



Development Management Report

Responsible Officer: Mark Barrow, Director of Place

Summary of Application

Application Number: 20/05065/OUT	Parish:	Shrewsbury Town Council
Proposal: Hybrid application for outline planning permission for residential development (Class C3) and commercial, business and service use (Class E) to include access with all other matters reserved; and application for planning permission for the change of use of the ground floor of 1 and 15 Haughmond Square to a mixed use including hot food takeaway restaurant (sui generis use) and commercial, business and service use (Class E) and associated alterations and change of use of the Apprentice House to residential use (C3).		
Site Address: Flax Mill Spring Gardens Shrewsbury Shropshire		
Applicant: Historic England		
Case Officer: Jane Raymond	email :	planning.northern@shropshire.gov.uk

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

REPORT

1.0 THE PROPOSAL

1.1 This is a hybrid application for the following:

- outline planning permission for residential development (Class C3) and commercial, business and service use (Class E) to include access with all other matters reserved;
- change of use of the Apprentice House to residential use (C3) and
- change of use of the ground floor of 1 and 15 Haughmond Square to a mixed use including hot food takeaway restaurant (sui generis use) and commercial, business and service use (Class E).

1.2 All matters relating to the outline consent other than access are reserved for later approval and an application for reserved matters will be required for the scale, design and appearance of the new buildings and for the layout and landscaping of the site.

1.3 An application for full detailed planning permission for any external alterations and/or extensions (operational development) to the listed Apprentice House and to 1 and 15 Haughmond Square will be required in addition to listed building consent for any external and internal alterations required to the Apprentice House to enable its conversion.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The application site comprises the land in front of and to the south east of the Main Mill and land to the north east, and has recently been cleared of all buildings other than 1 and 15 Haughmond Square and The Apprentice House. Both 1 and 15 Haughmond Square and the Grade 2* Listed Apprentice House are included within the red line of the application and are proposed to be retained.

2.2 The land is part of the wider former Flax Mill site that contains a group of buildings and structures which relate to the original Flax Mill operation and subsequently Maltings business on the site between 1796 and 1987. This wider site contains a complex of former mill buildings and a former Maltings and include the following:

The Main Mill – Grade 1 Listed
The Cross Mill – Grade 1 Listed
The Warehouse – Grade 1 Listed
The Malt Kiln – Grade 1 Listed
The Apprentice House – Grade 2* Listed
The Dye / Stove House – Grade 2*

2.3 The site is approximately one mile north of Shrewsbury town centre and is part bounded by the Crewe to Shrewsbury railway line to the north west and the busy Spring Gardens main road to the south east. Residential properties lie immediately to the north east and south west of the site and on the opposite side of Spring Gardens to the south east.

2.4 The site is located within the Shrewsbury Conservation Area. The site and wider Flax Mill site is wholly owned by Historic England.

3.0 **REASON FOR DELEGATED DETERMINATION OF APPLICATION**

3.1 No contrary opinions have been received that would require determination of the application by Committee under the terms of the scheme of delegation as set out in Part 8 of the Council Constitution.

4.0 **Community Representations**

4.1 **- Consultee Comments**

4.1.1 **SC Learning and Skills:** *Shropshire Council Learning and Skills reports that the local primary schools are currently close to capacity. It is forecast that the cumulative effect of this and of other developments in the area will require additional school place capacity. This development is forecast to increase school capacity requirements by 21 primary pupils . It is therefore essential that the developers of this and any new housing in this area contribute towards the*

consequential cost of any additional places/facilities considered necessary to meet pupil requirements at those schools. Based on the scale of the proposed development of 120 dwellings it is recommended that contributions, to address future educational capacity needs, are secured by means of a s106 agreement.

4.1.2 SC Economic Growth: *The Economic Growth Service supports the application for residential and commercial development at the Flaxmill which will be a key driver to the regeneration of this area. The application is in outline however there are a number of minor detailed issues :*

The reuse and renovation of the existing commercial uses is supported however it does raise the question about how these are serviced and provision for car parking.

The commercial units on the corner with Spring Gardens and the new access seem rather underwhelming at 1-2 storeys . This is the main pedestrian access into the site and whilst it is accepted that there is a need to keep open views of the Flaxmill this is a key gateway and should reflect this . The opportunity to increase development and maximise value should be taken given that the site has received considerable public subsidy .

The design aspiration to retain the visual impact of the Flaxmill has resulted in the residential development of three storeys on the east side of the canal basin. In addition, the canal towpath on this side has also been reduced by half a storey resulting in the Flaxmill having a dominating impact on the new properties and potentially their market attractiveness .

The treatment of the canal basin and its use as a public open space raises some concern as this has also been lowered from existing levels and raises the question as to how well the open space will be used. There is also a need to provide a clear distinction between public and private space for properties facing onto the towpath. This is probably best done by a clear demarcation between the 'public' footpath and 'private' gardens . There is also a need to make clear as to whether this will be a public 'front' or a private 'back'. The implication is that the properties facing onto the tow path will have a private 'back' despite the fact that a footpath will run past them. Ideally this should be an active frontage rather than a dead space with a boundary wall facing on to the towpath .

It is assumed the new housing development will have a frontage on Spring Gardens however the main view will be the 'garden wall' which faces onto the Spring Gardens footpath and public realm. It may be appropriate either to reduce the impact or to punctuate the wall to provide visual relationship to the development behind.

4.1.3 SC Parks and Recreation: *Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the*

development site, in order to improve the overall quality and usability of the provision.

4.1.4 SC Regulatory Services:

Noise - The acoustic report and the 2010 addendum is accepted as indicating the mitigation and façade requirements of the properties close to noise sources, especially transport noise. I would agree that further updated noise assessment at locations nearest noise sources would be required for more accurate assessment of mitigation requirements in accordance to the principles of ProPG but at this stage I would note that Spring Gardens North would benefit from setback and/or orientation or internal arrangements which would be have non habitable rooms primarily facing the road noise sources- such rooms being kitchen, bathroom, utility room, hallways, landings, so that habitable rooms such as main bedrooms and living rooms are facing inward to the site, likewise for the rail facing apprentice house. Such embedded mitigation may achieve internal guidance without reliance on windows closed to achieve internal standards. For external standards the indication is that Spring gardens north would be most likely to exceed standards, but standoff and screening may result in achievement.

Odour - In the title of the application 1 and 15 Haughmond Sqaure, currently takeaways are mentioned but no further information in the documents. It is noted that proposed housing is to be positioned close to the units which would require odour abatement technologies to be required.

Contaminated land - A report by Stantec; Shrewsbury Flaxmill Maltings project: Remediation Strategy; Ref. 330201477R1, November 2020. Final has been submitted in support of this outline application and the requirements for remediation detailed are based on the latest development plans and where necessary supersede or are in addition to those already detailed in the previous remediation strategy. Details of previously approved remediation undertaken or in the process of being undertaken has not yet been submitted to the Council.

The Environment Agency must be consulted on this latest Remediation Strategy.

Regulatory Services generally concurs with the proposed remediation strategy that includes include details of gas protection and how these will be verified as per BS8485:2015+A1:2019 and CIRIA C735 and Shropshire Council will only accept verification from a suitable experienced verifier who is independent of the installer.

There is also a requirement that a suitably qualified and experienced geo-environmental consultant attends during the proposed excavation works in order to oversee general betterment of land quality across the site.

Subject to any additional comments the Environment Agency may have, the following must be included as conditions:

4.1.5 SC Ecology: I have reviewed the Preliminary Ecological Appraisal and Bat Surveys report undertaken by Middlemarch Environmental (dated September 2020) which were submitted in association with the application and I am happy with the survey work carried out.

I concur with the conclusions and recommendations of the reports. No bats were

recorded in the two buildings proposed for demolition.

Multiple bat species are known to be present in the adjacent buildings, most of which are not within the redline boundary of this application, the exception being Apprentice House. A bat mitigation strategy has been produced, which covers Phase 1 of the development and the phase of development to which this application pertains. This strategy details the replacement roosting provision and the commute routes which cross the development site, and a bat mitigation licence is in place covering Phase 1 of the development.

The bat mitigation strategy has been updated several times since it was granted, in agreement with Natural England; the current most up to date strategy is Report Number: RT-MME-112753-02 Revision 6 (Middlemarch Environmental, Oct 2019). The design of the whole site is required to maintain dark flight routes for bats, and dark commute routes for other nocturnal animals, between the lit areas, and appropriate landscaping to facilitate foraging and commuting by bats. Conditions to ensure that reserved matters applications adhere to the approved bat mitigation strategy in terms of lighting, landscaping and bat roost mitigation are recommended.

The reserved matters application will need to secure either a modification of the existing bat licence or a new licence to cover the works as detailed in the Bat Mitigation Strategy for this phase of the development. This has already been approved in principle by Natural England, as part of the first licence (as it was for a phased development). On considering the mitigation detailed within the mitigation strategy I am satisfied that the proposals will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

I have provided a European Protected Species 3 tests matrix to accompany 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.

It is also noted that temporary artificial nesting opportunities for swift were included on Apprentice House as part of previous applications, to provide compensatory nesting provision whilst the mills were being refurbished. The temporary swift boxes have now been removed and increased swift roosting provision (over and above the baseline) has been provided on cross mill and flax mill by restoring historic vents (pers comm. Dr. Nick Steggall, Middlemarch Environmental, 31.03.2021). To further enhance nesting opportunities on the site for swift, as well as house martin, a condition is recommended to provide artificial nest provision in and on suitable parts of the new build.

- 4.1.6 **SC Highways:** The current proposal seeks to renew of the 2011 outline consent that is due to expire. Whilst all matters are reserved, consent is sought, in principle, for the quantum of development as described within the application submission.

On the basis that outline planning consent was granted back in 2011 the principle

of development of the site is already established and from a highway perspective the local and site circumstances have not materially changed that would lead to a highway objection. Moreover, the full detailed development including scale and layout will be further considered as part of a subsequent reserved matters application. The current application is also supported by Transport Assessment which raises no fundamental issues of the development of the site.

It should be noted also that some of the highway infrastructure works have been undertaken, including the changes to the mini roundabout junction with Sultan Road, Pedestrians Crossings and internal access road are under construction and due for completion soon under planning permission 19/02769/FUL.

Notwithstanding the fact that all matters are reserved the applicant, as stated above, is keen to establish the quantum of development that could come forward in order to provide a degree of certainty of the viability of the Flax Mill project to a prospective developer.

One of the key issues of the development of the site relates to parking demand and provision and in this regard I would make the following comments:

- The proposed 1 parking space to 1 household ratio, is low for this location (ideally 1.5 spaces/unit would be the minimum). However, given the site is relatively close to the Town Centre and other amenities, then the lower ratio could be acceptable. Although, it is important that the provision and allocation of parking spaces is clearly communicated to residents and other road users and appropriately controlled.

