

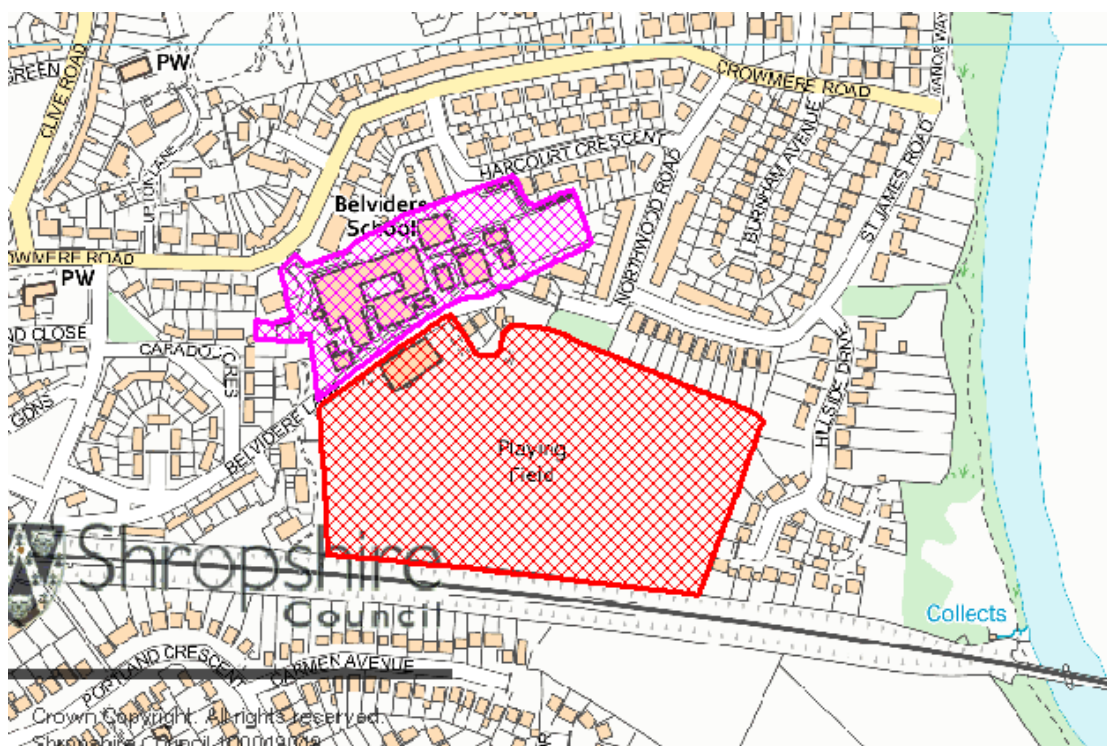
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place
 Email: Tracy.Darke@shropshire.gov.uk Tel: 01743 254915

Summary of Application

Application Number: 21/02675/FUL	Parish:	Shrewsbury Town Council
Proposal: Proposed new secondary school and associated works, including installation of new Solar PV panel system on roof and on external free-standing canopies		
Site Address: The Belvidere School Crowmere Road Shrewsbury SY2 5LA		
Applicant: Caledonian Modular		
Case Officer: Philip Mullineux	email	: philip.mullineux@shropshire.gov.uk

Grid Ref: 351399 - 312815



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Recommendation: Approval subject to the conditions as outlined in appendix 1 attached to this report and any modifications to these conditions as considered necessary by the Assistant Director of the Service.

Report

1.0 THE PROPOSAL

- 1.1 Application is made in 'Full' and proposes new secondary school and associated works, including installation of new Solar PV panel system on roof and on external free-standing canopies on land in use as part of the playing fields at the Belvidere School, Crowmere Road, Shrewsbury, SY2 5LA.
- 1.2 The application is accompanied by a site location plan, block plan, elevations and floor plans, design and access statement, planning statement, geo-environmental inspection report, hazardous ground gas assessment, air quality assessment, construction method statement, travel plan, flood risk and drainage assessment, noise impact assessment, walking, cycling and horse riding assessment, transport statement, tree and hedgerow assessment, ecology report and planting plan. During the application processing a revised site plan was received which indicated the school building approx. 2 metres further into the site from the southern boundary. Also received were further protected species surveys and an existing sports facilities feasibility study.
- 1.3 The applicants engaged in pre-application discussions with the Council prior to submitting the formal application, planning reference PREAPP/20/00514 dated 21st December 2020 to which the conclusion indicated that the principle of the development as being acceptable.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises the site of Belvidere Secondary School alongside Crowmere Road, Shrewsbury. The school site is located to the west of Shrewsbury and falls into two parts. The portion of the school site on the south of Crowmere Road accommodates the school buildings. To the south of Belvidere Lane lie the school playing fields and the sports hall. The site currently comprises two parcels of land (north and south) separated by Belvidere Lane. To the north of the school lies Crowmere Road, Belvidere Primary School and residential properties which front onto Crowmere Road and Harcourt Crescent. To the east of the school complex and playing fields is further residential development. Immediately to the south of the southern parcel of land and playing fields, lies the Telford and Shrewsbury railway line. To the west of the development site lies an extensive area of residential development and Crowmoor Primary School and nursery. The western part of the site is bordered by dense vegetation and a line of trees. There are mature hedgerows and trees which form boundary treatments around the site. Within the site on part of the playing field area is a 'cedar tree', this is an important feature within the landscape. The application site itself is located entirely within Flood Zone 1 (area at least risk of flooding).
The existing buildings are not statutorily Listed or locally Listed, nor are they located within a Conservation Area.
- 2.2 This application proposes a new build 900 pupil place, 3 storey, secondary school with a floor area of 6,665 square metres, and demolition of the existing school blocks (5,772 square metres) (except for the Sports Hall block), new car parks, and sports pitches. The proposal will provide the new school within the existing playing fields site, with replacement sports areas and parking provided in place of the existing school buildings.

2.3 The Sports Pitch Comparison drawing shows a total proposed playing field area of 46,002sqm is to be accommodated on the development site, (existing playing field provision is 45,965sqm) demonstrating a marginal increase in the amount of available play space. The existing Sports Courts (1898sqm) are also to be retained. Existing access to the site is taken from Crowmere Road and Belvidere Lane. The redevelopment proposals include for retaining the main vehicular entrance from Crowmere Road to the north of the site and that this access point will continue to form the main entrance for staff and visitor's car parking; as well as doubling up as a community car parking for out of hours use of the sporting facilities that will be provided in the northern part of the site. Additionally, all of the existing pedestrian entrances to the school grounds will be retained, and new footpaths separated from the vehicle traffic will be provided to facilitate access to the new school. The new school complex will include all facilities in one site and mainly in one building, with safeguarding access being limited to just the existing MUGA area to the north.

The developers are aiming for 'Carbon Neutral in Use' building with energy efficient spaces within the school (a mix of existing and new materials used). Other sustainability measures being proposed include:

- The introduction of rainwater harvesting,
- Installation of solar PV panels on the roof and on other external canopies;
- High insulation values within the building (the building will have the ability to cool and heat itself),
- Air source heat pump provision
- No gas provision for heating or cooling (all electric) within the building

2.4 The development proposal is considered not to require an Environmental Statement as part of any formal application when assessed against criteria of Environmental Impact Assessment Regulations 2017.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The application was requested Committee consideration by the local Council member who raised material planning relevant considerations within 21 days of the application been registered as valid and the Assistant Director considers the application significant in scale warranting consideration by Committee.

4.0 **Community Representations**

4.1 Shrewsbury Town Council has responded to the application indicating: Whilst the Town Council does not object to this application, Members do have concerns that some local residents may be impacted by the build and ask that they are taken into consideration

4.2 **Consultee Comment**

4.3 **Natural England** have responded indicating standing advice applies and advises consideration to the application by the Council's Ecology Team.

4.4 **Sport England** has responded to the application indicating:

I have previously commented on 21st July 2021 (see below) on behalf of Sport England in respect of the proposed Agrostis Report dated 16th March 2021 which relates to the proposals for replacement playing field provision at the site. A further report had been requested by Sport England to assess the quality of the existing areas of playing field that are to be retained to provide a range of sports pitches for

football, rugby, cricket and athletics. The attached Agrostis report dated August 2021 has been submitted to address this.

