey and tree protection plan accompany the application and this indicates that *in compensation for the loss of any trees and hedgerows on site as a result of the development that at least an equal number of new trees and length of native hedgerow will need to be planted. The trees will be species of both native and non-native origin, that have wildlife benefits and are sympathetic both to the existing tree structure and suitable for their likely eventual size limitation. All trees will be planted as 9-10cm Light Standards. All appropriate British Standards will be applied in terms of planting specifications. The location of the replacement trees should be determined in a detailed landscape design plan including location and species.*
- 6.4.19 Whilst it is disappointing that some existing vegetation will be lost as a result of the proposed development, not all vegetation on site is considered to be of a high value. (A lime tree to the south of the site is one of the most important trees that unfortunately will be lost as a result of the proposed development). However it is noted that the Council's Tree Manager has responded to the application indicating that having read the tree report and new landscaping scheme I raise no objections to this proposal. I support the planting of 53 new heavy standard trees in mitigation for some tree losses on site to facilitate the proposals. Therefore, on balance, notwithstanding the loss of some existing vegetation the trees element of the scheme is considered to be acceptable.
- 6.4.20 It must also be appreciated that the development is for creation of new accommodation for use as extra care facilities and does not replace any existing

extra care facility and thus does not prejudice potential future occupants in need of extra care but aims to provide wider choice in living arrangements for residents of the surrounding Community. In order to ensure the development is executed to a high standard with consideration to the Pauls Moss House and the open space plaza area in front of the Mansion House as proposed, as well as the other pockets of open space, and the overall contribution towards the Conservation Area, it is recommended that conditions are attached to any approval notice issued, in order to ensure adequate consideration to landscaping. With consideration to the issues as discussed it is considered the concerns on this matter as outlined in the previous refusal for the site are addressed to an acceptable standard.

- 6.4.21 Given the above in relation to landscape and overall visual impact, on balance and overall and in order to provide the Community with a **wide choice of living arrangements**, in consideration of the circumstances, it is considered by Officers, that the development is broadly in accordance with Policies CS6, CS17, MD2 and MD12 of the local plan as well as the NPPF in relation to landscaping and visual impacts and that there is not conflict in relation to the Equality Act 2010 as the proposal simply is aiming to provide the local community with choice in living arrangements as the type of residential development to be offered is considered to be in short supply and this is reflected in the wide amount of support the proposed development, (as a whole), has received to previous applications for development on site of this nature.

## 6.5 Economic and social benefits

- 6.5.1 Paragraph 80 of the NPPF indicates that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It also requires that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.5.2 Paragraph 82 of the NPPF indicates that planning policies and decisions should recognise and address the specific locational requirements of different sectors.
- 6.5.3 Policy CS3 refers to development in market towns and key centres, which will maintain and enhance their roles in providing facilities and services to their rural hinterlands and providing foci for economic development and regeneration, on an appropriately located mostly brownfield site.
- 6.5.4 Policy CS13 of the Shropshire Core Strategy indicates support for Shropshire's Market Towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands in accordance with Policy CS3. which indicates balanced housing and employment development of an appropriate scale and design that respects each town's distinctive character and is supported by improvements in infrastructure. Policy CS11: Types and affordability of Housing seeks to create mixed, balanced and inclusive communities which includes supporting the provision of housing for vulnerable people and specialist housing provision such as extra care facilities.

- 6.5.5 Policy CS15 indicates that recognised town and key centres will be the locations for new retail, office and other town centre uses. As such the location for development in principle is considered acceptable.
- 6.5.6 The application proposes a significant quantum of development which in principle is recognised and supported having regard to the policies outlined above. It is acknowledged that there has been significant housing growth in Whitchurch and this will have had an effect on the health services within the town. The Pauls Moss development is designed to accommodate this growth in population, as well as provision in relation to an aging population.
- 6.5.7 The development as proposed will deliver a significant number of benefits to the community. The generic benefits include:
- Improved GP services
  - Improved health services
  - Provision of age specific housing for older people
  - Provision of affordable housing
  - Inward investment
  - Job creation
  - Economic impact
- 6.5.8 With regards to job creation, some of these will be short term through the development and construction phases and some will be permanent within the completed building. In addition to these jobs, there are existing jobs that will be protected and the local supply chain will benefit in terms of servicing the development once it is operational. It is estimated that the equivalent of up to 30 further part time jobs could be created within the wider economy.
- 6.5.9 The project will also deliver a wide range of intangible benefits such as:
- Wider range of accommodation choices for older people
  - Improved access to primary care and new models of care
  - Increased capacity for clinical services out of hospital
  - Extended hours for GP access
  - Greater GP training capacity
  - Modern healthcare environment that meets current NHS standards
  - Delivery of Shropshire Care Closer to Home strategy
  - Increased levels of wellbeing
  - Better community cohesion
  - Increased social interaction
  - Reduced isolation for elderly residents
  - Better mental health outcomes
  - Development of social prescribing
  - Volunteering opportunities
  - Better community outcomes from joined up approach to delivery of service
  - Fully accessible buildings
- 6.5.10 Historic England in response to the application indicated concerns regarding the application on heritage grounds in respect of the amount of new building proposed