Some thought needs to be given to visitors and how their behaviours and actions may need to be controlled to ensure vehicles aren't parked in unsafe places. The potential loss of 58 Mill spaces once all 4 phases of the housing development are completed, needs to be comprehensively dealt with by a separate report and resolved, to the satisfaction of the LPA before Phase 4 starts. If the phasing is changed then a condition that 58 Mill spaces remain somewhere on the site needs to be put in place on the permission until the loss of these spaces is addressed to the satisfaction of the LPA. No mention is made of cycle parking and how this will be provided for residents. Are they expected to keep bike in their properties?

- Non-Car Accessibility. This site has relatively good non-car accessibility. However, reference is made to the existing Park and Ride facility again, which does not currently stop at the Flaxmill. Clarification is required.
- Framework Travel Plan. It is appreciated that this is an outline application. However, further details are expected, including some specifics commitments. For example:
 - No mention is made of how the process will be managed – travel plan co-ordinator, liaison with Shropshire Council etc.
 - It needs to refer to the importance of addressing sustainable travel during the sales and promoting phase of the development by appointing a TP coordinator to engage with prospective purchasers. This is particularly important given the parking limitations. It is noted that the report does state (7.3.5) "This (Travel Plan) must be accompanied by management of parking to ensure the limitations of the

site are understood and acted upon by residents.”

- It should commit to provide incentives (not just information) in order to achieve take up of sustainable travel. Examples would include cycle training vouchers, free short-term bus passes to encourage take up of the local bus service.
- The Travel Plan should refer to how secure residential cycle parking will be achieved within the development.
- The plan should include details of travel survey, monitoring, targets and timescales as well as the length of time the plan will be in place.
- An easy to understand location plan/map identifying local amenities and destinations, highlighting appropriate safe routes and estimates of journey time using active travel modes.
- An appropriate resident friendly version of the TP should be produced (like the sales literature) to inform, engage and encourage active travel.

It is recognised however that the above matters will be dealt with as part of the first reserved matters submission(s). The applicant and/or future developer needs to be fully aware that car parking and the Travel Plan will be key elements as part of the first reserved matters and therefore included as Conditions at this outline stage.

It is recommend that the following Condition be imposed:-

- The first submission of reserved matters shall include full details of the parking provision and a Parking Management Plan which links to the Phasing of the development, shall be submitted to and approved in writing by the Local Planning Authority; the parking, management and allocation of spaces shall be implemented fully in accordance with the approved details and Phased delivery of the designated site uses. Reason: To provide adequate and management of the parking provision within the site to serve the development.

In addition to the above I consider that it would be appropriate to replicate Conditions 22 to 25 inclusive that were imposed on the original outline consent reference 10/03237/OUT.

4.1.7 **WSP on behalf of SC Drainage:** Recommends a drainage condition and provides informative advice.

4.1.8 **Environment Agency** (latest comments received 15 March):

I refer to additional information received in support of the above application and, specifically, to provide clarification on points raised in my previous response. Having reviewed the submitted Remediation Strategy (Stantec UK Ltd, ref 330201477R1REV1, dated March 2021) we are in a position to remove our objection and would offer the following comments and conditions for your consideration at this time.

We welcome the revision to the Remediation Strategy (RS) which has generally addressed the observations and comments in our previous response SV/2021/110864/01-L01 of 26 January 2021. We are satisfied that the risks to controlled waters posed by contamination at this site can be addressed through appropriate measures. However, further details will be required in order to ensure

that risks are appropriately addressed prior to the development commencing and being occupied. It is important that remediation works, if required, are verified as completed to agreed standards to ensure that controlled waters are suitably protected.

The below conditions are required to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and The Environment Agency's approach to groundwater protection (formerly Groundwater Protection: Principles and Practice (GP3)).

Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

Export & Import of wastes at site: Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

- 4.1.9 **SC Conservation:** *We would advise at the outset that in considering this application, due regard to the following local and national policies and guidance would be required, where applicable, including policies CS6 Sustainable Design and Development Principles and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the SAMDev, and the National Planning Policy Framework (NPPF) revised 2019, and relevant Historic England Guidance including for example GPA3 The Setting of Heritage Assets. Legislatively Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) is relevant in considering the impact on the character and appearance of the Conservation Area (Shrewsbury Conservation Area and more particularly the Castlefields and Spring Gardens Special Character Area), and Section 66 of the Act is also applicable where paying special regard to the impact on the character and setting of listed buildings is required.*

This Outline planning application is a renewal of an earlier outline application 10/03230/FUL granted in 2010 covering the significant property and group of former industrial buildings comprising the historic mill complex at Ditherington, where this earlier planning consent expires this year. Since that time our Team has commented on a number of planning and listed building applications which pertain specifically to existing buildings on the site as work progresses towards their repair and reuse.

As noted in the current Design and Access Statement the application is submitted with all matters reserved where consent is sought for the 'quantum of development described' but not for the 'illustrative' or indicative scheme shown within the red line boundary of the application, which mainly consists of the areas beyond the existing main mill complex of buildings where these parts of the wider site have not yet been subject to detailed planning applications.

The original 2010 Outline application included a lengthy Planning Design and

Access Statement and this current renewal application provides a more condensed version of this where it is noted that in comparing the two Statements there are now revisions to the earlier illustrative or indicative scheme relevant to each key area of the site.

Historic England have submitted formal comments on this application which we would refer you to and which are supportive of the overall 'quantum of development' illustrated within the current Design and Access Statement, but are clear to note that this is an outline scheme only which demonstrates what is possible to achieve and advises that appropriate conditions will need to be applied to set the level of control required for development on this sensitive and historic site. We concur with Historic England's statements in this regard.

We would also acknowledge the concerns raised by the Shrewsbury Town Council as well as a member of the public where these concerns relate in the main to the "Spring Gardens South" character/key area of the illustrative scheme. The current illustrative layout shows an unbroken linear 13 unit three storey terrace running along the former canal and to the front of the main flax mill building, where in this solid form and height the concern is raised that this housing may conceal to some degree views of the main building, potentially diminishing its visual significance.

We would note that this is one key area of the illustrative scheme that has been revised from the earlier 2010 concept plans, where the building plan form and layout appears now to have been simplified, there are less built forms shown and a more traditional terrace rather than a contemporary flat roof design for the buildings is being considered – our Team is generally supportive of the direction these illustrated revisions are taking for this part of the site.

But, we would also contend that the concerns noted above are valid, and further options relevant to the layout and/or the height of the eventual built forms in this key area of the site need to be compared and fully considered to ensure that the main historic buildings remain visually dominant.

It would be useful to have a bit more of an expanded Statement closer in line with the level of detail submitted in 2010 which illustrates how the concept or illustrative plan for the site has evolved since that time – again it is acknowledged that this is an outline planning application only with only an indicative scheme provided – where a presentation from the applicants (as suggested by the Town Council) may be warranted so that potential areas of concern can be raised and discussed in a timely manner.

- 4.1.10 **SC Archaeology:** The proposed development site comprises a 2.7ha area immediately north and east of the main Flax Mill complex. The archaeological desk based assessment indicates that prior to redevelopment in the 20th century, and in addition to Grade II* listed Apprentice House (NHLE ref. 1254855), this area was occupied by a range of the buildings, structures and features. These include an infilled section of the Shrewsbury Canal (HER PRN 03410); an area of 19th century workers housing east of the canal (HER PRN 31284); late 18th or early 19th century cluster houses on Haughmond Square (HER PRN 28828); the site of the former Sultan Inn (HER PRN 28849); the site of the formal gardens for the Apprentice House (HER PRN 28851); and a range of ancillary and outbuildings to

the North of the Flax Mill (HER PRNs 28831 – 28845).

The degree to which below ground remains of these various buildings and structures survive across the site is likely to vary significantly, as does the extent of previous archaeological investigation. Evaluation trenching in 2010 indicated that the area of the formal gardens is of little archaeological interest due to 20th century disturbance. A community excavation in 2013 found well preserved remains of the former wash house (HER PRN) 28838 and cow house (HER PRN 28834) at the northern end of the site. However, in 2020 a watching brief that was maintained during groundworks for a new access road found that demolition operations in the 20th century had removed structural remains of the buildings that previously stood north west of the Apprentice House to a sub-floor level. There has been no previous investigation of the areas of former workers housing at the south-eastern end of the proposed development site.

Consequently, the archaeological potential of the proposed development site is therefore likely to vary, although the archaeological desk based assessment indicates that areas of high potential exist at the northern end of the site and possibly in the central area at Haughmond Square. The sites of the former Sultan Inn, in the north eastern area, and the 19th century housing, at the southern end of the site, are thought to have lower potential.

RECOMMENDATION:

With referenced to Policy MD13 of the Local Plan and Paragraph 189 of the NPPF, it is advised that the archaeological desk based assessment by Salford Archaeology provides a satisfactory level of information about the archaeological interest of the proposed development site, and the likely impacts the development would have upon that interest.

We concur with the findings of the Assessment and, in particular, that the significance of the below ground remains that are potentially present on the proposed development are unlikely to merit preservation in situ.

In view of the results of the Assessments, and in relation policy MD13 of the Local Plan and Paragraph 199 of the NPPF, it is advised that a programme of archaeological work should be made a condition any planning permission for the proposed development. This should comprise a phased approach, with an initial trial trenching evaluation on the sites of the former 19th century workers housing, the cluster houses, the Sultan Inn, and the retort house, gas holder and kiln. Should significant archaeological remains be revealed, the results of the evaluation should then be used to inform design of a second phase of further archaeological mitigation.

No development approved by this permission shall commence until the applicant has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4.1.11 Historic England:

Summary

This site comprises a collection of buildings which together form an industrial complex of international significance. The scheme provides for a quantum of development which the application demonstrates can be accommodated on the site. Historic England recommends that it should be approved subject to appropriate conditions.

International Significance of the Flax Mill

This site comprises a collection of buildings which together form an industrial complex of international significance. The complex is outstanding in textile industrial history for the large scale of the operation and the reliance on steam power.

The 1797 Flax Mill is a pioneering example of the use of an iron frame: the 'world's first building with a full internal iron frame'. It was converted to a maltings in the 1890s. The adjoining Cross Mill and Flax Warehouse are also early examples of the iron technology.

The 1897 conversion to a maltings gives the site further significance in the evidence for a large scale maltings, and in the ingenious adaptation of the buildings. The whole site was of great local significance as the economic and social driver for the northward expansion of Shrewsbury, facilitated by the canal.

The statutory listings recognise the significance of the buildings. The Flax Mill is Grade I. The attached Malt Kiln is listed at Grade II. The attached Cross Mill and Flax Warehouse are each listed at Grade I. The Stove & Dye House and the Apprentice House are listed at Grade II, and the Stables and Offices are listed at Grade II.*

The whole site is within the extensive Shrewsbury Town Centre Conservation Area which includes the whole of the historic centre of the town.