Sport England have consulted Football Foundation, ECB and RFU in respect of this latest report who have commented as follows:

NGB comments

Football Foundation:

- *On the whole, the construction of the proposed pitch and establishment period appear suitable to meet football requirements. The key here will be having a commitment that the pitch should pass a PQS assessment to a 'Good' standard for football as defined by the Grounds Management Association (GMA) Pitch Grading Framework before it is used. The assessment should be carried out, by the School via the Football Foundation's PitchPower app. The on-going quality of the pitch should then be tracked using the PitchPower app twice a year.*
- *As long as we have this commitment and to maintain the pitch at this standard throughout, I would be comfortable.*

ECB :

- *Report recommends a single NTP in between winter sports pitches as shown in figure 4-1 and I'd be happy to accept this plan, subject to an ECB approved system being installed.*
- *Report has completed a good assessment and I'd be happy so this to be secured by your condition.*

RFU :

- The attached report and recommendations appear to be acceptable and reasonable.

Sport England notes the comments provided and has taken them into account in provided this response.

Quality of existing playing fields

The submitted report assesses the quality of the existing playing fields and concludes that there are no inherent issues that would prevent the provision of the pitches shown on the submitted plans (proposed site plan : E0030-STL-XX-ZZ-DR-A-00-0902 Rev P02). Section 4.1 of the report notes that whilst the proposed plan incorporates 3 cricket wickets, the usually adopted approach to the combining of winter games pitches with cricket outfield is to incorporate a single artificial wicket between the two, and the ECB have confirmed above that this would be acceptable to them providing the non-turf pitch was an ECB approved system.

Whilst the report identifies some undulation in the surface levels this is not considered so great to justify re-grading of the surface. In section 5, a series of enhanced maintenance works are recommended including a more appropriate mowing regime, herbicide application (weed control), hollow coring, over seeding, sand top dressing and fertiliser application.

Sport England agrees that this would provide an appropriate means of ensuring that the quality of the existing playing field is maintained and improved; in particular to ensure that the playing capacity of the retained playing field can bear the burden of use when there is less playing field available to the school during the construction period and whilst the establishment of the replacement area of playing field is taking place.

Sport England therefore recommends that a proposed scheme of maintenance works, in line with the recommendations set out in this latest report be submitted and agreed in writing, and implemented as soon as is reasonable practicable within next playing season in line with the timing of works set out in the report. The following condition is recommended to secure these details:

Condition 3

No development shall commence [or other specified time period] until a schedule of playing field maintenance for the retained playing field, based upon the recommendations contained in Agrostis Sports Surface Consulting report dated August 2021, has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved scheme shall be implemented as soon as is reasonable practicable within next playing season in line with the timing of works set out in the approved Agrostis report. Thereafter, the approved maintenance regime shall then be followed for a minimum period of [five] years starting from the commencement of use of the development [or other specified time period]. Following the commencement of use of the development the approved schedule shall be complied with in full.

*Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Development Plan Policy **.*

Informative: It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.

The applicant has not addressed the question of the timing of the replacement playing field works. I have therefore tweaked the wording of Condition 1 to secure

a timetable of implementation as follows:

Revised Condition 1

The replacement playing field shall be constructed in full accordance with the approved agronomy report by Agrostis Sport Surface Consulting dated 16th March 2021, and in accordance with a proposed timetable of implementation which shall to be submitted and agreed in writing prior to the development being first brought into use. The construction of Natural Turf Pitches should be project managed and/or signed off by the same registered agronomist or sports turf consultant that produced the design in the approved agronomy report. The pitches should be constructed by a specialist pitch contractor (and not a general civil engineering contractor) in accordance with the approved implementation timetable. The pitches should pass a PQS assessment to a 'Good' standard for football as defined by the Grounds Management Association (GMA) Pitch Grading Framework before they are first used.

*Reason : To ensure that the replacement playing field provides equitable playing field quality to mitigate the playing field loss, and to ensure the replacement playing field is fit for purpose, in accordance with Sport England's Playing Fields Policy and Guidance and policy * of the Development Plan.*

Informative : It is recommended that the PQS assessment should be carried out by the site owner/operator/maintainer via the Football Foundation's PitchPower app. The on-going quality of the pitches should then be tracked using the PitchPower app twice a year. Please follow this link to PitchPower <https://footballfoundation.org.uk/pitchpower/how-it-works>

I have also tweaked the wording of condition 2 to ensure that its clear that this relates to securing a scheme of maintenance for the replacement playing field. In Sport England's view it would be appropriate to deal with this separately since this will be implemented later than the maintenance works for the retained playing field:

Revised Condition 2

No development shall commence [or other specified time period] until a schedule of playing field maintenance for the replacement playing field, based upon the recommendations contained in Agrostis Sports Surface Consulting Report dated 16th March 2021, has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved scheme shall include a programme for implementation for a minimum period of [five] years starting from the commencement of use of the development [or other specified time period]. The proposed maintenance regime shall be in accordance with the approved agronomy assessment recommendations and shall include provision for a 12 month defect period. Following the commencement of use

of the development the approved schedule shall be complied with in full.

*Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Development Plan Policy **.*

Informative: It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.

I have previously advised that Sport England would wish to secure a community use agreement for the use of the school playing fields, sports courts and sports hall. With the enhancements proposed to pitch maintenance, securing community use of the pitches would be a significant benefit to address accessibility to playing pitches in line with the Council's adopted Playing Pitch Strategy, and would contribute to mitigating the impact of the temporary loss of playing field. The following condition is recommended:

Condition 4

Use of the development shall not commence [or no development shall commence or such other timescale] until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the proposed playing pitches, existing sports courts and existing sports hall, and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

*Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.*

Informative: Guidance on preparing Community Use Agreements is available from Sport England. <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>

Conditions 1-4 inclusive are essential to Sport England to ensure that Exception E4 of Sport England's Playing Fields Policy and Guidance is fully met – ie. to secure equitable mitigation in quantity and quality in a suitable location and subject to equivalent or better accessibility and management arrangements.

In the absence of these conditions to secure the construction of the replacement playing fields and enhanced maintenance works to the retained playing fields and ongoing community use, Sport England considers that Exception E4 would not be fully met and would therefore object to this application.

If you wish to amend the wording of the recommended condition(s), or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

Should the local planning authority be minded to approve this application against the recommendation of Sport England; in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

An earlier response indicated:

Sport England has consulted the Football Foundation and RFU in respect of the attached report. The Football Foundation have commented as follows:

Thanks for sending this. On the whole, the information in the agronomist report is in-line with what we'd expect to see. I've just made a couple of points below which will be important for the construction and maintenance:

- Construction –The construction of Natural Turf Pitches should be project managed and/or signed off by the same registered agronomist or sports turf consultant that produced the design. The pitches should be constructed by a specialist pitch contractor and not a general civil engineering contractor.
- Quality – Pitches should pass a PQS assessment to a 'Good' standard for football as defined by the Grounds Management Association (GMA) Pitch Grading Framework before they are used. The assessment should be carried out, by the site owner/operator/maintainer via the Football Foundation's PitchPower app. The on-going quality of the pitches should then be tracked using the PitchPower app twice a year. Please follow this link to PitchPower <https://footballfoundation.org.uk/pitchpower/how-it-works>

- Maintenance - In order to keep the quality of the pitches, an appropriate maintenance programme is agreed in-line with the design consultant recommendations. A 12-month defect period which includes contractor led/priced maintenance should be included within the construction contract.

The RFU also comment that the report is reasonable. Sport England notes these comments provided and would therefore provide the following advice:

The details in the attached Agrostis Report dated 16 March 2021, which provides the proposed specification of works for the replacement area of playing field are acceptable and can be agreed. Sport England recommends a condition is included to require the development to be undertaken in accordance with the proposed specification of works and to ensure that the above points raised by the Football Foundation are secured. It will be important to ensure that the construction is project managed by the same agronomist and constructed using a specialist pitch contractor. The applicant should be requested to confirm this can be agreed. As set out above, the condition should require the pitches to be tested to demonstrate they have been constructed to meet a PQS assessment to a 'Good' standard. The applicant should be requested to confirm they agree to meet this requirement. A scheme of maintenance also needs to be agreed as per the 3rd bullet above, which could form a separate planning condition.