and its large areas of flat roof which they consider will change the character of the Conservation Area and result in some harm, and therefore they consider that an assessment has to be made of the application in accordance with paragraph 196 of the NPPF in relation to the public benefits offered. They do not suggest that the harm they have identified amounts to substantial harm.

- 6.5.11 The application proposes the retention of Pauls Moss House and it is noted that Historic England in response to the previous application subsequently refused stated that 'It appears to Historic England that the inclusion of the site in the conservation area is reliant on the survival of the house itself. Without the house the site makes a minimal contribution to the evidential and historical value of the conservation area and none its aesthetic value.'
- 6.5.12 The SC Conservation Team disagree with Historic England that the proposed development will cause harm to the significance of the Conservation Area as a result of its impact of the new build elements upon its character and appearance. They consider that the proposed development will cause no harm to the significance of the Conservation Area. With reference to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, they consider that the retention of the mansion house would mean that the scheme preserves the character and appearance of the Conservation Area, whilst the overall design also offers some enhancement. For the same reason, and with reference to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, they likewise consider that proposed development will not affect the settings of any listed buildings.
- 6.5.13 The Case Officer having reviewed both responses and noting Historic England do not object outright to the application, share's the view as set out by the SC Conservation Manager. As such the criteria of paragraph 195 of the NPPF are not engaged, as it is considered that the development will not lead to substantial harm to the Conservation Area and its historic setting. Furthermore paragraph 196 is not engaged as it not accepted that any harm will be caused to the significance of the heritage asset. Notwithstanding that view the development will provide benefits to the surrounding community whilst offering a re-use of the mansion house and as such if there is less than substantial harm, the development is in accordance with paragraph 196 of the NPPF.
- 6.5.14 It is acknowledged that improved health care provision and facilities are an identified local infrastructure requirement and the situation with regard to current health care provision within Whitchurch is noted and this would accord with relevant development plan policies. As such it is considered that this application in relation to impacts and the economic and social benefits is acceptable and in accordance with the NPPF.

## **6.6 Public highway access and on-site transportation issues.**

- 6.6.1 The applicants have submitted a Highways Transport Assessment and Highways Travel Plan. The SC Highways Manager raises no significant concerns in relation to the proposal indicating whilst it is acknowledged that there have been some local concerns regarding the scheme, the highway authority appreciate that the scheme has reduced to that previously promoted, particularly with the removal of the former

pharmacy facility. It is not considered that this development would give rise to any highway and pedestrian safety concerns.

- 6.6.2 It is acknowledged that car parking has been raised as a material consideration locally including from the Town Council, specifically the level of parking provision on the site. However the site is located within the town centre, within reasonable walking distance of public car parks. The Travel Plan should seek to help in reducing car borne traffic to the site for both staff, visitors and patient. Residents of Pauls Moss Court concerns with regards 'seven visitor car parking spaces' located at the rear of the site is not considered a direct planning issue and it is noted that the submitted plans do not indicate construction works in this area.
- 6.6.3 Should any resident wish to discuss their lease interpretations they should in the first instance contact their landlord Great Places formerly Equity housing, The Wrekin Housing Group is not able to discuss these matters directly. However we are happy to liaise with Great Places as required.
- 6.6.4 Ultimately in terms of car parking provision, the SC Highways Manager indicates that fundamentally the Council would have to demonstrate that the level of parking provision was so inadequate that it would result in 'severe impact' in the locality. He does not consider that this is the case and no information or evidence has been presented which suggests otherwise. Consideration has also been given to emergency and service vehicles and servicing the site.
- 6.6.5 Whilst concerns as raised by members of the public and Whitchurch Town Council with regards to on site traffic movements and impacts in relation to car parking for residents of Pauls Moss Court are acknowledged, it is considered that with appropriate conditions attached to any approval notice issued with regard to a travel plan, on site construction and parking and with consideration to the fact that this site is near to the town centre, that on balance highway and parking arrangements are considered satisfactory and in accordance with local plan policies and the NPPF.