The only listed structure within the application site is the Apprentice House, but the blue line includes all the rest of the listed buildings.

Impact of the scheme

This application concerns the largely undeveloped areas of the site to the north and east of the historic mill complex which were until recently occupied by 20th century commercial and industrial premises as well as a bus depot on the northern part of the site. These have all been cleared as the development of the wider site has progressed.

1 and 15 Haughmond Square are two small but significant unlisted buildings resembling gate lodges fronting Spring Gardens. They are used as take-away food premises with residential accommodation above.

An extant Outline planning consent granted in 2011 covers the site in its entirety. That permission expires in 2021. Detailed planning permission and listed building consent were obtained for the repair and reuse of the Main Mill and Malt Kiln as workspace, a visitor attraction and café. Those works are now close to completion. This application is intended to renew the outline consent for the development of the

wider site which has not yet been subject to detailed planning applications. It is intended to set the site's capacity, and to inform more detailed proposals once a development partner has been secured.

The site is divided into four zones, Spring Gardens North, Spring Gardens South, Apprentice House Square and the former canal.

The illustrative elements included in the Design & Access statement as is usual in an outline scheme are not a part of the consent. Rather, they seek to demonstrate that it is possible to achieve the quantum of development which is being applied for on the site in an acceptable manner.

In Spring Gardens South careful consideration has been given to the placing of the houses to the south-east of the Main Mill, facing it across the former canal. That area will be preserved as a landscaped space that could be restored to a canal if that ever becomes feasible. The only significant standing buildings in this zone are the pair of unlisted 'lodge' buildings, which will be retained.

Spring Gardens North provides for a block of relatively low rise apartments on the main road frontage, with terraced houses to the rear fronting onto the former canal.

Apprentice House Square includes the Grade II listed Apprentice House. The setting of the house included a garden to the south-east and a wall joining it to the warehouse extending from its south-west corner. A terrace of houses is proposed to the north-east of this, and a block of apartments to the rear, north-west, side of this zone.*

Overall the proposals have been developed with regard for the setting of the significant historic buildings. They demonstrate that the proposals can provide appropriate development within the settings of the listed buildings. That will ensure that key views of those structures will be preserved and enhanced. The new buildings do not follow the historic development pattern in this area, but they offer an appropriate response to the historic significance of the site.

Policy

The statutory requirement to preserve and enhance Conservation Areas, reinforced by the NPPF, and the settings of listed buildings as required by the legislation and the NPPF are the key policies to be applied.

Position

Overall the scheme provides for a quantum of development which the application demonstrates can be accommodated on the site. There is no need for excessive heights or for intrusion into the most sensitive parts of the site. Appropriate conditions should be applied to ensure that the approval sets the level of control required in this sensitive location to ensure that the details of the various elements of the scheme are in-line with this approval as they emerge.

Recommendation

We consider that the issues outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the same Act 1990 requires you to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

4.1.12 Shrewsbury and Newport Canal Trust:

31 Jan 21: Shrewsbury & Newport Canals Trust **OBJECT** to this application for the following reasons:

1. The indicative layout and design of the proposed residential development are contrary to the UK Government's policy for design in the planning system as contained in the National Planning Policy Framework (NPPF) – [see note (1) below]

2. The indicative illustrative proposed residential development is contrary to the UK Government's policy for conserving and enhancing the historic environment as contained in the National Planning Policy Framework (NPPF) – [see note (2) below]

3. The accommodation of the route of the Shrewsbury Canal through the site is contrary to Shropshire Council core strategy – [see note (3) below]

Notes

(1) NPPF section 12 requires the achievement of “well-designed places” and that great weight should be given [in decision-making processes] to “outstanding or innovative designs which promote high levels of sustainability”. It is my opinion that the illustrative elements included in the Design & Access Statement indicate that:

(a) the achievement of the proposed quantum of development can only be achieved by unacceptably high site coverage and/or density of new buildings of bland appearance

(b) the new buildings are proposed to cluster around and damage the setting of the main historic asset, and the setting of the restored canal (c) the proposals do not indicate attention to Passive Sustainable Design strategies, such as considering sun orientation and shadow effects on the historic assets

(2) NPPF section 16 paras 184-202 require that development in conservation areas should not only conserve but “enhance” the historic environment: it is my opinion that the illustrative elements included in the Design & Access Statement indicate that the proposed development in the Spring Gardens South part of the site will:

(a) Partially conceal the restored flax mill building and completely conceal the restored canal from the view of the general public passing along Spring Gardens

(b) prevent the enhancement of the restored canal by the provision of a winding hole (for turning narrow boats) and visitors' car parking as envisaged by the canal trust

(3) Shropshire Council core strategy policy CS7 calls for the protection and enhancement of strategic canal networks for recreation or leisure uses and policy CS16 states that the council will support development that provides opportunities for accessing, understanding and engaging with Shropshire's historic assets including canals (note 6.36 specifically refers to the Shrewsbury and Newport Canal): it is my opinion that the illustrative elements included in the Design & Access Statement indicate that the quantum of proposed development, especially in the Spring Gardens South section of the site does not allow sufficient space:

- (a) for the general public to access, understand and engage with the restored canal by the provision of an open view of the canal from Spring Gardens*
- (b) for the provision of a winding hole necessary to turn 70ft narrow boats pending the final completion of the canal restoration at the Buttermarket*
- (c) for the installation of visitor information display boards and visitors' car park on the Spring Gardens South part of the site (shown in section 2 of the Design & Access Statement)*
- (d) for the encouragement of the recreational and leisure use of the canal route as a continuous green walk through the northern corridor between Castlefields and Pimley pending the ultimate restoration of the canal to navigation*

The applicant (Historic England) has, by a letter dated 7 January 2021 posted on the planning portal, correctly recommended that the planning team address this application for it "to meet the requirements of the NPPF" and their statutory duty to pay special regard to "the desirability of preserving listed buildings or their setting". These objectives could be met by the removal of residential development from the Spring Gardens South part of the site.

Indicative and illustrative proposals for the restored canal through the Flax Mill site are included in a feasibility study for the whole of the Shrewsbury & Newport Canals restoration project prepared for the canal trust in 2003 by consulting engineers W.S. Atkins. A copy of the front page of a summary of this 100-page-plus document is attached at the head of this representation for the information of the planning team.

For these reasons, while supporting the Flax Mill restoration project in principle, it is my opinion that this application should be REFUSED in its present form.

3 & 5 Feb 2021 Chairman on behalf of S&NCT: The indicative layout and design are contrary to policy. NPPF section 12 requires the achievement of "well-designed places" and that great weight should be to "outstanding or innovative designs which promote high levels of sustainability". The proposed development includes an unacceptably high density of new buildings. It further damages the setting of the Flaxmill and Shrewsbury canal

The proposed residential development is contrary to NPPF section 16 paras 184-202 which require that development in conservation areas should enhance the historic environment. The proposed development in the Spring Gardens South part of the site will not only partially conceal the restored Flaxmill but will also completely conceal the Shrewsbury canal from the view when it is restored.

The accommodation of the route of the Shrewsbury canal through the site is

contrary to CS7, which calls for the protection and enhancement of strategic canal networks for recreation or leisure uses. CS16 further states that “the authority will support development that provides opportunities for accessing, understanding and engaging with Shropshire’s historic assets including canals” (note 6.36 specifically refers to the Shrewsbury and Newport Canal). The Design & Access Statement, in the Spring Gardens South section of the site, does not allow sufficient space for the general public to access, understand and engage with the restored canal.

When a Detailed Planning Application is submitted, a condition should be made via a Section 106 Agreement for the developer to restore the Shrewsbury canal through the Flaxmill site to a navigable state. This would not only return the Flaxmill site to its original setting and greatly enhance the attractiveness of the development, but it would also enhance the property prices of the planned houses by up to 20%, thereby providing the funding required to restore the canal.

Additional comments on behalf of S&NCT with images attached available on file:

Further to my representation dated 31 January 2021 and the canal planning statement by Historic England dated 4 February 2021, I make additional comments as follows:

- 1. The restoration of the Shrewsbury Canal as a navigable water feature within the site should be included as part of the Flax Mill restoration project– see note (1)*
- 2. The proposed site layout should be re-designed to include adequate open space for leisure use and landscaping over and above the route of the canal – see note (2)*
- 3. The plans should include space for the enhancement of the canal so that the public is able to see and engage with the restored canal as a linear park – see note (3)*

Notes

(1) The applicant accepts that the canal restored to navigable condition is an integral part of the Flax Mill restoration project

(2) A significant proportion of the open space indicated on the application plans will be unavailable to the new residents when the canal is re-watered

(3) A visitor car park and local widening of the canal should be created on the Spring Gardens South part of the site in front of the main Flax Mill:

(a) To create an uninterrupted public view of the restored Flax Mill and canal from Spring Gardens

(b) To encourage public use of the canal route as a leisure walkway through the “northern corridor”

(c) To create a horse-drawn trip boat turning and embarking point as an asset to enhance the setting of the Flax Mill and to support the on-going restoration and maintenance of the Shrewsbury Canal through the entire “northern corridor” of the county town It is my opinion that these changes to the submitted indicative plans are necessary in order for the application to comply with Shropshire Council Core Strategy and the National Planning Policy Framework, compliance that Historic England has accepted in its letter to the planning case officer dated 7 January 2021, and that the application should consequently be REFUSED in its present form.

It is the S&NCT’s opinion that the vast majority of the representations made

objecting to this application prefer the S&NCT “vision” and that the present Outline planning application should be conditioned:

- (a) To restore the canal through the site, initially as a water feature*
- (b) To build a replica canal bridge where the access road crosses the line of the canal*
- (c) To keep the so-called ‘Spring Gardens South’ site clear of new housing as a public open space*

The S&NCT trustees are concerned by the proposed development of up to 120 new dwellings on this site before the canal waterway is restored.

The line of the unrestored canal is indicated to provide the principal open recreational space for the new residents, and we anticipate that there will be significant resistance and/or objection if the restoration of the canal is not included. Historic England accepts that the restoration of the canal is an important element of the Flax Mill project and, to avoid the possibility of future conflict between new residents and the established objectives of the Trust, it is our opinion that the section of canal through the site must be restored as a waterway as part of this project.

Both Shropshire Council Planning core strategy and NPPF guidance support the canal's restoration.

We therefore OBJECT to the application unless it is conditioned by a Section 106, or similar agreement, that the section of canal within the site will be restored as a waterway or water feature before the new dwellings are occupied.