The following conditions should be agreed with the applicant:

Condition 1

The replacement playing field shall be constructed in full accordance with the approved agronomy report by Agrostis Sport Surface Consulting dated 16th March 2021. The construction of Natural Turf Pitches should be project managed and/or signed off by the same registered agronomist or sports turf consultant that produced the design in the approved agronomy report. The pitches should be constructed by a specialist pitch contractor (and not a general civil engineering contractor). The pitches should pass a PQS assessment to a 'Good' standard for football as defined by the Grounds Management Association (GMA) Pitch Grading Framework before they are first used.

*Reason : To ensure that the replacement playing field provides equitable playing field quality to mitigate the playing field loss, and to ensure the replacement playing field is fit for purpose, in accordance with Sport England's Playing Fields Policy and Guidance and policy * of the Development Plan.*

Informative : It is recommended that the PQS assessment should be carried out by the site owner/operator/maintainer via the Football Foundation's PitchPower app. The on-going quality of the pitches should then be tracked using the PitchPower app twice a year. Please follow this link to PitchPower <https://footballfoundation.org.uk/pitchpower/how-it-works>

Condition 2

No development shall commence [or other specified time period] until a schedule of playing field maintenance including a programme for implementation for a minimum period of [five] years starting from the commencement of use of the development [or other specified time period] has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The proposed maintenance regime shall be in accordance with the approved agronomy assessment recommendations and shall include provision for a 12 month defect period. Following the commencement of use of the development the approved schedule shall be complied with in full.

*Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Development Plan Policy **.*

Informative: It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.

Notwithstanding Sport England's agreement to the report and to the recommended conditions set out above, in respect of the works to construct the replacement playing field, this does not address all the points raised in Sport England's original response below. Taking the bulleted points from the conclusion below the following additional information is still requested:

- An updated agronomy assessment that assesses the quality of the whole playing field including the retained areas, and makes recommendations to address any identified constraints, reflecting the proposed pitch layouts including the overmarked winter sports pitches, proposed cricket pitches etc.
- A proposed scheme of works for improvements to the existing playing fields, designed and project managed by a RIPTA registered & qualified agronomist. The pitch specifications should be designed to pass a PQS test to a 'good' standard.
- The above are required to demonstrate that the playing field works as a whole will provide a resulting playing field that is of equitable quality to the playing field being lost.
- Linked to the above to agree a suitable maintenance regime, designed by the same RIPTA registered agronomist.
- A suitable timetable of implementation for the playing field works needs to be agreed, to be secured by planning condition.
- To agree that a community use agreement, to secure the use of the school playing fields, sports courts and sports hall will be agreed, to be secured by condition. Once the applicant has provided confirmation that they are willing to agree to such an agreement, Sport England can provide a suitable

condition wording. I've attached a link to the guidance on our website :
<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>

- To provide clarification on the points raised by NGB's regarding the pitch layouts (ie. the specification of the cricket pitches and the concern regarding overmarking of the football and rugby pitch).

As these points are not addressed by the Agrostis report, Sport England wishes to maintain its objection, since it is not considered that the information provided to date has acceptably demonstrated that Exception E4 of Sport England's Playing Fields Policy and Guidance. However, if the above additional information were provided, we would be likely to be in a position to support the proposals. Please re-consult Sport England if additional information can be provide and I can review Sport England's position accordingly.

Should the local planning authority be minded to approve this application against the recommendation of Sport England; in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

4.5 SC Parks and Recreation Manager has responded indicating:

No comments to make on this application

4.6 SC Waste Management have responding indicating they do not wish to comment on this application.

4.7 SC Highways have responded indicating:

The application seeks to replace an existing secondary school, therefore on this basis the location already generates a number of trips. It is proposed however that the main building of the School will be located off Belvidere Lane, rather than Crowmere Road. This proposal will fundamentally change the transportation focal point of the school within the local area. As most of the movements to and from the school will effectively move away from Crowmere Road and be concentrated at Belvidere Lane. During the preapplication process, various options were considered in terms of retaining the existing layout, so the main school building was located off Crowmere Road. However, the applicant preferred option was to relocate the school off Belvidere Lane. The application is therefore considered on this basis.

The concerns from a Highways perspective is that Belvidere Lane will become a 'drop off/pick up' point. This could lead to congestion issues along Belvidere Lane at 'drop off/pick up' times and create issues for the residents that live along there. Clarification is required with regard to measures to be put in place that discourages any increase in vehicles along Belvidere Lane. The school needs to outline how they would approach and enforce this, this can be covered within the revised travel plan to be submitted.

The proposals include the provision of visitor parking within the main site boundary. The concern is that this will further encourage vehicles to use Belvidere Lane and the parking will be misused. If feasible it would be desirable if only

disabled parking spaces are provided adjacent to the school building. Some visitor parking is provided and marked accordingly within the main car park off of Crowmere Road, so that there isn't any opportunity for this area to be misused.

Provision has been made within the main site for deliveries, it is unclear the number of deliveries will access this area. Consideration should be given to formally restricting the time of deliveries through a planning condition.

The proposals would mean that the pedestrian crossing point along Belvidere Lane, that links the northern and southern sections of the school, is utilised much more frequently than previously. The site layout plan currently just labels this area as 'pedestrian access', however the LHA would need a more detailed plan produced outlining the arrangements at this location and clarification from the school as to what safety measures will be implemented in order to make sure students/teachers etc can cross safely at this point. We are satisfied that sufficient details have been submitted for planning purposes, but would recommend planning condition is attached to any permission granted that requires details to be submitted and implemented prior to opening. As outlined within the comments below in relation to the travel plan. Existing pedestrian facilities along Belvidere Lane are restricted, and reflect the current level of use. As a result of the proposed development there will be an increase in pedestrian and cyclists using Belvidere Lane, consideration should be given to localise improvements along Belvidere Lane, in addition to proposed crossing point. It is recommended that details are submitted for approval and implemented prior to the opening of the school.

A Transport Assessment has been submitted in association with the application. Shropshire Council as Highway Authority raises no concerns or queries in relation to the contents of the Transport assessment. The only matter we wish to raise, is in relation to how coach access and how this will be managed. This was a matter that was raised at preapplication stage and does not appear to have been addressed. It is not a matter that would prevent permission being granted.

Construction Management Plan has been submitted in association with this application. As detailed with the CMP this document will be updated on appointment of the principal contractor and should be resubmitted prior to commencement on site for approval. Shropshire Council as Highway Authority would make the following comments that should be taken into consideration with any revisions to the document.

- Section 3.5 and Section 3.6 identifies potential construction routes, no construction traffic should use Route A via Preston Street. All deliveries should be via Route B.
- Section 5.1 states that no deliveries will be made between 8am-9am and 3pm-4pm. It is recommended that these times are changed to 2.45pm.
- Section 5.6 outlines the speed limit within the site, a temporary speed limit should also be implemented along Belvidere Lane.
- Section 6 – should state, all construction vehicles and staff should not park on the highway.
- Section 8.9 timing of HGV's should reflect the times given in Section 5.1 as this is confusing.

We are satisfied that the above mentioned comments can be incorporated into any revised document to be submitted prior to commencement and that the construction management plan can be conditioned.

Draft Travel Plan has been submitted in association with the application. Similar to the CMP we are satisfied from a highways perspective that the resubmission of the travel plan is something that could be conditioned. The Draft Travel Plan (P21 – 0088, May 2021) has been prepared by Pegasus group on behalf of Caledonian Modular.

In summary, Shropshire Council as Highway Authority raises no objection to the granting of consent. In the event planning permission is granted it is recommended that consideration is given to attaching the following conditions to any permission granted;

Travel Plan

The building hereby permitted shall not be brought into use until a revised School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. A Travel Plan for the site which shall include proposals for minimising car-borne travel and encouraging walking, cycling and the use of public transport. The Travel Plan shall include details of funding, implementation, monitoring and review. The approved Travel Plan shall be implemented and monitored in accordance with the approved scheme.