## **6.7 Other matters.**

### **6.7.1 Drainage.**

- 6.7.2 A drainage strategy and flood risk assessment accompanies the application and conclusions indicate that in accordance with the Environment Agency Flood Maps the site is outside of a recognised floodplains and therefore within Flood Zone 1. The proposed Extra Care facility, GP Surgery and Community Hub re-development have finish floor levels set 150mm above the proposed surrounding ground levels to mitigate against any possible groundwater flooding and pluvial flooding. Dry access and egress is available to and from the building always via the proposed access onto Dodington adjacent to the north eastern boundary of the site. In terms of the risk of flooding from pluvial sources (surface water runoff), a surface water drainage strategy has been prepared. The strategy proposes to discharge surface water to ground via infiltration tanks with an emergency overflow controlled to 50% of the existing peak discharge rate for the 1% AEP into the existing off-site surface water sewers in case of future failure of the infiltration system. Providing the mitigation measures or similar measures are implemented it is considered that the risk of flooding to the site and adjacent land will be minimal.

6.7.3 SC Drainage response raises no objections indicating that the proposed surface water drainage is acceptable. It is recommended that any approval notice issued has a condition attached in order to ensure adequate sustainable surface and foul water drainage is installed on site. The site is located above Queens Park alongside a sensitive part of the park that appears to be wetland species rich and therefore potentially sensitive in nature. This and drainage issues are a matter of concern raised by Whitchurch Allotment and Community Orchard Association. Issues as raised by members of the public with regards to drainage and infrastructure on site have been considered and this matter is considered acceptable. With a condition in respect of surface water drainage attached to any approval notice, on balance the proposed development is considered acceptable and in accordance with local plan policies on drainage matters.

#### 6.7.4 **Ecology**

6.7.5 The applicants have submitted a Phase 1 Preliminary Ecological Appraisal (Stefan Bodnar, September 2017). The Council's Planning Ecologist has responded indicating the level of survey work including reference to bats is satisfactory, recommending conditions and informatives' are attached to any approval notice. Comments previously made by Whitchurch Allotment and Community Orchard Association have been noted, however these ecological issues are not considered to be of a concern. As such ecological matters with conditions attached as recommended is considered acceptable.

#### 6.7.6 **Residential amenity**

6.7.7 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. The applicants have submitted a noise assessment and impact assessment in relation to the dwellings known as Pauls Moss Court located on the southern side of the application site.

6.7.8 The assessment concludes that there will be no significant impacts in relation to the residential amenity of the occupants of Pauls Moss Court.

6.7.9 Officer have considered residential amenity and privacy in relation to all surrounding dwellings to the application site, and have concluded that impacts on occupiers of these dwellings is acceptable. It is appreciated that the occupiers of Pauls Moss Court have raised concerns in relation to development on site and its scale and mass, as well as in relation to car parking issues. It has been acknowledged that development on site will be of a larger scale than that as presently on site, and as such it is appreciated that residents could have some concerns with regards to development as proposed. However, development will be broadly in-line with respect of existing development on site and overall will not encroach significantly nearer to the dwellings at Pauls Moss Court. Planning does not allow for a right to a view.

6.7.10 However, it is acknowledged that development on site is significant and includes considerable demolition works. As such it is considered appropriate to attach conditions to any approval notice issued with regards to working hours, dust and construction management and noise attenuation. A condition in relation to noise mitigation, is required in consideration of the amenity of the occupants of the



proposed residential development, based on the recommendations of the noise report provided with the application. This report indicated that existing noise levels from road traffic would result in the internal noise levels, in some of the habitable rooms, exceeding recommended levels with the windows open for ventilation, acceptable noise levels can be achieved with standard double glazing but an alternative form of ventilation capable of replacing the need to open windows would be required based on the information provided as referred to. The proposed mitigation is clearly referred to in the conclusions of the applicants' noise report and Chapter 5 of the report provides detail regarding which properties will require mitigation.

- 6.7.1  
1 Concerns have been raised by members of the public with regards to lack of consultation in relation to this application. Whilst it is acknowledged that the NPPF encourages public consultation prior to submission of a formal planning application, this is not a statutory requirement. It is understood the applicants did consult with the community with regards to the principle of development on site in relation to the previous application for development on site subsequently refused.