- 4.1.13 The Georgian Group:** *The industrial buildings which form the flax mill site are of international significance not least because of the 1797 mill's pioneering iron frame. The adjoining Cross Mill and Flax House are also early examples of iron framing. The nearby apprentice house is an unusual survival, and reflects legislative changes governing the treatment of apprentices contained within the first Factories Act.*

The present application seeks to renew outline permission for a development within the setting of the grade one listed mill, on a site which was until recently occupied by twentieth century commercial buildings and a bus depot. The application site contains one listed building, the grade II former Apprentice House of c1811. This is an outline scheme only which demonstrates what it is possible to achieve within the setting of the internationally important and extremely sensitive site.*

The Group must stress that it does not wish to object to this proposal and that it indeed believes that there is much to be welcomed within it. However, we do nevertheless have reservations about one specific aspect of the proposed development which we hope can be addressed in the future when more detailed proposals are prepared. These concerns relate to the height of one of the proposed new blocks.

The proposed apartment block to the NW of the Apprentice House whilst stepping down from the height of the main mill almost completely screens the Apprentice House in one of the views illustrated (View 6 from Greenfields, p.32). At present therefore this aspect of the proposed development would cause a degree of harm

to the setting of this grade II listed structure and to that of the wider industrial complex. We would advise that there is a case on heritage grounds for reducing the height of this block by a storey.*

Whilst believing that there is much to be welcomed in this scheme. The Georgian Group's Casework Committee believes that further consideration should be given to the above issue before detailed proposals are submitted.

4.2 - Public Comments

4.2.1 Shrewsbury Town Council (Initial comments dated 7 Jan 21): *Members raised some concerns with regards to this planning application. The main being that it appears that the Flaxmill will be hidden behind 3 storey terraced housing and the impact of the building will be lost. Members also agree with public comments made with the site should be offering the opportunity of a public plaza. We would also like to see the views of the Conservation Officer and if possible we would like a representative from the Flaxmill to join the next Planning Committee Meeting to discuss the proposals further with Members before a decision is made on this application.*

Comments dated 29 Jan 21 (following a presentation to the TC by the applicant): *Members support the proposed application but recommended that the houses directly in front of the Flaxmill are two rather than three storeys to prevent the view of the historic building being obscured.*

4.2.2 Representation on behalf of Shrewsbury Civic Society :

We are delighted to see this outline application for the development of the Flaxmill site, with its exciting prospect of creating a first-rate and fitting setting for these magnificently restored industrial buildings, of world architectural importance and interest. There is the potential to revitalise a whole neighbourhood, as well as boosting the town's economy and pride with a new prestigious heritage site which can potentially tap the seam of global visitors from Ironbridge.

We note the design and access statement says the phasing may proceed anti-clockwise and begin with Spring Gardens South and "...this should set the standard of housing, landscape, open space and amenity for that which follows". The civic society sees quality of design as key to the transformative possibilities of this ambitious project, and will take a very close look when details emerge at a later stage.

Meanwhile, we are pleased to see the stated intention of improving the Flaxmill setting, which includes the planned reinstatement of the canal towpath as a pedestrian route, and the former canal line legible and opening the view through the site – which also makes it easy to rewater "...should a more comprehensive scheme for the canal infrastructure be progressed".

The planned refurbishment of a cycle and pedestrian route along the former canal will also be essential to provide an appealing short walk from the station and help the relationship to the town centre of this currently forgotten neighbourhood.

While we strongly support this development in principle, we would like to make the following observations:

1. The argument is made for predominantly housing, based on historic use however the purpose of the site has changed. With houses backing onto it, the canal corridor in front of the Flaxmill is lifeless. This would benefit from some commercial/recreational uses at ground floor level to activate the green area and provide a destination. The approach from St Michael's Street is a key entrance and could offer a public plaza with attractive commercial/public buildings.

2. The newly restored five-storey mill standing on a rise with its fine ranks of windows, is a truly impressive eye-drawing sight. The design and access statement says the historic buildings should be visually pre-eminent. However there are concerns that the proposed three-storey terraced housing, noted at a lower level, in the foreground is not adequately subservient and the dramatic effect of the building's stature diminished and concealed from view for those travelling into Shrewsbury from the north.

4.2.3 One letter of support: *Great to see the improvement. It will be good to see the work completed so that it will attract more visitors.*

4.2.4 Representation on behalf of Shrewsbury & North Wales Branch of the Inland Waterways Association: *The IWA, which has some 15,000 members, campaigns to protect and restore the waterways for everybody to enjoy, whether they be walkers, cyclists, anglers or boaters.*

The Flax Mill was sited here alongside the Shrewsbury Canal, then being built, so that coal to power machinery could be easily and cheaply delivered. Indeed, the Mill opened in 1797, the same year as the canal.

There is much to be welcomed in this application, in particular that it preserves the line of the canal, facilitating its future restoration, in accordance with the County's planning policies. Nevertheless it is regretted that the water alongside the Mill will not be reinstated, at least in the short term, as had been shown in earlier illustrations. A grassed area does not have anything like as good a visual setting for the main Mill building. Furthermore, much of the impact would be lost because the Mill will be largely hidden behind three-storey terraced housing.

However, we have serious concerns about some details which would make the restoration of the canal more difficult and more costly.

Firstly, the proposed bridge does not allow sufficient air draft for boats. We suggest that the design be done in such a way that it would be easy to replace the fixed bridge with a lift bridge at a future date. The Shrewsbury Canal had several lift bridges through its length, and one would be an attractive feature here, despite not being authentic in this particular location.

Secondly, the underground services as currently designed are too shallow and are not compatible with restoration. Preventative action at this stage would yield significant savings in the long run.

4.2.5 100 letters of objection from the public (many members of the Shrewsbury and Newport Canal Trust) summarised as follows:

The Ditherington Flaxmill and the adjacent canal are integral to the overall heritage of this important and unique site.

The original site was served by the Telford & Shrewsbury canal (it's one of the principal reasons for the mill's very existence) and there is an opportunity here to safeguard the reinstatement of the waterway and pedestrian (tow path) access to the mill.

The applicant's statement - "An overarching objective of the development is that it should create an economically viable, vibrant new community" - is laudable but there is much more to the Flaxmill than that. Having spent millions of pounds renovating this unique building, it would be a travesty to spoil it by not taking account of its setting (including the canal), its history (with the canal) and its potential long term benefits (reinstating the canal).

Restoration of the canal would have commercial, ecological, health, Heritage and tourist benefits, not just for the site and Shrewsbury, but for England - it is potentially a World Heritage site.

The Mill, the canal and the overall setting must be taken into account when addressing the planning application.

There are issues around roads, access and services serving the site and the residential properties that are inadequately addressed by the application and the broader heritage aspects are virtually ignored.

Correspondence speaks of "ambitions in the long term to reopen the canal" but remarks that the road running from the new roundabout on Spring Gardens to the Apprentice House and beyond would block those ambitions.. and goes to suggest that a swing bridge would be a "relatively easy" solution should that ambition ever come to fruition.

Concern that the construction of the new bridge across the canal , which seems to be underway, would indeed sabotage any possibility of making the canal navigable in the future and that the plan for a swing bridge has been shelved.

The proposal includes a bridge that crosses the line of the Shrewsbury Canal that will be too low for canal boats to pass under thereby precluding the restoration of the canal through the Flaxmill site.

Services that cross the canal should be routed so that they don't block the restored channel of the canal.

Shallow services and a low bridge make restoration much harder in the future while a restored canal would greatly enhance the public amenity of the development.

The proposal is contrary to Shropshire Council's plans to protect the line of the canal from development and that has been ignored on this site in the past months.

The Waterways of the U.K. present opportunity and infrastructure to protect communities, enhance environments and create energy, jobs, tourism and inward investment. Social and environmental impact investors want to engage with stakeholders in appropriate sustainable business opportunities linked to waterways

that will create jobs. I urge the Council not to fall into the trap that the politicians of the 1960s fell into. Filling in and cutting the lines of this most valuable asset was a terrible mistake.

The canal restored would deliver significant benefits to developers, residents and the wider community so it would be short-sighted and irresponsible to let this opportunity slip away.

Many canals around the country have been restored against all the odds, and with great benefit to the communities concerned, and Shrewsbury will be no different.

You only have to look a few miles north to see the successful progress of the restoration of the Montgomery Canal and also how towns and cities like Banbury, Stroud, Swindon, Birmingham, Leeds, Liverpool and Manchester have all benefited from the restoration of their canal side environments - both in amenity value, business opportunities and real estate values.

So much of canal restoration nationally has been prejudiced by inappropriate road schemes when there has been no forethought for the future, and School House Bridge on the Montgomery Canal is a case in point where Shropshire Council is now assisting in the rebuilding of the bridge which was allowed to be flattened by its predecessor, Shropshire County Council.

Provision of a good width of towpath should provide a good cycle route through the site and hence into town centre or out into the northern parts of town and onward to the countryside.

Besides walking and cycling the canal could also be used for other leisure opportunities for example canoeing.

The Canal has a huge potential as a tourism and economic regenerator. It is vital that Shropshire Council does everything in its power to ensure that the restoration of the Canal and its basin in front of the FlaxMill is kept as a prime objective, unimpeded by insensitive developments in the area which would mar the Canal's future participation in the long list of successful canal restoration projects throughout Britain.

Whether or not the "green swathe" (grassed) proposal in front of the Flaxmill is replaced by a real water channel (canal) or not, the bridge should have headway and width to permit its future access to canal vessels when the Shrewsbury Newport canal is restored. This not only makes long-term economic sense, but a traditional style canal bridge would be visually attractive, practical and serve as a road traffic speed regulator for residents' and visitors' safety.

It is essential that the profits that the developers will make from this scheme are used to finance the restoration of this part of the canal to navigable standards.

A condition of this application should guarantee the funding of the canal restoration during or towards the end of the building process requiring the applicant and/or developers to restore this section of the canal to include a suitable new bridge and to re-route the necessary services.

It is good to see carbon zero building proposed but the provision of green areas and wildlife corridors, of which the canal would be an excellent example, is also necessary for climate change mitigation.

Objects to the erection of new buildings to the front of the Flax Mill that would make it impossible to restore the canal in the future to its original route.

At present the whole of the Flax Mill can be seen in all its splendour from the road, but the proposed buildings planned to be built there will destroy the view of the frontage of the Mill. Large sums of money have been spent to restore the Mill and it is unacceptable to spoil the view of such an important historical building.

Considerable time, money and effort has been spent on the excellent restoration of the historic Flaxmill building. The proposed development would significantly detract from the redevelopment and seriously hinder the appeal of the building, effectively hiding it behind cheaply-built, unattractive housing. This will do nothing to enhance or maximise the appeal of the Flaxmill.

The view of the restored mill will largely be hidden behind a three storey block of high density housing of modern design which is totally out of character with the Flaxmill buildings. This is exacerbated by the fact that these houses are planned to be built right up to the edge of the old canal line, leaving a comparatively narrow open space between them and the Flaxmill.