Reason: To promote sustainable modes of transport in line with both local and national objectives

Construction Management Plan

No development shall take place, including any demolition works, until a construction management plan incorporating a method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be based on the approved outline construction management plan submitted in support of the application and shall provide for:

- i. A construction programme including phasing of works;
- ii. 24 hour emergency contact number;
- iii. Hours of operation;
- iv. Expected number and type of vehicles accessing the site:
 - Deliveries, waste, cranes, equipment, plant, works, visitors;
 - Size of construction vehicles;
 - The use of a consolidation operation or scheme for the delivery of materials and goods;
 - Phasing of works;

- v. Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
- Programming;
 - Waste management;
 - Construction methodology;
 - Shared deliveries;
 - Car sharing;
 - Travel planning;
 - Local workforce;
 - Parking facilities for staff and visitors;
 - On-site facilities;
 - A scheme to encourage the use of public transport and cycling.
- vi. Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- vii. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- viii. Locations for storage of plant/waste/construction materials;
- ix. Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- x. Arrangements to receive abnormal loads or unusually large vehicles;
- xi. Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- xii. Any necessary temporary traffic management measures;
- xiii. Measures to protect vulnerable road users (cyclists and pedestrians);
- xiv. Arrangements for temporary facilities for any bus stops or routes;
- xv. Method of preventing mud being carried onto the highway;
- xvi. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The plan shall be adhered to throughout the construction period

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development

Pedestrian crossing and pedestrian crossing details

Prior to the commencement of the development full engineering details of the proposed pedestrian crossing point and any other localised pedestrian improvements along Belvidere Lane shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in

accordance with the approved details before the building first brought into use..

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

It is also recommended that a condition is placed upon any permission granted to restrict delivery times, the following wording might not be appropriate but is intended as a suggestion only.

Delivery times

A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the building hereby approved being first brought into use. The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority

- 4.8 SC Economic Development Manager** has responded indicating:
The Economic Growth Service supports the application and the associated economic benefits it will bring including temporary construction jobs created and GVA generated from teaching staff .

There is no mention of the likely social value benefits in term of possible skills training, apprenticeships, local employment opportunities , links to support the local supply chain or any reporting using the Social Value Portal and National Themes Outcomes and Measures (TOMs). It is accepted however this may be covered already as part of the procurement process though reference to the social benefits should be highlighted.

- 4.9 SC Drainage** have 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 strategy in the Flood Risk and Drainage Assessment is acceptable in principle but the discharge rate from the site should be restricted to a 1 in 1 year current discharge rate less 50% i.e. 15 l/s. Restricting the flow rate to a 1 in 100 year plus 40% climate change less 50% (20.6 l/s) is acceptable subject to installing a variable/ complex hydrobrake to restrict the discharge rates at different storm events.

Final drainage details, calculations and plans including details of the variable/ complex hydrobrake chamber should be submitted for approval.

Condition:

No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is

occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding

4.10 SC Ecology have responded indicating:

No objection. Conditions have been recommended to ensure the protection of wildlife and to secure ecological enhancements under NPPF, MD12 and CS17.

A European Species three tests matrix has been completed, as the development impacts upon great crested newt (GCN).

Comments

The application is accompanied by an updated Ecological Impact Assessment (issue no.2) undertaken by Delta-Simons (dated 12 August 2021) with the results of GCN and bat surveys, as well as a landscaping plan and specification and a CEMP (biodiversity).

Great crested newt (GCN)t

An environmental (e)DNA survey for Great Crested Newts (GCNs) was undertaken of the on-Site pond on 15th April 2021. The on-site pond was a small, lined pond located within a courtyard at the school and was fully surrounded by buildings. The pond was approximately 3 m², with extensive macrophyte cover and partial shading from adjacent vegetation. The pond was concrete lined with rocks and log piles adjacent to the water's edge. It was surrounded by well managed amenity grassland and a small area of scrub.

The results of eDNA revealed the presence of GCN DNA within the pond, which is situated within an enclosed central courtyard. Due to the enclosed nature of the courtyard in which GCNs have been confirmed to be present, the scale of any impacts on amphibians and GCNs in particular are considered to be limited. The proposed development will result in the loss of the pond and surrounding terrestrial habitat and presents a risk to any GCNs present.

The development will lead to the loss of the pond and surrounding terrestrial habitat in the courtyard and therefore, to ensure the favourable conservation status of GCN are maintained as a result of this application, the applicants have provided details of mitigation to be secured under an EPS mitigation licence from Natural England.

As GCN are a European Protected Species, I have provided a European Protected Species 3 tests matrix at the end of this response.

The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing Sections 1 and 2 but please get in touch if additional assistance is required.

Bats

All trees identified as having Bat Roost Potential (BRP) are to be retained as part

of the development, as well as the majority of other boundary vegetation and will continue to provide roosting, foraging and commuting opportunities for bats.

The proposed development includes the demolition of many of the buildings at the Site and the subsequent loss of potential bat roosting habitat, and therefore nocturnal surveys were undertaken in July 2021 of the buildings which were assessed to have low BRP in accordance with best practice guidance.

No roost was identified to be associated with the on-Site buildings during the dusk emergence and pre-dawn return surveys.

Although no trees are proposed to be felled which have BRP, the erection of a 2.4 m high weldmesh fence along the southern site boundary could necessitate some tree works, however the extent and requirement for this is unknown at this stage. The CEMP, therefore, includes measures to be followed should the one tree with low BRP along this boundary be affected. This will ensure that bats are not impacted by the works.

Biodiversity

The EIA report identifies enhancement measures for local wildlife to be incorporated into the scheme including species-rich grassland and native scrub planting, bat and bird boxes on trees and artificial nesting bricks for swift incorporated into the building.

A condition is recommended to ensure the development implements all of these enhancement measures.

The CEMP (Ecology) which has been submitted includes details of habitat and species protection, mitigation and enhancement measures, which is sufficiently detailed and comprehensive to secure the protection and enhancement of ecology as required under the NPPF, MD12 and CS17.

A condition is recommended that all works shall be undertaken in accordance with the CEMP.

Recommended Conditions

Biodiversity enhancement measures condition

The development shall include the enhancement measures identified on page 20 of the Ecological Impact Assessment (issue no. 2) by Delta-Simons dated 12 August 2021 unless otherwise approved in writing by the local planning authority.

Reason: To secure biodiversity enhancement as required under the NPPF, MD12 and CS17.

Working in accordance with CEMP condition

All development shall be undertaken in accordance with the CEMP (issue no. 2) by Delta-Simons dated 12 August 2021, unless otherwise approved in writing by the local planning authority.

Reason: To ensure the protection of, and mitigation for, sensitive ecological receptors, including protected species.

Lighting Plan condition

Prior to the erection of any external lighting on the site, a lighting plan shall be

submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. trees, and hedgerows. 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. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

Informative

European Protected Species Mitigation Licence: The development is required to be undertaken under a European Protected Species (EPS) Mitigation Licence with respect to great crested newt to be obtained from Natural England.

Nesting Birds: The active nests of all wild birds are protected under the 1981 Wildlife and Countryside Act (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 and scrub removal and/or demolition work in buildings or other suitable nesting habitat 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 / No clearance works can take place with 5m of an active nest.]

If during construction birds gain access to [any of] the building[s] or vegetation and begin nesting, work must cease until the young birds have fledged.

An earlier response indicated:

The Ecological Verification Report (Delta-Simons Environmental Consultants, March 2021) recommends further survey work for bats and great crested newts. Please re-consult Ecology when these have been submitted.

4.11

SC Landscape Consultant has responded indicating:

I have had a look at the landscape proposals for the above and they appear appropriate and well specified for the purposes set out in the Design & Access Statement. I will recommend one amendment however. A number of semi-mature *Fraxinus oxycarpa* 'Raywood' are specified and these are understood to be susceptible to Ash dieback/Chalara. Given the need to minimise opportunities for this to spread, and the risk to these trees and users of the site, these should be replaced with a different species.

The implementation of the proposed planting is appropriately specified, however, no mention is made of aftercare and there is a need to protect the on site soil

resource. I would therefore recommend that the following conditions be applied if the application is recommended for approval:

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The maintenance shall be carried out in accordance with the approved schedule. The maintenance schedule shall include for the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective. The replacement shall be another plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

No development shall take place until a Soil Resource Plan for the site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:

- the areas of topsoil and subsoil to be stripped
- the methods of stripping
- the location and type of each soil stockpile
- the soil replacement profiles
- the means of preventing soil compaction

This will ensure the soils are in the optimum condition to promote healthy plant growth, and long-term site screening.

4.12 **SC Archaeology Manager** has responded wishing to make no comment in relation to this application.

4.13 **SC Trees** have responded indicating:

The overall arboricultural impact is low and I have no objection in principal to the proposal on the grounds of trees. I have read the submitted tree report and none of the significant protected trees will be affected, and internal ornamental trees to be removed can be replaced and mitigated for with new planting (see recommendations in the tree report).