## 7.0 THE PLANNING BALANCE.

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The starting point must be the Development Plan and then other material considerations must be considered and weighed up against the requirement also to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation as required by s72 of the planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.2 It is acknowledged that the proposal does not offer the quantum of open space specified by Policy MD2. However, Policy MD2 is a multi-faceted policy that addresses numerous points. The proposal gains support from the policy through responding positively to local design aspirations, responding to local heritage concerns, including natural and semi-natural features and demonstrating good standards of sustainable design (amongst other things). Thus, the proposal is in conformity with Policy MD2 on balance, notwithstanding the fact that the open space quantity set out in the policy is not met.
- 7.3 However, even if it was considered that this gave rise to some conflict with the policy, it is not considered that this minor breach would warrant a finding of conflict with the development plan as a whole (per **R.(oao William Corbett) v Cornwall Council** [2020] EWCA Civ 508)\*. Thus, it is not considered that this gives rise to any conflict with the development plan. However, even if that is wrong, the weight to be attached to any such breach ought to be minimal, given that the open space that is offered is superior in quality to the overwhelming majority of open space that accompanies development of this nature. By contrast, the benefits of the proposal, applying the statutory test in s.38(6) of the Planning and Compulsory Purchase Act 2004, would still suggest that there would be material considerations that ought to outweigh any such conflict.

(\* Court of Appeal judgment that held that that notwithstanding a proposal's conflict with some policies in a development plan which can pull in different directions, a local planning authority is entitled to conclude that it complied with the development plan as a whole bearing in mind the relative importance of the policies in play and the extent of the compliance or breach)

- 7.4 Accordingly, no matter the approach to Policy MD2, the proposal should still be granted planning permission.
- 7.5 Having carefully considered the proposal against adopted planning policy and guidance, it is considered that the proposal on balance, (with consideration to the public benefits this scheme will offer to the wider community), overall complies with relevant policies of the local plan and the NPPF. It is not considered in this case that the tests in paragraph 195 of the NPPF are engaged as the proposal overall will not lead to substantial harm to the surrounding historic environment. It is not considered that any harm will occur to the designated historic asset but it will in any event provide wider public benefits. The Pauls Moss mansion does not appear to have had any significant use during latter years, and it is considered that this proposal will ensure a viable use as part of the overall development for the site. Development which will replace existing poorly designed structures which do not preserve or enhance the surrounding Conservation Area. Whilst it is acknowledged that the replacement new build is of larger scale, it has been considered in relation to the setting of the mansion house which will remain the dominant feature. Landscaping and open space provision whilst minimal in area, as long as this is executed to a high standard is on balance considered acceptable. As such it is essential that sufficient consideration is given to detail, (external construction materials), and this can be ensured by the attaching to any approval notice issued suitably worded conditions.
- 7.6 The NPPF is intended to deliver sustainable development, there is a presumption in favour of this and it identifies three mutually dependent dimensions which should be sought jointly and simultaneously through the planning system, namely: an economic role; a social role; and an environmental role. Officers consider there will clearly be economic and social benefits arising from the development, mainly attributable to the provision of improved health facilities for the town of Whitchurch and its hinterland as well as an Extra Care facilities that will consist of 71 apartments, with a mixture of one and two bedrooms and the community hub. These are significant material considerations on which basis to determine the application.
- 7.7 Provision of improved health care in Whitchurch is to be welcomed and it is noted that this aspect is generally supported in consideration of responses received in relation to the application. Health care provision within Whitchurch appears to be fragmented and whilst it is acknowledged that it could be debated whether providing GP services in one location is more sustainable or not, there is no doubt the facilities as proposed will be an overall improvement on the existing facilities provided within the town.
- 7.8 The economic and social contributions are recognised and with consideration to the retention of the Pauls Moss House and its re-use and its dominance in relation to the proposed new build, (height), and high quality landscaping in order to aim to provide choice of living arrangements for residents of the surrounding community, the

proposal tips the balance of the environmental considerations to a positive conclusion and as the NPPF makes clear in Section 2 on achieving sustainable development, these overarching objectives are interdependent and need to be pursued in mutually supportive ways.