This could be a once-in-a-lifetime opportunity to convert a somewhat run-down area of the town into a vibrant, tourist-attracting hub. It is also important to provide sufficient 'stand-back-and-appreciate' space for people to register the grandeur of this, our local claim to industrial fame.

Visuals produced for HE at the start of redevelopment, a few years ago, gave prominence to a restored canal along the whole frontage of the buildings of the main mill and everyone welcomed the exciting intentions expressed for water-borne tourism to replicate the original commercial artery which served the mill throughout its hundred-year existence.

It is extremely disappointing that the application does nothing to further this half of the historical importance of this site and, indeed, seems to preclude any future work to achieve the full story for future generations.

Historic England seem to have joined the developers in trying to maximise capital assets and destroy any chance of properly restoring the canal and the original setting for the Flaxmill. They should be treated as developers out to make a fast buck instead of preserving England's industrial heritage.

Provides a copy of a painting by Alan Reade which shows the potential for restoring the historic Flaxmill.

The building density currently proposed is too high for the site, the parking provision of 1 car per unit is unrealistic and would mean that any public space will essentially have to become an overflow carpark which would degrade the site.

Requests changes to the building proposals to provide a more traditional design which complements the Flaxmill buildings; to reduce the height of those in front of the Flaxmill to one or two storeys, and to set all of the buildings back from their proposal line to provide a buffer space and private frontage, away from the canal towpath.

Further consideration should be given to restricting the height and number of the buildings, to ensure a successful regeneration.

The current landscaping is based on the canal being unrestored and no thought has been given to the effect of restoration would have on either the "landscaping" proposed or the buildings & their residents.

Concerns and reservations about the travel plan for the site.

The A5191 between the town centre and Heathgates roundabout is dangerous for cyclists and was expecting this scheme to help address some of these issues.

The Big Town Plan 'Low Line' route has been put forward to help with this, through directing cyclists along the old canal path. However, preference would still be for a future segregated cycle route along the A5191 in front of the site to be retained as this is more direct.

The Shrewsbury Big Town Plan advocates the use of the line of the old canal to allow additional cycle routes along the northern corridor to a proposed new public Plaza by the Buttermarket with a new railway station. This is a missed opportunity to fully restore the canal within the northern corridor to include a canal basin on land to the rear of the old Canal Tavern PH. This would contribute to the sustainable travel along this route into the town centre and give the town a real asset and an economic boost and support our towns heritage and increase tourism.

Further checks on traffic modelling to ensure traffic levels do not increase markedly as a consequence of the development and that alternatives to car ownership and car use are actively pursued.

No provision has been made for internal or integral nest boxes within the site buildings for Swifts and House Martins. This is a missed opportunity and should be included in the submission.

4.2.6 Three representations on behalf of members of the Shrewsbury Swift Group summarised as follows:

Swift numbers have declined by over 50% in the last 20 years and this is mainly due to the loss of breeding sites in buildings.

Old buildings with suitable nooks and crannies for their nest have either been demolished or renovated so that access to nest sites is lost.

Swifts are very faithful to their nest site and when they are mature enough to breed

and they have identified a site they will use it for the rest of their lives. They do not move easily to other sites even if they are available in the locality.

Surveys undertaken by the Shrewsbury Swift Group over the past three years have found that the Flaxmill supports one of the most important colonies of nesting swifts in the whole of Shrewsbury town and its residential districts.

Surprised that the Preliminary Ecological Appraisal did not mention the presence of a swift colony at the Flax Mill or the history of Swifts at the site either through the planning history or bird records and did not mention them as a notable species in Table 4.2.

The Friends of the Flaxmill put up more than 20 boxes to mitigate for nesting disruption while the Flaxmill was restored.

Organisations such as the RSPB and local swift groups are helping to conserve this species and halt decline in numbers by encouraging homeowners and developers to put up nesting boxes or "swift bricks".

A recent paper strongly recommends that integrated Swift bricks (bricks with an in-built cavity for nesting birds) are the universal solution for small cavity nesting birds e.g. House Sparrows as well as Swifts.

Any new development should include several swift bricks (which, as survey work at the site showed, are much more effective than external nest boxes).

The key points are that integral or internal nest boxes are:

- more aesthetically pleasing
- maintenance free
- long lasting
- less prone to predation
- less prone to temperature variations

The RSPB recommend an average of 1 nest brick per residential unit.

Disruption to existing nests should be avoided by ensuring that scaffolding does not cover vents in the Cross Mill or Main Mill from May-August.

Tall buildings surrounding the Flaxmill may also affect access to nesting sites (as well as blocking public views of this important historic building that is much valued by local residents).

Provision should also be provided during this development for House Martins - another urban species that is declining rapidly and is dependent on buildings for nest sites.

4.2.7 One representation on behalf of RSPB:

We have liaised with Exeter CC on creating and implementing the Biodiversity Requirements of their award winning Residential Design Guide SPD adopted in 2010 which promotes installing nest/roost boxes in all suitable new buildings.

Colleagues submitted the first attachment, a paper to the CIEEM <https://cieem.net/wp-content/uploads/2019/06/9.pdf> (included in their mid-year bulletin in 2019) which is broadly based on the above. Since integral boxes designed for swifts are used by most species that nest/roost in cavities in older buildings and mature trees we recommend them more or less exclusively.

In 2015 the Duchy of Cornwall adopted similar policies and in 2018 agreed to set up a monitoring system to establish what were being used by which species.

Attached is their 2020 report with the results from six hundred and twenty eight boxes located at four different sites, these numbers are likely to increase exponentially over the next ten years.

None of these have been in situ for more than five years and the majority have been installed more recently, tables 1 & 2 provide details which we are satisfied supports the types of boxes, locations and numbers recommended.

We are not disappointed that only one pair of swifts have been recorded as their colonies take much longer to establish however they have been recorded investigating potential sites which is encouraging.

We are pleased but not surprised by the House Sparrows and Starling numbers, both species are red listed and clearly they find the boxes installed meet their needs, the number of house martins at two different locations was a surprise, as the program is intended to last for an extended period it will be interesting to see how these develop.

Elsewhere we are aware of the successful inclusion of swift bricks in schools, hotels, blocks of flats and commercial/ public buildings.

We are arranging monitoring programs elsewhere, initial results are very similar to the Duchy's, we hope to have more information when the 2021 results are available.

Hope this gives sufficient information to support Peta Sams request for what is generally becoming accepted as "best practice", we understand the forthcoming BSI Standard on integral bird boxes will make very similar recommendations, please let me know if ongoing information would be helpful.

4.2.8 One representation regarding the development of 15 Haughmond Square:

As owner of property 15 Haughmond Square it is noted the proposal is for this building to remain as ground floor commercial use and living accommodation above and to refurbish as part of a coherent new neighbourhood forming a pedestrian link to the Flax Mill. The history and significance of number 15 forming part of the original gatehouse entrance into the Flax Mill has always been known to me. I am willing to engage with the Applicant in terms of the refurbishment of the building as proposed in the scheme but with my retaining ownership. The building is currently commercial use on the ground floor and living accommodation on the first floor. Both tenants were served with the application and

have understandably expressed concerns. It is extremely disconcerting to be advised via the local press that the Applicant intends to Compulsory Purchase the building.

4.2.9 One representation on behalf of Sustainable Transport Shropshire:

This application is submitted with All Matters Reserved. Consent is sought for the quantum of development described, but not for the illustrative design contained within this report. The illustrative scheme is included solely to show the level of impact of this amount of development upon the site and its wider context, and to establish that the impacts of such a scheme are appropriate

Many of the transport aspects were dealt with under application 19/02769/FUL which was granted planning permission in October 2019.

However, we also feel that the agenda for taking sustainable and active transport more seriously in all planning applications has moved on since the time of the previous application as, firstly, Shropshire Council has started to develop its understanding of the implications of the Climate Emergency that it declared in May 2019 and, secondly, as the council responds to the fallout from the COVID19 pandemic. In respect to the latter we note that in May 2020 the Secretary of State for Transport said:

"We recognise this moment for what it is: a once in a generation opportunity to deliver a lasting transformative change in how we make short journeys in our towns and cities. According to the National Travel Survey, in 2017-18 over 40% of urban journeys were under 2 miles – perfectly suited to walking and cycling.

Active travel is affordable, delivers significant health benefits, has been shown to improve wellbeing, mitigates congestion, improves air quality and has no carbon emissions at the point of use. Towns and cities based around active travel will have happier and healthier citizens as well as lasting local economic benefits.

The government therefore expects local authorities to make significant changes to their road layouts to give more space to cyclists and pedestrians. Such changes will help embed altered behaviours and demonstrate the positive effects of active travel".

Taken together, we feel that this means that the provision and allowance for sustainable and active travel options within the plans for this site need to be significantly upgraded from those set out in the previous application and that developers who take this site on need to be instructed to take this into account in their plans. It seems that there is a marked contrast between the high levels of energy efficiency being demanded by English Heritage for the properties and the seriousness with which the carbon aspect of the transport plan being treated, despite transport being the most significant contributor to Shropshire's carbon footprint.

In terms of the transport assessment by IMA, we would comment that, whilst the site has reasonable access by bus (particularly if future planned increases are implemented), it is not currently well served by safe, direct cycle routes along the

major desire lines e.g. routes as shown by the Propensity to Cycle Tool – see image below (available on file) which are crucial for linking some of the most deprived parts of town to the potential economic benefits that the Flaxmill development aims to achieve (bearing in mind that 37% of the local population does not have access to a car and would be dependent on sustainable and active transport to access the site).

In particular we would draw attention to the data from Crashmap - see image below (available on file) which indicates a high frequency of incidents involving people using bikes on the A5191 between the town centre and Heathgates roundabout (a route described by Cycle streets as 'hostile') and also along parts of Mount Pleasant Rd, both important cycling routes for commuters and school children. We therefore do not agree with the statement in the transport plan that 'An extensive and comprehensive cycle network surrounds the site'.

Whilst the Big Town Plan 'Low Line' route aims to address some of these issues by routing people using bikes via the old canal path, there are issues with perceptions of security on this route which also results in a significant dog leg through the Flaxmill development – a diversion that many people moving from the north to the centre of town by bike will choose to avoid. We therefore believe that, unless the diversion through the Flaxmill site can be linked more directly and safely to desire lines to the north, provision for a segregated cycle route along the A5191 in front of the site should be retained. Not to do so will be regarded in future as a serious missed opportunity on what is the most important cycle route in Shrewsbury.

