



Committee and Date

Northern Planning Committee

6<sup>th</sup> April 2021

Item

6

Public

## Development Management Report

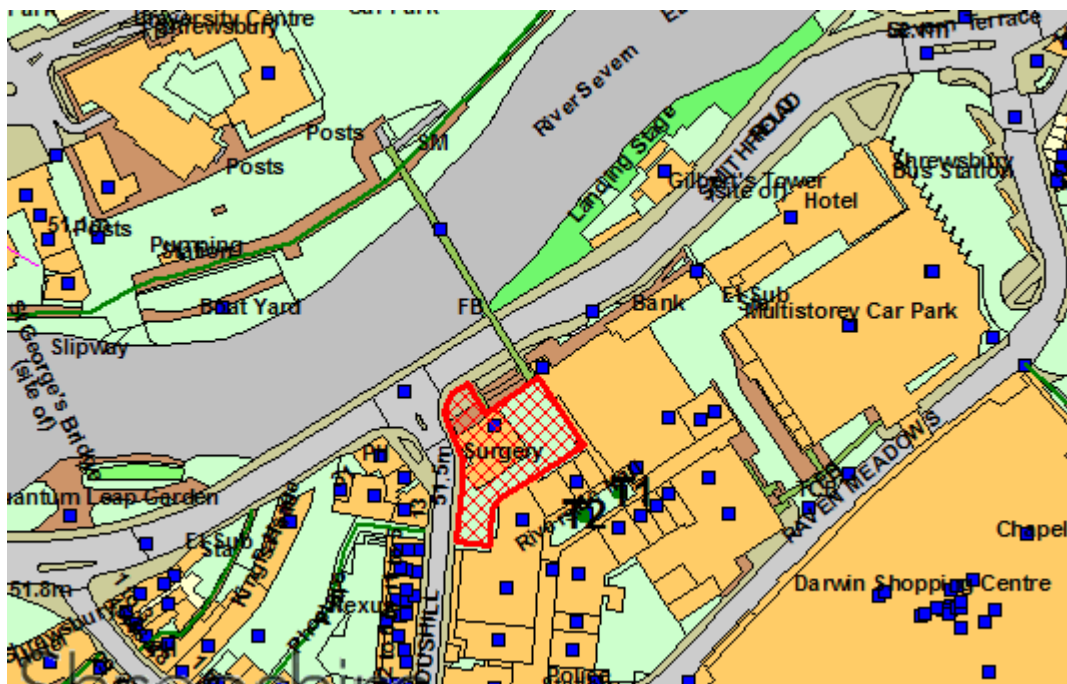
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 21/01189/DEM	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Application for prior notification under Schedule 2 Part 11 of the Town & Country Planning (General Permitted Development) Order 2015 for the demolition of Riverside Medical Practice		
<b>Site Address:</b> Riverside Medical Practice Roushill Shrewsbury SY1 1PQ		
<b>Applicant:</b> Shropshire Council		
<b>Case Officer:</b> Mike Davies	<b>email :</b>	mike.daves.planning@shropshire.gov.uk

**Grid Ref:** 349102 - 312765



**Recommendation:- Prior Approval Req and Approved PRCPA subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 Prior Approval is sought for the demolition of the existing Riverside Medical Centre building situated at the junction of Smithfield Road and Rousehill in Shrewsbury Town Centre.

1.2 The proposal is accompanied by a demolition management statement explaining how the demolition will be managed to minimise impacts on its surroundings and how the site will be treated after the works are complete.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The building is an existing modern low rise building which is situated with Flood Zone 3 and was impacted by the floods last year. It is situated on the corner of Smithfield Road and Rousehill adjacent the footbridge which spans the River Severn.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 No views contrary to the recommendation have been received from either the ward member or Town Council. The application does not comply with the scheme of delegation owing to the Council interest in the site.

### 4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **Regulatory Services** - The proposed standard construction/demolition times along with the narrower pneumatic/breakage times are sensible.

Due to the proximity to residential units and public, the contractor should have the facilities of necessary water suppression on any equipment or accumulations which gives rise to dust and have direct access to install a ground vibration monitor, such as a vib-roc unit, to monitor vibration to ensure compliance to standards within BS 5288-2:1997.

Please note that asbestos removal is not Local Authority enforced or regulated. The asbestos removal contractor must be licensed by the Health and Safety Executive.

4.1.2 **Local Lead Flood Authority** - We have no comment from the drainage and flood risk perspective, regarding the demolition of Riverside Medical Practice.

#### 4.2 - Public Comments

No Representations have been received at the time of drafting the report.

#### 5.0 THE MAIN ISSUES

Principle of Demolition

Mitigation Measures

#### 6.0 OFFICER APPRAISAL

##### 6.1 Principle of Development

6.1.1 The building is a modern, functional structure and does not have any particular architectural or historic value. Therefore in terms of its demolition the principle of its removal is considered acceptable subject to appropriate mitigation measures being put in place.

6.1.2 The site is within flood zone 3 and was impacted by the floods last year and given the nature of the vulnerable nature of use the building is no longer considered fit for purpose.

##### 6.2 Mitigation Measures

6.2.1 A demolition management plan has been submitted to support the application and the mitigation contained within this document is deemed acceptable in terms of seeking to minimise the impact of the demolition process on the surrounding environment.

#### 7.0 CONCLUSION

7.1 The proposals are considered acceptable and the recommendation is that prior approval of the means of demolition is required and is granted.

#### 8.0 Risk Assessment and Opportunities Appraisal

##### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

## 11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member  Cllr Nat Green
Appendices APPENDIX 1 - Conditions

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

1. The development shall be carried out strictly in accordance with the Construction Method Statement for Demolition Works received on 11/03/2021.

Reason: For the avoidance of doubt and to ensure that the work is carried out in accordance with the approved details.

2. Due to the proximity to residential units and public, the contractor should have the facilities of necessary water suppression on any equipment or accumulations which gives rise to dust and have direct access to install a ground vibration monitor, such as a vib-roc unit, to monitor vibration to ensure compliance to standards within BS 5288-2:1997.

Reason: To safeguard the amenities of the locality

3. No demolition works shall take place before 8.00 am on weekdays and 8.00 am on Saturdays nor after 6.00 pm on weekdays and 6.00 pm on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

**Informatives**

1. Please note that asbestos removal is not Local Authority enforced or regulated. The asbestos removal contractor must be licensed by the Health and Safety Executive.

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