## **8.0 CONCLUSIONS**

- 8.1 The merits of the proposal are considered acceptable with no adverse impacts overall in relation to the surrounding Conservation Area and its historic features including reference to the non-designated heritage asset, (the mansion house), as well as the listed buildings in the surrounding area.
- 8.2 On balance with consideration to all the material considerations it is considered that this application is in accordance with local plan policies CS3, CS6, CS9 and CS17 of the Shropshire Core Strategy, policies MD1, MD2, MD8, MD12, MD13 and S18 of the SAMDev as well as the NPPF and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.3 As such the recommendation is approval delegated to the Service Manager, subject to the conditions as outlined in appendix one attached to this report with any modifications to these conditions as considered necessary by the Planning Service Manager.

## **9.0 Risk Assessment and Opportunities Appraisal**

### **9.1 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.

## 9.2 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.

## 9.3 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.

## 10.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS15 - Town and Rural Centres

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design  
MD4 - Managing Employment Development  
MD8 - Infrastructure Provision  
MD10A - Managing Town Centre Development  
MD12 - Natural Environment  
MD13 - Historic Environment  
Settlement: S18 - Whitchurch  
National Planning Policy Framework  
SPD Sustainable Design Part 1  
SPD Type and Affordability of Housing

#### RELEVANT PLANNING HISTORY:

PREAPP/18/00245 Demolition of existing sheltered housing accommodation and general needs flat and erection of retirement living scheme, health centre, pharmacy and community hub PREAMD 27th July 2018

18/05901/FUL Proposed re-development to include the demolition of Pauls Moss and associated supported living accommodation; erection of one building comprising 74 supported residential units; health centre, pharmacy, central hub space of cafe and community rooms; 85 car parking spaces, alterations to existing vehicular access, creation of two new vehicular accesses (Rosemary Lane and Dodington); landscaping scheme including removal of trees; link to adjacent public open space REFUSE 28th June 2019

PREAPP/19/00238 Pre-application advice for the re-development of Pauls Moss PREAIP 1st August 2019

19/03861/FUL Re-development to include conversion of house to form cafe/community hub and flats; erection of 71 sheltered residential apartments; erection of health centre building; landscaping scheme including removal of trees; formation of car parking spaces and alterations to existing vehicular access GRANT 18th October 2019

20/01284/FUL Redevelopment to include conversion of house to form cafe/community hub and flats; erection of 71 sheltered residential apartments; erection of health centre building; landscaping scheme including removal of trees; formation of car parking spaces and alterations to existing vehicular access 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)
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
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Local Member
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Cllr Gerald Dakin
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Appendices
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## 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 demolition, ground works and vegetation clearance, until a lighting plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall:

- o 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 (including bat boxes/bricks) and resting places or along important routes (e.g. site boundary routes) used to access key areas of their territory, for example for foraging; and
- o 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 Guidance Note 08/18 Bats and artificial lighting in the UK

Reason: To minimise disturbance to bats, which are European Protected Species.

4. Prior to any development on site details will be submitted to the local planning authority and approved in writing with regards to sustainable foul and surface water drainage.

Development will be carried out as approved prior to any occupation of the site.

Reason: In order to ensure the site is served by a satisfactory means of drainage in relation to the surrounding area.

5. 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:

- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o wheel washing facilities
- o measures to control the emission of dust and dirt during construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works
- o a Construction Traffic Management Plan, including all HGV routing & unloading proposals;
- o an appropriate community liaison and communication strategy, to inform affected local residents and businesses, throughout the works.

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

6. No ground clearance, demolition, or construction work shall commence until a tree protection scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site 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, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

7. Prior to construction and/or demolition activities occurring on site a dust management statement detailing how the developer will reduce dust from spreading off the site shall be submitted to the local planning authority for approval in writing. Any methods contained within any approved statement shall be implemented on site.

Reason: to protect the amenity of the area and the health and wellbeing of local residents.

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

8. Prior to any above grounds works a suitable scheme for the provision of electric vehicle charging points will be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the use commencing and shall thereafter be retained.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."



9. Prior to the above ground works samples and/or details of the metal rainwater goods to be used on the retained Pauls Moss mansion and rainwater goods in relation to all new build construction on site shall be submitted to and approved in writing by the Local Planning Authority. The decorative rain hoppers on the Pauls Moss House will be retained. 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.

10. Notwithstanding the approved plans no above ground works shall be commenced until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales within the first planting season following completion of the new build external construction on site. Works shall be carried out as approved.