The transport document refers to a future Travel Plan for the site. It is essential that any travel plan complies with DfT guidance that Travel Plans should include challenging targets for modal shift in favour of sustainable travel modes. We have recently seen poor quality travel plans submitted as part of other developments (e.g. Copthorne Barracks, Bicton SUE) which have been remarkably unambitious, resulting in further entrenchment of private cars as the primary form of transport. To the best of my knowledge there is no travel plan officer in post in Shropshire Council. Travel plans require a degree of monitoring and updating and an awareness of what has succeeded in best practice locations elsewhere and this requires a full-time officer who can take on these tasks for Copthorne and for all other sites with a travel plan submitted in support of a planning application.

We agree with the statement that 'The residential plan needs to discourage car ownership by encouraging the use of alternatives and must also discourage parking off-site.' However, we do not agree that the provision of parking spaces at a ratio of 1:1 per property adequately reflects this ambition.

The Transport report suggests that traffic levels are falling on the A5191 but Traffic data covers just three years over a nine year period which seems a little inadequate as an indicator of a dependable long term trend.

5.0 THE MAIN ISSUES

Principle of development
Character and appearance and Impact on heritage assets
Access and Highway implications

Ecology
Drainage, flood risk and contaminated land
Residential amenity
Developer contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site is situated in an established residential area within the urban development boundary of Shrewsbury. The location of the development close to Shrewsbury town centre is acceptable in principle in accordance with Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. The site is close to services, facilities and employment in the locality, and Shrewsbury town centre can be accessed by other modes of transport besides the private car. The proposed new residential development represents sustainable development that would make effective use of a brownfield site in accordance with National and local policies that set out the location for residential development

6.1.2 SAMDev S16 supports the restoration and redevelopment of the wider Ditherington Flaxmill site as part of improvements to the Shrewsbury Northern Corridor in accordance with the aims of the Northern Corridor Regeneration Framework to provide a sustainable and complementary mix of retail, community, employment and residential uses. The application site as part of the wider Flaxmill site is an allocated housing site under S16.1a (SHREW198) with the following Development Guidelines:

'Mixed use development to have regard to the adopted masterplan for the re-development of the Flaxmill and adjoining land and buildings, to include approximately 120 dwellings. The redevelopment will comprise of the repair and reuse of historic buildings to create workspace and associated cultural activities, new retail/commercial office and residential development, associated access, landscaping and car parking, with demolition of non-listed buildings.'

The submitted design and access statement indicates predominantly residential development but with two new small commercial units for Class E use that offers a mix of uses. The two existing takeaways at 1 and 15 Haughmond Square are proposed to be retained as commercial units (Class E and also takeaway use) with residential use above. It is recommended that the floor area for the new build Class E use that includes retail and a variety of other uses is limited in order to protect the viability and vitality of Shrewsbury town centre. The provision of commercial units above 500 square metres would require the submission of an impact assessment to ensure development does not cause significant adverse impacts on the vitality and vibrancy of the town centre as required by SAMDev policy MD10b ((Town and Rural centre Impact Assessments).

6.1.3 It is considered that the change of use of the Apprentice house to dwellings, the continued use of 1 and 15 Haughmond Square as a hot food takeaway (or an alternative commercial use within class E) with residential accommodation above and new build development of the remainder of the site predominantly for residential use with some Class E use is acceptable in principle and accords with

CS2 and S16.

6.1.4 The principle of residential development on this part of the wider Flax Mill site has also been previously established by the earlier outline planning permission 10/03237/OUT.

6.2 Character and appearance and Impact on heritage assets

6.2.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.

6.2.2 The proposed development affects a listed building which is situated within a conservation area with other significant listed buildings nearby. The proposal has the potential to impact on these heritage assets. Special regard has to be given to the desirability of preserving listed buildings and/or their setting or any features of special architectural or historic interest which they possess and preserving or enhancing the character and appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.2.3 Applications affecting a site occupied by a listed building and within the Conservation Area boundaries would normally be expected to be in full and not outline and should be accompanied by a Historic Impact Assessment (HIA) as required by paragraph 189 of the NPPF. An Archaeological Assessment and Design and Access statement have been submitted that includes an assessment of an illustrative proposal.

6.2.4 New build: The NPPF advises at paragraph 200 that '*Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably*'. The Main Mill on the adjacent site has recently been restored and the buildings in front demolished under earlier permissions for the development of the wider site area. These buildings had a detrimental impact on the significance and setting of the listed Apprentice House on this site and the listed buildings on the adjacent site and also made a negative contribution to the character and appearance of the locality and conservation area.

6.2.4 Now that the land in front of the Main Mill has been cleared and the whole of the restored building revealed some public comments indicate that no development should be allowed in front of the building or that development should only be two storey rather than three storey (as has been indicated in the illustrative plans submitted). The Civic Society has concerns that '*the proposed three-storey terraced housing, noted at a lower level, in the foreground is not adequately subservient and the dramatic effect of the building's stature diminished and concealed from view for those travelling into Shrewsbury from the north*'.

- 6.2.5 The principal of new development in front of the Main Mill and surrounding the Apprentice House has already been established by earlier approvals. Historically there was high density development on this land (demolished to make way for the later buildings that have now also been demolished) and this is evidenced within the submitted documents. Although the earlier development more closely associated with the Flax Mill was high density development it was not three storey in front of the Main Mill. It is considered that two storey would be more appropriate, and that a sensitively designed and appropriately landscaped scheme (informed by a HIA) comprising predominantly residential development but including some buildings for commercial use, could be achieved that would preserve and enhance the character and appearance of the conservation area and the setting of both the Main Mill and all the adjacent listed buildings. Reducing the height of the development compared to that illustrated within the submitted documents would not necessarily reduce the quantum of development (number of units) the applicant is seeking to achieve in developing this brownfield site in an efficient and effective manner.
- 6.2.6 Granting this application for outline planning permission would not approve the indicative layout or illustrations submitted, as scale, design, appearance layout and landscaping are all reserved for later approval. Any proposal submitted at the Reserved Matters stage would need to be assessed in accordance with paragraphs 195 and 196 of the NPPF and any submission and supporting assessments would need to demonstrate that the proposal would not result in 'significant harm' or 'less than substantial harm' to designated heritage assets that include the Conservation area and listed buildings on this and the surrounding site. Design, however, can be subjective and if any aspect of the proposal was considered to result in 'less than substantial harm' at the Reserved Matters stage this would need to be weighed against the public benefits of developing this site when determining the application for reserved matters.
- 6.2.7 Change of use of the Apprentice House and 1 to 15 Haughmond Square: This application is only for the principle of change of use of the listed Apprentice House to dwellings and an application for full detailed planning permission for any external alterations and/or extensions to the Apprentice House and also to 1 and 15 Haughmond Square will be required. In addition listed building consent will also be required for any external and internal alterations required to the Apprentice House to enable its conversion.
- 6.2.8 The assessment of the impact of the proposed conversion of the Apprentice House on the historic fabric and any features of special architectural or historic interest will be fully considered when the required applications to include full details of the associated alterations are submitted. However, it is considered that changing the use of the vacant building to residential use will better help preserve the historic fabric and significance of the building and will ensure its long term maintenance and preservation. Any internal or external alterations will be subject to a full Historic Impact Assessment (HIA) when the applications for listed building consent and planning permission are submitted.
- 6.2.9 Canal restoration: Significant objection has been received from members of the public including from the S&NCT. Their main objection is that the proposed road

over the route of the canal is too low to allow for the future passage of boats and that services will also cross the line of the canal, both making the future restoration of the canal more difficult and more costly. Some representations consider that Historic England (or any future developer) should be required to restore this section of the former canal and build a suitable bridge and this should be secured by a S106 or planning condition.

6.2.10 The imposition of planning conditions or securing contributions or infrastructure by a S106 have to meet certain tests including being reasonable and necessary to make the development acceptable. Some objections refer to the proposal not complying with the Councils policy to protect the line of the canal.

6.2.11 The route of the former canal is afforded some protection by relevant local plan policies within the Core Strategy and SAMDev. Core Strategy at 6.36 states the following:

'The ongoing aspiration to reopen the Shropshire Union - Shrewsbury and Newport Canal is also recognised although currently the feasibility of the project is such that it is unlikely to be brought forward in the plan period'.

SAMDev MD11 at 5 states that:

'The Policies Map identifies the canals and lines to be protected against other forms of development that conflict with their use as a multifunctional resource or potential for restoration or regeneration'.

The line of the canal which is indicated by a blue line on the policies map does not continue along the former route of the canal beyond Telford Way. The former route of the canal that passes through the Flax Mill development site is therefore not currently protected by local plan policy MD11.

6.2.12 Notwithstanding this, the LPA would not wish to grant approval for development that would preclude the potential future restoration of any part of the canal. This was considered when an earlier application for the new road was approved that crosses the line of the canal and was referred to in paragraph 6.4.3 of the officer report for that development (19/02769/FUL):

6.4.3 Historic England have noted that there are ambitions in the long term to reopen the canal which the construction of the new road would block. However they have commented that the relevant part of the embankment on which the road will be constructed can be relatively easily replaced with a swing bridge should that ambition ever come to fruition.

6.2.13 The applicants have provided a written statement in response to the amount of public objection received and consider that they have endeavoured to future proof and preserve and enhance the line of the canal at significant cost to Historic England and the overall project for the development of the wider site. It is understood that these costs amount to over £250,000 and would likely rise to in the region of £500,000. The following for completeness is the submitted statement from HE almost in its entirety:

Historic England (HE) have invested significant resources to restore its line, including removing buildings, concrete and contaminated waste.

Until the canal can be fully restored, it will be transformed into an area of green landscaping with a pedestrian and cycle route, giving local people the opportunity to access and enjoy it.

Together our current and future works will safeguard the canal line's future, enabling it to one day be fully reinstated more easily and inexpensively.

...we ultimately share the same aspiration; to future-proof this element for possible future reinstatement, which would significantly limit the cost and complexity for the Canal Trust to deliver this part of their ambitious project.

The following demonstrates our firm commitment to support this future venture:

- The new outline planning application for the sustainable housing scheme, currently under consideration, has been designed not to impede upon the line of the canal, rather it has been redesigned to respect and enhance it.*
- There are no current proposals to construct a bridge over the canal. HE are, however, in the process of completing the construction of a new road into the site which crosses the canal. This element has full planning consent and is not a part of the current live application. This road was previously designed to be raised on an embankment to address the significant change in levels from Spring Gardens up to the Apprentice House. To reduce the impact of these works upon any future re-construction of the canal we redesigned the line of the road to ensure it crosses the line of the canal at an appropriate gradient to later facilitate the future economic installation of a bascule or swing bridge, avoiding the need to carry out major civil engineering works.*
- The new road does contain mains services into the site. The expensive element, the drainage, has been designed to be installed under the line of the canal and the remaining services (water, electric, telecoms) can be economically re-routed under the canal when the future construction details /water levels are known. Without this knowledge of the future water levels, and to comply with current building regulations, we are unable to put the latter services in at a lower level at this time. But that does not preclude straightforward re-routing at a later date.*
- The full line of the canal, including the towpath, has been preserved in perpetuity. In lieu of it returning to water, we are landscaping its line to form a new cycle and pedestrian route into the core of the site and linking into the line of the former canal, as it threads its way through Castlefields and into town. This will include the restoration of the canal tow path. The soft landscaping could be relatively easily and inexpensively removed at the appropriate time. Where artefacts associated with the canal are uncovered during the works i.e. coping stones, these will be conserved and preserved in situ.*
- Historic England have recently demolished a large former late-20th century industrial building constructed over the line of the canal, which included excavating*

hundreds of tons of reinforced concrete which completely blocked the line of the canal . Prior to this, other buildings constructed over the canal line were removed and their foundations removed.