Although a tree removals and constraints plan has been submitted a site- specific Tree Protection Plan (TPP) is required and made a condition of approval.

The mature and protected Cedar tree (T48) is described as a “focal point” in the Design and Access Statement. The root protection area (RPA) should be completely excluded from the marked sport pitches to avoid compaction and ideally be contained and dressed with organic mulch with the existing grass sward removed. This would make it a better protected focal point for the long term

4.14 **SC Regulatory Services** have responded indicating:

A further report by Alan Wood & Partners; Hazardous Ground Gas Risk Assessment, Belvidere School, Crowmere Road, Shrewsbury; 16th April 2021 has been submitted following comments by Regulatory Services on 12th July 2021.

Alan Wood & Partners has undertaken additional ground gas monitoring to support previous monitoring by others who had initially suggested that the gas characteristic situation (CS) was CS2 for this site and that precautionary measures were required to protect the development.

The results of the additional monitoring have been used to update the risk assessment that now concludes that gas protection measures are not required, and Regulatory Services does not disagree with this revised assessment.

Accordingly having regard to the above, there is no requirement to consider contaminated land issues further and therefore no conditions are necessary to require any further assessment.

An earlier response indicated:

A report by Alan Wood & Partners; Phase II Geo-Environmental Assessment Report Address: Belvidere School, Crowmere Road, Shrewsbury, SY2 5LA; Project Number: JS/BAD/45134-Rp-001 Rev A, 31st March 2021 has been submitted in support of this planning application.

At the time of reporting, ground gas monitoring was being undertaken to support a risk assessment, as previous investigations by others had identified the need for Characteristic Situation 2 precautionary measures. In terms of the site conceptual model and risk assessment no other risks had been identified.

Regulatory Services requests that the results of this additional monitoring is made available, as well as a completed ground gas risk assessment having regard to BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and other CIRIA related guidance.

The Construction method statement states that works will be 0700-1800. Given the proximity to residential properties, 0730 start would be in line with out guidance. Special notification must be given to residents for works anticipated to be outside these times, such as for floor slab laying.

4.15 **SC Conservation Manager** has responded indicating:

Following on from our comments at the formal Pre-application stage there are no objections raised on heritage grounds to this application and we would again comment that a limited and modest photographic recording of the exterior and context of the existing school is recommended as a point in time record

4.16 **SC Rights of Way Manager** has responded indicating:

From checking the Definitive map of Public Rights of Way I can confirm that footpath UN46 runs along the lane through the two sides of the site, although the footpath isn't being built on it needs to be taken into account at all times both during and after development. The applicants need to adhere to the criteria stipulated below:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.

- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

If it is not possible to keep this footpath open whilst development takes place, then a temporary diversion will need to be put into place and the applicant will need to contact the Mapping & Enforcement Team (fees apply).

4.17 **Public Comments**

4.18 Seven letters of comment/objection have been received from members of the public. Key planning related issues raised can be summarised as follows:

- Concerns that school increased pupil capacity does not appear to have been considered.
- Concerns that budget will be overspent
- Concerns about exiting sports facilities provided as part of the school complex and will they be retained.
- Will there be floodlighting on site?
- Concerns with regards access and pedestrian and pupil movement to the site and maintenance of the adjoining lane access.
- Overall design of the proposal considered mediocre.
- Concerns with regards proximity of school building to nearby dwellings.
- Concerns about existing vegetation and the need to retain it as screening.

4.19 **Shrewsbury Civic Society has made comment as follows:**

Shrewsbury Civic Society, whilst not objecting to the application, is most concerned that not enough regard may have been taken of the recent recommendations from the Royal Institute of British Architects on reuse rather than demolition. Has enough environmental consideration been given to high quality refurbishments to justify demolition?

5.0 **THE MAIN ISSUES**

- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping and playing fields provision
- Drainage
- Ecology
- Public highway access and transportation
- Residential amenity

6.0 **OFFICER APPRAISAL**

6.1 **Principle of the 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 The National Planning Policy Framework, (NPPF) sets out the Governments planning policy, it was revised in July 2021 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.

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.

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.

6.1.5 The Planning Statement in support of the application indicates that the scheme will bring forward a significant number of benefits for the local area. Importantly the redevelopment of the school site and creation of high quality educational and sports playing facilities within the local area. The development of a high-quality new school building and associated facilities has the potential to have considerable benefits within the local community. It is considered that the economic aspect is a material planning benefit that weights in the balance in support of the application.

6.1.6 The principle of the development is considered acceptable in consideration of the requirement to provide adequate school facilities and the development and the location and this includes reference to the demolition of the existing school complex which is not considered to be of any significant historic value and does not represent a structure considered a non-designated heritage asset and the location is not within a recognised Conservation Area. The key considerations in this case are the scale and impacts on the surrounding built environment including residential amenity and landscape. The key material considerations are considered further below.

6.2 Siting, scale and design of structure

6.2.1 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.”

6.2.2 Paragraph 130 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.

6.2.3 The site is not in a designated location such as a Conservation Area and the

- school building is not considered a non-designated heritage asset in accordance with NPPF advice. The Council's Conservation Manager raises no objections to the proposed development.
- 6.2.4 Detail included in the Planning Statement in support of the application indicates that the existing buildings on site comprise of several unsightly, ageing and poor quality buildings, which are no longer fit for purpose for modern educational buildings. The existing buildings on site to be demolished have a combined floor area of 5,772m² (GIFA) and the application includes the development of new school buildings with a proposed floor area of 6,265m² (GIFA), therefore the increase in proposed development is considered to be a marginal increase. Demolition will be carried out after the construction of the new replacement school buildings are completed to ensure no disruption in terms of provision of teaching facilities.
- 6.2.5 It is understood the proposed layout which includes the provision of the new three storey building and sporting area is largely dictated by the site constraints, feedback from Sport England and meet the requirements of the School and Department of Education. The new building will sit by the existing sports hall, (to be retained), and this is located on opposite side of Belvidere Lane on part of the field forming the school playing field.
- 6.2.6 The proposal is for a 3 storey L-shaped building to the south of the exiting school site on land currently in use as part of the school complex playing field. The main entrance will be from Belvidere Lane, with the creation of an arrival plaza and obvious point of arrival. The Building rotated to open up to the playing field. The location for the proposed school is 21 metres from the nearest neighbouring dwellings and the application proposes an acoustic buffer to neighbouring residential houses An historic Cedar tree in the existing playing field is the focal point and centre of the school and understood to be the school emblem. This is to be retained as part of the development.
- 6.2.7 The external construction of the school is proposed using a palette of modern construction materials, to include brick, fibre cement cladding panels, metal cladding, polyester powder coated aluminium external windows and doors with a feature colour for the ventilation louvres Detail in support of the application in the design and access statement indicates that these external construction materials are hard wearing and selected to withstand the test of time in the environment. The combination of these materials allows a variety of texture and scale to be designed into the façade and create interest from a distance and when closer. The complementary parts have been designed to work together to create a clear and new identification for the school and project a modern image. The chosen colour palette was developed with the School's Senior Leadership Team. It was decided that a neutral building with a feature accent colour was the most appropriate solution and would be future proofed. The surrounding built environment, (including the existing school), consists of a range of external construction materials, and as this three storey development will become a dominant feature in the immediate area, it is recommended that external construction materials are subject to a condition to any approval notice issued and this includes reference to colour in order to ensure harmony with the surrounding built environment and landscape.
- 6.2.8 Whilst the comments as made by Shrewsbury Civic Society with regards to re-use of the existing school building are noted. In this case with consideration to the

visual appearance of the exiting structure on site, a new build as proposed is considered acceptable. With consideration to the above-mentioned, on balance the proposed layout, scale and external design with a condition attached with regards external construction materials is considered acceptable and in accordance with Policies CS6, MD2 and other relevant policies in the local plan and the NPPF on this matter.