The details will include provision for:

- layout and design of the landscaped areas both soft and hard.
- Size and type of vegetation species to be planted.
- Maintenance schedule in order to ensure their survival and maintenance.
- Any species that fail within the first five years will be replaced in the following planting season with varieties of similar species and size.
- Detail of species to be retained on site and their position.
- Detail of all outdoor furniture to be installed including their construction, colour and size.

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

11. Notwithstanding the detail in support of the application prior to any above ground works details will be submitted to the local planning authority with regards to all external construction materials in relation to new build building development on site. Development will be carried out as approved.

Reason: In order to ensure external building development is of satisfactory construction in consideration of the surrounding Conservation Area and scale of development as approved.

12. Prior to the above ground works commencing samples and/or details of the plain clay roof tiles to be used on the retained Pauls Moss mansion 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.

13. Prior to the above ground works details of the windows to be fitted in the retained Pauls Moss mansion 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

14. The development hereby permitted shall not be brought into use until a car parking management plan has been submitted to and approved in writing by the Local Planning Authority. Details within this plan will include allocation of spaces and strategy for the instructional and directional signage of the parking within the site and that available off site. The parking shall be delivered in accordance with this plan, also properly laid out, hard surfaced and drained prior to first occupation of the facility and then maintained as such for the lifetime of the development.

Reason: To ensure the provision of adequate and managed car parking provision within the site, to avoid congestion on adjoining roads and to protect the amenities of the area.

15. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 10 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 20 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species, including starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, 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 and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

16. Prior to the development hereby permitted being first brought into use or occupied, the staff car park access onto Rosemary Lane shall be delivered, and constructed in full with visibility splays of 2.4m x 33m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to the highway.

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

17. The extra care units shall solely be occupied by those demonstrating a local connection to the Shropshire Council Area as defined in the Shropshire Affordable Housing Allocation Policy

Reason: To meet the identified extra care housing need in Shropshire

18. The extra care apartment building (Use Class C2) shall only be used for the purposes of providing extra care purposes. They shall not be used for any other purposes including any other purpose within Use Class C2 of the Town and Country Planning (Uses Classes) Order 1987 as amended.

Reason: In the interests of the protection of residential amenity

19. The extra care accommodation made up of 71 units shall be made available as Affordable Rent accommodation and shall not be let or occupied other than under a tenancy in accordance with the normal letting policy of a registered Provider.

Reason: To ensure compliance with the requirements of Shropshire Core Strategy Policy CS11 to ensure affordability in perpetuity.

20. The Travel Plan (TP) objectives shall be fully implemented in accordance with approved details for the lifetime of the development. The TP shall thereafter be submitted to Shropshire Council upon request but no less than 2 years from the date that the development is first brought into use/occupied and every 2 years thereafter.

Reason: To minimise the use of the private car and promote the use of sustainable modes of transport.

21. Construction and /or demolition shall only take place between the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday. No construction activities shall occur on Sundays and public holidays.

Reason: to protect the amenity of the area and the health and wellbeing of local residents.

22. The approved scheme for the noise attenuation as detailed in the REC, Noise Assessment Report dated Aug 2019, ref: AC106392-1r1, shall be completed prior to the occupation of the site and thereafter retained.

Reason: To protect residential amenity, health and wellbeing.

23. The occupation of the extra care units hereby approved shall be limited to persons who have reached the age of 55 and who are in need of extra care.

Reason: The extra care apartment block is not considered suitable for general needs housing due to amenity and car parking provision.

### **Informatives**

1. All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

2. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

3. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

4 Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

1. This planning permission does not authorise the applicant to:  
construct any means of access over the publicly maintained highway (footway/verge) or
  - carry out any works within the publicly maintained highway, or
  - authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
  - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
  - undertake the placing of a skip, scaffolding, hording or fencing on or immediately adjacent to the highway, or
  - use the highway for any purpose associated with the construction of this development, such as unloading delivery vehicles, parking of plant or machinery or the storage of materials, etc.

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

It should also be noted that the Developer may be directed by Shropshire Council to carry out works, within the public highway, overnight or at weekends (outside of the scope of the planning consent) to ensure through traffic disruption and health & safety requirements are managed appropriately

6 If your proposed project requires Building Regulations Approval or you are unsure whether it does please contact us on 01743 258710, email [buildingcontrol@shropshire.gov.uk](mailto:buildingcontrol@shropshire.gov.uk) or visit our website [www.buildshropshire.co.uk](http://www.buildshropshire.co.uk) for preapplication advice and a competitive fee.

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link:  
<http://www.shropshirefire.gov.uk/planning-application>

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