- *Historic England have also carried out a significant amount of major civil engineering works, including the removal of a vast quantum of backfill, including contaminated material, to reduce the ground level, thus re-creating the route of the canal across the entire line at the back of the former bus depot, up to the boundary with Wingfield Crescent/ new Spring Garden housing development. This has removed a further costly and significant obstacle to its reinstatement and has wholly recreated the backfilled line of the canal.*

Historic England have spent in excess £250,000 (upon detailed review of these costs they will most likely exceed £500,000 in value) in the delivery of physical works to future-proof and landscape the line of the canal and protect its route for future generations. This is a considerable commitment by HE and clearly demonstrates how much we also care about this section of the Flaxmill Maltings site.

6.2.14 It is considered that this proposal for outline planning permission would not preclude the potential re-instatement of the canal and would not make the future restoration more costly or more difficult for S&NCT. Due to the significant works already undertaken to date (which would have been a significant obstacle to the canals restoration) and due to the ongoing and proposed works, HE will have contributed between £250,000 and £500,000 to the canal restoration which is a significant saving to S&NCT. It is therefore not considered reasonable or necessary to require the applicant to enter into a S106 to secure additional funding for the future restoration of the canal and/or to impose a condition requiring any application at the reserved matters stage to include re-instatement of this part of the former canal and/or the construction of a bridge.

6.2.15 Below ground remains/Archaeological implications: An archaeological desk based assessment has been submitted and reviewed by the Councils Historic Environment Manager who has confirmed that the significance of any below ground remains that are potentially present on the proposed development are unlikely to merit preservation in situ. As the site is known to hold archaeological interest and in accordance with SAMDev MD13 and Paragraph 199 of the NPPF a condition is recommended to secure a phased programme of archaeological work in accordance with a written scheme of investigation (WSI) prior to commencement of works.

6.3 Access and Highway implications

6.3.1 The application is outline only but with access to the site included. The internal layout of the site is reserved for later approval although the proposed access and internal access road currently under construction has previously been approved under planning permission 19/02769/FUL.

6.3.2 CS6 seeks to ensure that development achieves '*an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change*' and '*Requiring proposals likely to*

generate significant levels of traffic to 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 to be reduced.'

- 6.3.3 Concerns and reservations about the travel plan for the site have been raised by one resident and also a representative of Sustainable Transport Shropshire. These refer to the need for positive investment in active travel measures as part of this development and that alternatives to car ownership and car use are actively pursued. Representations also refer to a robust Travel Plan being required to be submitted at the Reserved Matters stage and that a safe and segregated cycle way should be provided from the site to the town centre and railway station either via the old canal path or as a segregated cycle route along the A5191. A condition is recommended regarding the submission of a travel plan at the reserved matters stage.
- 6.3.4 The access to the site previously approved and under construction will provide an improved access for vehicles, cyclists and pedestrians. The earlier planning permission in addition to the new access also provides new pedestrian and cycle crossings and entrances into the wider site. The application site is easily accessible by public transport and is reasonably close to the town centre to the south and also employment areas and services and facilities to the north that can also be accessed on foot or by cycle. The provision of fewer than two car parking spaces per dwelling would be acceptable in this location and would help discourage car ownership.
- 6.3.4 It is not considered necessary to secure additional off-site highway improvements including the provision of cycle ways in the immediate and wider area to make the proposal acceptable. However, a condition is recommended requiring the provision of the off-site highway improvements approved under 19/02769/FUL to be provided prior to first occupation of any part of the development.

6.4 Ecology

- 6.4.1 The Councils Ecologist has reviewed the supporting documents and reports, including a recent bat survey report which has confirmed the presence of bat species within Apprentice House. A bat mitigation strategy covers the wider site and a bat mitigation licence is in place for Phase 1 of the development. A new or updated EPS licence will be required and conditions are recommended to ensure that the reserved matters application adheres to the approved bat mitigation strategy in terms of lighting, landscaping and bat roost mitigation. The Councils Ecologist is satisfied that the proposals will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range subject to the recommended conditions included within the required EPS 3 test matrix which is provided at appendix 2 to this report.
- 6.4.2 Members of the Swift group have commented that no provision has been made for internal or integral nest boxes within the buildings for Swifts and House Martins. This application is outline for the principle of development only and does not include details of the proposed buildings or landscaping of the site. A condition is recommended to ensure the provision of artificial nests within some of the new buildings.

6.4.3 Subject to compliance with the recommended conditions it is considered that a detailed proposal at the reserved matters stage would have no adverse impact on protected species or their habitat and would protect ecological networks and priority species and habitat and would provide ecological enhancement as required by CS17 and MD12.

6.5 **Drainage, flood risk, contaminated land**

6.5.1 Drainage, flood risk and contaminated land assessments and reports have been submitted and have been reviewed by the WSP on behalf of SC Drainage, the Environment Agency and SC Regulatory Services. Subject to compliance with the recommended conditions it is considered that a satisfactory drainage proposal can be designed to avoid flooding of the site and neighbouring land, and that the development can be carried out safely without unacceptable risks to human health and off-site receptors including 'controlled waters'.

6.6 **Residential amenity**

6.6.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development '*creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*'.

6.6.2 A condition is recommended to ensure the submission of a Noise Assessment and Acoustic Design Statement (ADS) that includes a scheme of mitigation to ensure that acceptable indoor and outdoor noise levels are achieved for future residents.

6.6.3 There are existing residential properties close to the northern boundary and it is considered that a residential scheme can be achieved that would not result in overlooking or a loss of privacy for any neighbouring properties and that would not adversely impact on the outlook in terms of the development appearing obtrusive or overbearing.

6.6.4 To protect the amenity of existing nearby residents during the construction phase it is recommended that a condition is imposed to restrict the hours of work.

6.7 **Developer contributions**

6.7.1 Policy MD2 requires that adequate open space is provided within residential development and is set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). The number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings or more it is usually expected that this should comprise an area of functional recreational space for play, recreation, formal or informal uses including semi-natural open space.

6.7.2 There are 2 recreation grounds (that also have equipped play areas) in close proximity and easy walking distance of this site and it is therefore not expected that

a recreation ground would be provided within the layout at the reserved matters stage. A condition is however recommended requiring the submission of an open space assessment to ensure the provision of an appropriate amount of open space that accords with MD2 (or any local plan policy that replaces this policy). A condition is recommended regarding the future maintenance of the open space and landscaped areas not within private gardens.

- 6.7.3 CS11 and the Supplementary Planning Document (SPD) on the Type and Affordability of Housing require that all new housing developments make a contribution to affordable housing unless it is demonstrated that the scheme is not viable with the required amount. Paragraph 202 of the NPPF also states that *'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies'*.
- 6.7.4 Historic England face challenging viability issues in order to facilitate the delivery of the wider site development and the restoration / regeneration of the remaining historic buildings on site. The proposed new development of this part of the site would contribute funds to enable further investment into the ongoing restoration of the wider site, and without the requirement to provide affordable housing will ensure that the highest land value can be attained. However, it is expected that a large proportion of homes delivered will be one and two bedroom units that will be at the lower end of the property market and therefore more affordable. It is considered that as with the earlier outline planning permission a deviation from the policy requirement for affordable housing is acceptable in this instance due to viability issues and to ensure that the comprehensive redevelopment of this site is not comprised in any way.
- 6.7.5 SC Education/Learning and Skills team have requested a contribution to education. Although no developer contributions are required to be secured by a S106 the scheme will be CIL liable and as the buildings have been demolished some time ago there will be no reduction in CIL liability for either the new build aspect of the proposal or the conversion of the Apprentice House. The CIL receipt for development of this site could be in the region of £400,000 to £500,000 a large proportion of which can be spent on Education. In view of this and the viability issues it is not considered that an additional financial contribution to education is required to be secured.

7.0 CONCLUSION

- 7.1 The proposed development of land situated close to Shrewsbury town centre that makes effective use of a brownfield site is considered to represent sustainable development and is acceptable in principle in accordance with Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. The development of the site also accords with S16, and the principle of development has previously been established by the earlier outline planning permission 10/03237/OUT.
- 7.2 The proposed access to the site is acceptable and is the same as that already approved and under construction. It is considered that residential development of

this site (with the exact number and scale of dwellings determined at the reserved matters stage) would not result in a significant increase in traffic that would significantly increase congestion on roads in the locality. Subject to compliance with the recommended conditions the proposal would have no adverse highway safety implications and will ensure the provision of the off-site highway improvements approved under 19/02769/FUL. It is not considered necessary to secure additional off-site highway improvements including the provision of cycle ways in the immediate and wider area to make the proposal acceptable.

7.3 Subject to a sensitively designed scheme it is considered that development would have no adverse impact on residential amenity or adversely affect the character and appearance of the area or setting of nearby listed buildings. The proposal would also not preclude any future restoration of the canal. Due to the significant expenditure by Historic England on removing all the buildings and clearing the route of the canal it is not considered necessary or reasonable to require the applicant to restore a section of the canal or construct a bridge cover the line of the canal.

7.4 It is considered that subject to compliance with the recommended conditions and a proposal at the reserved matters stage that includes an appropriate landscaping scheme to provide ecological enhancements that includes bird boxes and mitigation for bats, the proposed development would have no adverse impact on protected wildlife or habitats and would provide ecological enhancements. An EPS 3 tests matrix is provided at Appendix 2.