6.3 **Visual impact, landscaping and playing field provision**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles'92 of the Shropshire Core Strategy encourage 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.
- 6.3.2 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.
- 6.3.3 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
- 6.3.4 Paragraph 131 of the NPPF indicates that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
- 6.3.5 THE APPLICATION'S PLANNING STATEMENT STATES THAT in accordance with local plan policies, a Tree and Hedgerow Survey (which contains an Arboricultural Assessment support the proposals. The application is also supported by a number of landscape drawings which show the retention and adequate protection of protected trees, particularly the landscape to the western boundary to protect privacy of neighbouring residents. A key driver from the school was the inclusion of the protected Cedar tree (TPO) as the school emblem – the building and landscape are oriented to make this the focal point. Proposed tree planting will consist of feature trees to enhance scenic quality and highlight main pedestrian areas, with a focus of tree planting on the western boundary to soften views.
- 6.3.6 The Council's Landscape Consultant in response to the application has indicated that the landscape proposals appear appropriate and well specified for the purposes. Comment is made that a number of semi-mature Fraxinus oxycarpa 'Raywood' are specified and these are understood to be susceptible to Ash dieback/Chalara. Given the need to minimise opportunities for this to spread, and the risk to these trees and users of the site, these should be replaced with a different species. It is considered this matter can be addressed via attachment of a suitably worded condition to any approval notice subsequently issued.
- 6.3.7 It is noted the Council's Parks and Recreation Manager wishes to make no

comment in relation to the application.

6.3.8 Sport England (a statutory consultee), has responded to the application with no objections indicating that the submitted playing field report assesses the quality of the existing playing fields and concludes that there are no inherent issues that would prevent the provision of the pitches shown on the submitted plans. Whilst the report identifies some undulation in the surface levels this is not considered so great to justify re-grading of the surface. In section 5, a series of enhanced maintenance works are recommended including a more appropriate mowing regime, herbicide application (weed control), hollow coring, over seeding, sand top dressing and fertiliser application. Sport England considers that this would provide an appropriate means of ensuring that the quality of the existing playing field is maintained and improved; in particular to ensure that the playing capacity of the retained playing field can bear the burden of use when there is less playing field available to the school during the construction period and whilst the establishment of the replacement area of playing field is taking place. Overall field facilities as proposed are considered acceptable by Sport England who recommend conditions with regards to the replacement playing field construction, schedules of playing field maintenance and a community use agreement in order to ensure development as proposed is carried out to a satisfactory standard are attached to any approval notice if the Council is mindful to support the application.

6.3.9 On balance in relation to landscape and visual impact and school recreational facilities, the application is considered acceptable with conditions attached as recommended by the Landscape Consultant, (landscape maintenance and soil resource) and Sport England, (playing field development and maintenance, and community use), and in accordance with policies CS6 and CS17 of the Shropshire Core Strategy and Policies MD2 and MD12 of the SAMDev and the NPPF on this matter.

6.4 **Drainage**

6.4.1 Core strategy policy cs18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing run-off rate and not result in an increase in run-off

6.4.2 A flood risk assessment accompanies the application and this acknowledges that the proposed development would be constructed in phases, and that no significant flood risk to the development has been identified. The report has considered potential sources of flooding to the site, including groundwater, surface water, existing sewers, water mains and other artificial sources and that the flood risk to the site is reasonable and acceptable. The assessment also demonstrates that the site can be suitably drained, with the development being designed to the required standards. Surface water will be attenuated by restricting the discharge to an agreed brownfield discharge rate and the required volume of storage provided on site. The outfall will be discharged to the existing site drainage network via gravity. Foul water will be discharged to the public sewer network via an existing site connection.

6.4.3 SC Drainage response to the application states that the proposed surface water drainage strategy in the flood risk and drainage assessment is acceptable in principle, but requires further clarification in relation to the discharge rate from the site. Therefore the response recommends a condition to be attached to any approval notice issued with regards to foul and surface water drainage from the site.

6.4.4 With a condition attached in respect of surface and foul water drainage the application is considered acceptable on drainage and flooding issues and in accordance with Policies CS6 and CS18 of the Shropshire Core Strategy and Policy MD2 of the SAMDev and the National Planning Policy Framework.

6.5 **ECOLOGY**

6.5.1 The NPPF places high importance on protection of biodiversity interests and new development should minimise impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. It also places great weight on conserving and enhancing the natural environment. Core Strategy Policies CS6 and CS17 require development proposals to respect the natural environment of Shropshire and its biodiversity interests. Policy MD12 of the SAMDev, amongst other matters, encourages development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition. Development should minimise impacts upon biodiversity and provide net gains in biodiversity wherever possible.

6.5.2 The applicants have submitted an ecology survey in support of their application and the findings of the site assessment have identified habitat for potential for roosting bats and a limited potential for GCN. As such, surveys to identify presence or likely absence of these species are recommended to inform the development proposals. Conclusions reached indicate that the habitats present on site are widespread, in both a local and national context. Those habitats with the greatest ecological value (i.e. scattered trees) are to be retained within the development, where possible. Whilst there is likely to be a temporal delay in achieving the biodiversity objectives for the site (i.e. whilst new habitats become established), it is anticipated that in the long term there will be no significant residual effects on habitats or protected species resulting from the proposed development.

6.5.3 In response SC Ecology have responded indicating no objection. subject to conditions being attached to any approval notice issued with regards to biodiversity enhancement, a construction environmental management plan, (CEMP), and a lighting plan. With these conditions attached the development is considered on ecological grounds to be in accordance with policies MD12 and CS17 of the local plan and the NPPF. The development is required to be undertaken under a European Protected Species (EPS) Mitigation Licence with respect to great crested newt to be obtained from Natural England. A European Species three tests matrix has been completed, as the development impacts upon great crested newt (GCN) and this is attached as appendix 2 to this report.

6.5.4 With consideration to the above-mentioned the proposal on ecological grounds is considered acceptable and in accordance with Policies MD12, CS6 and CS17 of the local plan and the NPPF.

6.6 **Public highway access and transportation**

6.6.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraphs 110 and 111 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

- 6.6.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced.
- 6.6.3 The applicants have submitted a transport assessment and this has concluded that there are no valid transportation reasons which should prevent the future redevelopment of the site.
- 6.6.4 SC Highways Manager has responded to the application indicating that as the application seeks to replace an existing secondary school, the location already generates a number of trips. Whilst acknowledging that the main building of the School will be located off Belvidere Lane, rather than Crowmere Road and that this proposal will fundamentally change the transportation focal point of the school within the local area, as most of the movements to and from the school will effectively move away from Crowmere Road and be concentrated at Belvidere Lane. Whilst the response acknowledges that Belvidere Lane will become a 'drop off/pick up' point and that outstanding issues of concern can be addressed via an undated travel plan, and that this matter can be adequately considered via a condition to any approval notice issued in respect of a revised travel plan. Concerns have also been raised with regards to on site vehicle parking and time of deliveries to the site, however the response also indicates that this matter can also be addressed via condition to any approval notice issued. Concerns have also been raised with regards to the proposed pedestrian crossing points across Bevidere Lane, and that a more detailed plan is necessary outlining the arrangements at this location and clarification from the school as to what safety measures will be implemented in order to make sure students/teachers etc can cross safely at this point. The SC Highways response confirms that sufficient details have been submitted for planning purposes, recommending a planning condition is attached to any permission granted that requires details to be submitted and implemented prior to first use of the development. The response acknowledges that as a result of the proposed development there will be an increase in pedestrian and cyclists using Belvidere Lane, consideration should be given to localise improvements along Belvidere Lane, in addition to proposed crossing point. It is recommended that details are submitted for approval and implemented prior to the opening of the new build school.
- 6.6.5 In conclusion whilst it is acknowledged that further detail on highway and transportation issues is required, it is considered that the principle of the development in relation to public highway and transportation matters is acceptable and that the outstanding issues can be adequately addressed via the attachment of conditions to any approval notice issued. It is therefore recommended that conditions with regards to a travel plan, construction management plan, pedestrian crossing facilities and delivery times are attached to any approval notice, if members are mindful to support the application, as recommended by the SC Highways Manager in response to the application.
- 6.6.6 With consideration to the above-mentioned issues as discussed with the conditions as recommended, on balance the application on highway and transportation matters is considered acceptable and in accordance with Policies CS6 of the Shropshire Core Strategy, and MD2 of the SAMDev and the National Planning Policy Framework.
- 6.7 **Residential amenity**
- 6.7.1 Core Strategy policy CS6 requires that developments safeguard residential and

local amenity. The applicants have submitted a hazardous ground gas risk assessment, noise impact assessment, asbestos survey, demolition plan and an air quality assessment in relation to the proposal and these have all been considered as part of the considerations in relation to the application

6.7.2 The Council's Regulatory Services Manager initially raised concerns with regards to detail submitted in relation to the ground gas risk assessment and as a consequence the applicants submitted further detail on this matter to which the Regulatory Services Manager considered the further detail as being acceptable.

6.7.3 Detail in relation to noise, air quality and demolition on site which includes reference to asbestos removal is considered acceptable, the Council's Regulatory Services Manager raising no objections on these matters.

6.7.4 The Council's Regulatory Services Manager however has raised concerns with regards to proposed works on site starting times at 7am in the morning in that given the proximity to residential properties, 0730 start would be in line with recognised guidance on this matter. Otherwise special notification needs to be given to residents for works anticipated to be outside these times, such as for floor slab laying. As such it is recommended that a condition is attached to any approval notice issued in relation to working hours on site. Consideration has been given to the fact that amended plans have been received indicating the proposed school building having been moved approx. 2 metres further into the site.

6.7.5 In consideration of residential amenity issues the application is considered acceptable with a condition attached to any approval notice issued with regards to commencement times for works on site and thus in accordance with policies CS6 and MD2 of the local plan and the NPPF on this matter.

7.0 CONCLUSION

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 requirements.

7.2 The proposal for a new school on part of the existing school playing field is considered acceptable in principle with consideration to the visual appearance of the existing school on site and with consideration to detail submitted in support of the application in relation to re-instatement of playing field area once the new school is constructed on site. Sport England raising no objections on this matter.

7.3 Concerns from members of the public with regards to proximity of the new build to the boundary of the site have been given careful consideration and resulted in amended plans being submitted for consideration in relation to siting. It is considered on balance that the amended site plans and master plan is considered acceptable in relation to this matter. Other material planning issues as raised by members of the public as outlined earlier in this report have also been taken into consideration.

7.4 Scale and design in consideration of the development and its connection to the surrounding built environment is considered acceptable with a condition attached to any approval notice issued with regards to external wall and roofing materials.

7.5 Landscaping will be an essential element of the development and with consideration to existing boundaries and further mitigation landscaping on balance is considered acceptable.

- 7.6 Drainage issues with a condition as recommended by the Council's Drainage Manager is considered acceptable as are ecological matters with conditions attached as recommended by the Council's Planning Ecologist.
- 7.7 Public highway and transportation issues along with pedestrian movements are considered an important material consideration in relation to the development and whilst comments as made by members of the public on this matter are noted it is considered with adherence to the advice from the SC Highways Manager with conditions attached to any approval notice issued as recommended by the Highways Manager that this aspect is also considered acceptable.
- 7.8 On balance with consideration to all the material considerations the application with conditions attached as recommended is considered acceptable and in accordance with the local plan as a whole and in particular Policies CS2, CS6, CS8, CS17 and CS18 of the Shropshire Core Strategy. Policies MD1, MD2, MD8, MD12, MD13 and S16 of the SAMDev and the July 2021 edition of the National Planning Policy Framework. Consideration has also been given to the Local Plan review recently published which has some limited weight.
- 7.9 The recommendation is therefore one of approval subject to the conditions as outlined in appendix 1 attached to this report and any modifications to these conditions as considered necessary by the Assistant Director of the Service.

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:

CS1 - Strategic Approach
CS2 - Shrewsbury Development Strategy
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS13 - Economic Development, Enterprise and Employment
Economic Development, Enterprise and Employment
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD8 - Infrastructure Provision
MD13 - Historic Environment
Settlement: S16 - Shrewsbury

SPD Sustainable Design Part 1
National Planning Policy Framework

RELEVANT PLANNING HISTORY:

09/00391/VAR Variation of Condition no. 2 of planning permission ref: CC99/0004 dated 19/03/1999 to allow for the retention of a 5-bay demountable classroom for further period of 10 years GRANT 8th June 2009

09/01337/FUL Erection of a demountable classroom GRANT 29th July 2009

10/04705/FUL Erection of a demountable building to house two additional classrooms GRANT 9th December 2010

11/02365/VAR To vary the condition of Planning permission ref. CC2001/0011 to allow for the retention of the demountable for a further temporary period of ten years - The date by which the building is to be removed and the land re-instated to read as '31st May 2021' GRANT 22nd July 2011

11/05746/FUL Erection of single storey building (dance studio) GRANT 20th February 2012

17/03191/TPO Works to 1 Horse Chestnut protected by Shrewsbury & Atcham Borough Council (Belvidere Paddocks) Tree Preservation Order 2005 GRANT 8th August 2017

PREAPP/20/00514 Feasibility study for whole site redevelopment to include demolition and new build element PREAIP 22nd December 2020

21/02675/FUL Proposed new secondary school and associated works, including installation of new Solar PV panel system on roof and on external free-standing canopies PDE

SC/CC2005/0046 Construction of sports hall and associated facilities on part of playing field (approval of details following grant of outline permission) PERMIT 27th January 2006

SA/79/1098 Erection of a new stone Double Mobile Classroom for a period of five years. NOOBJC 4th December 1979

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 Ed Potter
Local Member Cllr Pam Moseley
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding

4. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The maintenance shall be carried out in accordance with the approved schedule. The maintenance schedule shall include for the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective. The replacement shall be another plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In order to ensure adequate landscape maintenance and mitigation is provided.

5. No development shall take place until a Soil Resource Plan for the site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:

the areas of topsoil and subsoil to be stripped

the methods of stripping

the location and type of each soil stockpile

the soil replacement profiles

the means of preventing soil compaction

This will ensure the soils are in the optimum condition to promote healthy plant growth, and long-term site screening

Reason: In order to ensure adequate consideration to future landscaping and growth.

6. No development shall take place, including any demolition works, until a construction management plan incorporating a method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be based on the approved outline construction management plan submitted in support of the application and shall provide for:

- i. A construction programme including phasing of works;
- ii. 24 hour emergency contact number;
- iii. Hours of operation;
- iv. Expected number and type of vehicles accessing the site:
 - o Deliveries, waste, cranes, equipment, plant, works, visitors;
 - o Size of construction vehicles;
 - o The use of a consolidation operation or scheme for the delivery of materials and goods;
 - o Phasing of works

Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):

- o Programming;
- o Waste management;
- o Construction methodology;
- o Shared deliveries;
- o Car sharing;
- o Travel planning;
- o Local workforce;
- o Parking facilities for staff and visitors;
- o On-site facilities;
- o A scheme to encourage the use of public transport and cycling.

. Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;

- vii. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- viii. Locations for storage of plant/waste/construction materials;
- ix. Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- x. Arrangements to receive abnormal loads or unusually large vehicles;
- xi. Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- xii. Any necessary temporary traffic management measures;
- xiii. Measures to protect vulnerable road users (cyclists and pedestrians);
- xiv. Arrangements for temporary facilities for any bus stops or routes;

- xv. Method of preventing mud being carried onto the highway;
- xvi. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The plan shall be adhered to throughout the construction period

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development

7. Prior to the commencement of the development full engineering details of the proposed pedestrian crossing point and any other localised pedestrian improvements along Belvidere Lane shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before the building first brought into use..

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

8. Prior to any above ground works occurring on site details will be submitted to the Local Planning Authority and approved in writing with regards to external walls and roof construction. Works will be carried out as approved.

Reason: In consideration of the visual amenity of the surrounding area.

9. No development shall commence until a schedule of playing field maintenance for the replacement playing field, based upon the recommendations contained in Agrostis Sports Surface Consulting Report dated 16th March 2021, has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved scheme shall include a programme for implementation for a minimum period of five years starting from the commencement of use of the development. The proposed maintenance regime shall be in accordance with the approved agronomy assessment recommendations and shall include provision for a 12 month defect period. Following the commencement of use of the development the approved schedule shall be complied with in full.

Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Development Plan Policy MD2.

10. No above ground works shall commence until a schedule of playing field maintenance for the retained playing field, based upon the recommendations contained in Agrostis Sports Surface Consulting report dated August 2021, has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved scheme shall be implemented as soon as is reasonable practicable within next playing season in line with the timing of works set out in the approved Agrostis report. Thereafter, the approved maintenance regime shall then be followed for a minimum period of five years starting from the commencement of use of the development. Following the commencement of use of the development the approved schedule shall be complied with in full.

Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Development Plan Policy MD2.

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

11. The building hereby permitted shall not be brought into use until a revised School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. A Travel Plan for the site which shall include proposals for minimising car-borne travel and encouraging walking, cycling and the use of public transport. The Travel Plan shall include details of funding, implementation, monitoring and review. The approved Travel Plan shall be implemented and monitored in accordance with the approved scheme.

Reason: To promote sustainable modes of transport in line with both local and national objectives

12. A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority prior to the building hereby approved being first brought into use. The development shall be constructed and operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In order to ensure adequate consideration to the free flow of traffic on adjoining public highways and access routes.

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. trees, and hedgerows. 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. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

14. The replacement playing field shall be constructed in full accordance with the approved agronomy report by Agrostis Sport Surface Consulting dated 16th March 2021, and in accordance with a proposed timetable of implementation which shall to be submitted and agreed in writing prior to the development being first brought into use. The construction of Natural Turf Pitches must be project managed and/or signed off by the same registered agronomist or sports turf consultant that produced the design in the approved agronomy report. The pitches must be constructed by a specialist pitch contractor (and not a general civil engineering contractor) in accordance with the approved implementation timetable. The pitches must pass a PQS assessment to a 'Good' standard for football as defined by the Grounds Management Association (GMA) Pitch Grading Framework before they are first used.

Reason : To ensure that the replacement playing field provides equitable playing field quality to mitigate the playing field loss, and to ensure the replacement playing field is fit for purpose, in accordance with Sport England's Playing Fields Policy and Guidance and policy * of the

Development Plan.

15. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the proposed playing pitches, existing sports courts and existing sports hall, and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy MD2.

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

16. The development shall include the enhancement measures identified on page 20 of the Ecological Impact Assessment (issue no. 2) by Delta-Simons dated 12 August 2021. Also notwithstanding the approved plans a number of semi-mature *Fraxinus oxycarpa* 'Raywood' are specified and these are understood to be susceptible to Ash dieback/*Chalara*. Given the need to minimise opportunities for this to spread, and the risk to these trees and users of the site, details will be submitted to the Local Planning Authority and approved in writing prior to occupation of the development with regards to replacements of these trees with a different suitable species. Any species that fail within the first five years will be replaced with species of similar size and variety. Development will be carried out as approved prior to occupation of the site.

Reason: To secure biodiversity enhancement as required under the NPPF, MD12 and CS17.

17. All development shall be undertaken in accordance with the CEMP (issue no. 2) by Delta-Simons dated 12 August 2021.

Reason: To ensure the protection of, and mitigation for, sensitive ecological receptors, including protected species.

18. No external works will be carried out on site before 07.30am and after 06.00pm and at no times on Sundays or during public bank holidays.

Reason: In consideration of the amenity of surrounding dwellings.

Informatives

1. The development is required to be undertaken under a European Protected Species (EPS) Mitigation Licence with respect to great crested newt to be obtained from Natural

England.

2. The active nests of all wild birds are protected under the 1981 Wildlife and Countryside Act (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 and scrub removal and/or demolition work in buildings or other suitable nesting habitat 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 / No clearance works can take place with 5m of an active nest.]

If during construction birds gain access to [any of] the building[s] or vegetation and begin nesting, work must cease until the young birds have fledged.

3. It is recommended that the PQS assessment should be carried out by the site owner/operator/maintainer via the Football Foundation's PitchPower app. The on-going quality of the pitches should then be tracked using the PitchPower app twice a year. Please follow this link to PitchPower <https://footballfoundation.org.uk/pitchpower/how-it-works>

4. It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.

5. It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.

6. Guidance on preparing Community Use Agreements is available from Sport England. <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>

APPENDIX 2

EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and refer

21/02675/FUL

The Belvidere School Crowmere Road Shrewsbury SY2 5LA

Hybrid Planning Application for:

Proposed new secondary school and associated works, including installation of new Solar PV panel system on roof and on external free-standing canopies

Date of consideration of three tests:

17 August 2021

Consideration of tests one and two carried out by:

Philip Mullineux

Principal Planner

Consideration of third test carried out by:

Suzanne Wykes

Specialist Practitioner (Ecology)

1 Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

Yes – an essential need for a replacement school.

2 Is there ‘no satisfactory alternative’?

No as the proposal in accordance with the application will provide a new school with

improved facilities within the existing school grounds with minimal disruption to pupil education.

3 Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?

An environmental (e)DNA survey for Great Crested Newt (GCN) was undertaken of the on-Site pond on 15th April 2021. The on-site pond was a small, lined pond located within a courtyard at the school and was fully surrounded by buildings. The pond was approximately 3 m², with extensive macrophyte cover and partial shading from adjacent vegetation. The pond was concrete lined with rocks and log piles adjacent to the water’s edge. It was surrounded by well managed amenity grassland and a small area of scrub.

The results of eDNA revealed the presence of GCN DNA within the pond, which is situated within an enclosed central courtyard of approximately 0.4ha in size. Due to the enclosed nature of the courtyard in which GCN have been confirmed to be present, the scale of any impacts on amphibians and GCNs in particular are considered to be limited. The proposed development will result in the loss of the pond and surrounding terrestrial habitat and presents a risk of death or injury to any GCNs present.

The accompanying Ecological Impact Assessment (issue no.2) undertaken by Delta-Simons (dated 12 August 2021) outlines the sensitive working methodologies and mitigation measures for GCN, which will be secured under a European Protected Species Mitigation licence from Natural England. These include:

- An EPS mitigation licence for GCN will be secured and in place prior to any works commencing to the courtyard or the demolition of the surrounding buildings. In the absence of survey information indicating the population size of the GCN population utilising the pond, policy 4 will be used (which allows for incomplete survey data where there is reasonable justification and the impacts can be determined without full surveys). This is considered likely to be accepted by NE given the isolated nature of the population, small size of the existing pond and finite area of terrestrial habitat available for GCN, so that the impact on the protected species can be predicted with sufficient certainty.
- Creation of a receptor area of approximately 1ha containing new wildlife pond(s), species-rich grassland and two hibernacula within the south-western corner of the Site: This is to be created early in the development programme to allow as much time as possible to establish before GCNs are moved. The receptor area will be fenced off from the surrounding sports fields and managed for GCN and will provide an area much larger and less isolated than the current courtyard.
- Translocation Programme: A programme of translocation will be undertaken to safely move GCNs (and any other amphibians) out of the courtyard and into the new wildlife area, away from the development activities. Details are to be agreed with Natural England but are proposed to include a period of hand searching (facilitated by the use of artificial refugia), watching brief during draw down of the pond and destructive search of potential refugia. These works will be undertaken between March-October, inclusive and during suitable weather conditions (overnight temperatures above 5oC).

I am satisfied that the proposed development will not be detrimental to the maintenance of

the populations of GCN at favourable conservation status within their natural range.

Guidance

The 'three tests' must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary (since no offence under the legislation is likely to be committed), it is not necessary to consider the three tests.

The planning case officer should consider tests 1 (overriding public interest) and 2 (no satisfactory alternative). Further information may be required from the applicant/developer/agent to answer these tests. This should not be a burdensome request as this information will be required as part of the Natural England licence application. If further information is required, it can be requested under s62(3) of the Town and Country Planning Act 1990.

Test 3 (favourable conservation status) will be considered by SC Ecology, with guidance from Natural England.

A record of the consideration of the three tests is legally required. This completed matrix should be included on the case file and in the planning officer's report and should be discussed and minuted at any committee meeting at which the application is discussed.

As well as the guidance provided below, pages 6 and 7 of the Natural England Guidance Note, *Application of the Three Tests to Licence Applications*, may assist the planning officer to answer tests 1 and 2.

Answering the three tests

Test 1

Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

Preserving public health or public safety must also be shown to constitute a reason of overriding public interest. You need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public, e.g.:

1. If an unstable structure (e.g. a building or tree) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.
2. If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Imperative reasons of overriding public interest

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992). Projects that are entirely in the interest of companies or individuals would generally not be considered covered.

Test 2

Is there 'no satisfactory alternative'?

An assessment of the alternative methods of meeting the need identified in test 1 should be provided. If there are any viable alternatives which would not have an impact on a European Protected Species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) any other solutions, and c) whether the alternative solutions will resolve the problem or specific situation in (a).

Test 3

Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; and b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if the proposal would have a detrimental effect on the conservation status or the attainment of favourable conservation status for a European Protected Species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of the destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected.

Compensation measures do not replace or marginalise any of the three tests. All three tests must still be satisfied.

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