7.5 Having regard to the above it is considered that the proposal accords with the most relevant local development plan policies CS2, CS6, CS8, CS17, MD2, MD12 and MD13, and the NPPF and the local plan taken as a whole. In determining this application regard has been given to the desirability of preserving the setting of the listed buildings and preserving and enhancing the character and appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:

CS2, CS6, CS8, CS17, MD2, MD12 and MD13

RELEVANT PLANNING HISTORY:

10/03237/OUT Outline application for the mixed use re-development of Ditherington Flaxmill comprising repair and re-use of historic buildings to create workspace and associated cultural

activities, new retail/commercial office and residential development, associated access, landscaping and car parking and demolition of non-listed buildings GRANT 28th March 2011

19/02769/FUL Off-site improvements to road junctions and new pedestrian / cycle crossings and entrances into the development site. On site new access road, pavements and pedestrian / cycle routes and external lighting to detail GRANT 1st October 2019

11. Additional Information

List of Background Papers

20/05065/OUT - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QKS25TTDJ3R00>

Cabinet Member (Portfolio Holder) - Councillor Gwilym Butler

Local Member - Cllr Alan Mosley

Appendices

APPENDIX 1: Conditions

APPENDIX 2: EPS 3 Test Matrix

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins or in the case of a phased development before development of each phase commences. In the case of a phased development as part of the first application for reserved matters a Phasing Plan shall be submitted for approval that includes a masterplan that indicates the separate infrastructure and development phases. Development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters for the development of the whole site or each phase of development shall be made to the local planning authority before the expiration of ten years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. This outline planning permission does not purport to grant consent for the number or scale of dwellings or buildings indicated on the submitted illustrative plans as details of the number of dwellings, the layout of the site and the scale and appearance of the buildings are reserved for later approval.

Reason: To enable the Local Planning Authority to consider the number and type of units having regard to a heritage impact assessment and other additional information that is required to be submitted alongside the details of the layout, scale and appearance of the buildings and the landscaping of the site at the Reserved matters stage.

5. As part of the application/applications for reserved matters no more than two new build commercial units (Class E use) shall be provided each with a gross internal floor area not exceeding 500 square metres in addition to the two existing commercial units (1 and 15 Haughmond Square).

Reason: To protect the viability and vitality of Shrewsbury town centre and to ensure the proposal complies with SAMDev policy MD10b.

6. As part of any application for Reserved Matters a Noise Assessment and Acoustic Design Statement (ADS) that includes a scheme of mitigation which takes into account the principles of good acoustic design detailed in ProPG shall be submitted.

Reason: To determine mitigation required to achieve acceptable indoor/outdoor noise levels.

7. Any application for Reserved Matters shall include the submission of a Construction Method Statement and Traffic Management Plan. The approved Statement shall be adhered to throughout the construction period. The Statement/Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials,
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii. coordination and management of all deliveries, HGV routing proposals and off-site holding areas

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

8. Any application for reserved matters shall include the submission of a Travel Plan which commits the site operator and residents to use their best endeavours to reduce car travel to the site and promote more sustainable travel modes such as walking, cycling and the use of public transport. The Travel Plan shall include a timescale for its implementation and its operation thereafter, and mechanisms for monitoring and review of the Travel Plan.

Reason: In order to promote sustainable travel objectives and reduce carbon emissions.

9. Any application for reserved matters shall include full details of the parking provision and a Parking Management Plan which links to the Phasing of the whole development. The parking provision and management and allocation of spaces shall be implemented fully in accordance with the approved details and Phased delivery of the designated site uses.

Reason: To provide adequate parking and management of the parking provision within the site to serve the development.

10. Any application for reserved matters shall include details of measures to enable the safe routing of pedestrians and cyclists, including ramps and street lighting, through the site from Spring Gardens and Greenfields. Additionally, the number, style and location of cycle stands within the site and details for the secure parking of motorcycles and scooters on the site shall be submitted.

Reason: In the interests of site accessibility, in order to promote walking, cycling and alternative travel modes and to protect the amenities of the area.

11. As part of any application for reserved matters an Open Space Assessment shall be submitted.

Reason: To demonstrate that the proposal provides an appropriate amount of open space that accords with MD2 (or any local plan policy that replaces this policy).

12. Any application for reserved matters shall include a detailed landscaping plan. The submitted plan shall include:

- a) Planting plans and creation of wildlife habitats, include features such as hedgehog passes under fence lines;
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

In order to retain and enhance connectivity for wildlife through the site, particularly bats, the landscaping plan shall take into account the strategy as detailed in Drawing Ref DIT243-SW-1-002 Softworks Plan, Grant Associates, contained within the latest Bat Mitigation Strategy (report number: RT-MME-112753-02 Revision 6 (Middlemarch Environmental Ltd, October 2019)) or in accordance with an alternative Bat Mitigation Strategy to be submitted to and approved in writing by the LPA. The landscaping plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design and to maintain suitable foraging and commuting habitat for bats, European protected Species.

13. As part of any application for reserved matters, details of the makes, models and locations of swift boxes and house martin cups shall be submitted.

Reason: To enhance the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

14. No development or any phase of development approved by this permission shall commence until the applicant has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

15. Prior to commencement of any operational development associated with the change of use of the Apprentice House and 1 and 15 Haughmond Square an application for planning permission for the alterations to the buildings to be retained and an application for listed building consent for any internal or external alterations to the listed building shall be submitted to and approved in writing by the LPA.

Reason: This hybrid permission only gives planning permission for change of use of the existing buildings and any operational development associated with the change of use require separate planning permission and listed building consent (if a listed building).

16. No works shall take place on Apprentice House until a European Protected Species (EPS) Mitigation Licence with respect to bats, covering post Phase 1 development has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

Reason: To ensure the protection of bats, which are European Protected Species.

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

17. a) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy (Stantec UK Ltd, Shrewsbury Flaxmill Maltings project: Remediation Strategy 2020, 330201477R1REV1, March 2021) or in accordance with an alternative remediation scheme to be submitted to and approved in writing by the LPA.

b) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until an investigation and risk assessment has been undertaken in accordance with current guidance - Land contamination: risk management (Environment Agency, 2019) and must be submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the LPA detailing how this unsuspected contamination shall be dealt with and which must ensure that

the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be implemented as approved prior to first occupation of the relevant part of the development.

c) Following completion of measures identified in the approved Remediation Strategy and any other approved remediation scheme) and prior to occupation of any part of the development or phase of development hereby permitted a Verification Report shall be submitted to and approved in writing by the Local Planning Authority demonstrating completion of works set out in the approved Remediation Strategy and that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and off-site receptors.

18. No above ground works shall take place on any phase of the development until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority for that phase. The approved scheme shall be fully implemented before that phase of development is first brought into use.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

19. Prior to the first occupation of any part of the development (or phase of development) hereby approved a management plan that sets out the future management responsibilities for the open space and all landscape areas (other than privately owned, domestic gardens), to include details of the financial and legal means through which the management plan will be implemented, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out as approved for the lifetime of the development or in accordance with an alternative management plan to be submitted to and approved in writing by the LPA.

Reason: To ensure the adequate future management and maintenance of the open space.

20. Prior to the installation of any external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. It shall demonstrate that the proposed lighting will not adversely impact on bats and shall be designed to take into account the strategy as detailed in Drawing Ref C112753-02-28 Rev A contained within the latest Bat Mitigation Strategy (report number: RT-MME-112753-02 Revision 6 (Middlemarch Environmental Ltd, October 2019)) which includes details of bat flight paths and dark flightlines to be retained. The lighting shall be installed in accordance with the approved details and to a timetable which has been approved in writing by the Local Planning Authority.

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

21. Prior to the first new use of any buildings as a restaurant or hot food takeaway full details of the proposed odour control equipment shall be submitted to and approved in writing by the Local Planning Authority. The use of any such premises shall not

commence until the approved odour control scheme has been fully implemented in accordance with the agreed details and shall thereafter be retained and maintained to the same standard or in accordance with alternative details to be submitted to and approved in writing by the LPA.

Reason: To safeguard residential amenities from potential noise and odour nuisance.

22. Noisy demolition or construction works shall not take place on the site outside the following times:

Monday to Friday 07:30hrs to 18:00hrs

Saturday 08:00hrs to 13:00hrs

Nor at anytime on Sundays, bank or public holidays.

Reason: To protect and maintain the amenity of the area.

APPENDIX 2: EUROPEAN PROTECTED SPECIES (EPS) 3 Tests Matrix

EPS – Consideration of the three tests

Application name and reference number:

20/05065/OUT

Flax Mill, Spring Gardens, Shrewsbury, Shropshire

Hybrid application for outline planning permission for residential development (Class C3) and commercial, business and service use (Class E) to include access with all other matters reserved; application for the change of use of the ground floor of 1 and 15 Haughmond Square to a mixed use including hot food takeaway restaurant (sui generis use) and commercial, business and service use (Class E) and associated alterations; change of use of the Apprentice House to residential use (C3).

Date of consideration of three tests:

1 April 2021

Consideration of tests one and two carried out by:

Jane Raymond

Technical Specialist Planning Officer

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 - The application will ensure the long term use and therefore preservation of the listed Apprentice House. The overall scheme for development of this site will provide up to 120 new homes which will boost housing supply in a sustainable location and as a result provide social and economic benefits for both present and future generations. The development will also provide bio-diversity enhancements of the site with no adverse environmental impacts.

2 Is there ‘no satisfactory alternative’?

The alternative is not to develop the site, or for an alternative development proposal to be considered. However, any development proposal will require a mitigation licence and if the site is not developed this would not provide the boost to housing supply numbers in Shropshire and would fail to provide the social and economic benefits of the proposal and the ecological enhancements of the site to be secured by conditions attached to this planning permission.

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’?

This application pertains to post phase 1 development of the site. This includes:

- Apprentice House conversion into residential apartments. This will require new partition walls, removal of some internal load bearing walls, repairs to the roof, replacement of rotten timber and the installation of a lift.
- Construction of new residential properties; and
- Provision of landscaping, car and bike parking facilities and lighting.

An extant European protected species bat mitigation licence is in place for phase 1 of the development and as part of the granting of that licence, a full mitigation strategy for all phases of development of the site was also submitted to Natural England and approved. This mitigation strategy has been subject to several updates involving modifications to the extant licence since it was originally granted.

The details contained within the latest mitigation strategy (RT-MME-112753-02 Revision 6 (Middlemarch Environmental Ltd, October 2019)) provides sufficient and appropriate mitigation for the species of bats, and types of roosts present within the wider site so that there will be no adverse effects on the favourable nature conservation status of the bat species concerned.

During Phase 1, bat roosts have been retained within the Apprentice House. The attic has been temporarily enhanced to allow additional areas to be utilised and to provide additional roosting features within the structure whilst not impacting the existing roost. The potential roost within the basement has also been retained without modifications. During the next phase of development, to convert Apprentice House into residential accommodation, the current roosting areas will be destroyed. To replace the mitigation provided within the Apprentice House, a new void roosting location will be created within the attic of the Warehouse and the mitigation within the Cross Mill will be enlarged. This will ensure that the available volume of bat roosting locations post works will not be reduced from that previously stated.

A modification of the existing extant bat licence or a new bat licence will be required at reserved matters stage and to implement the next stages of the mitigation strategy which pertain to post phase 1 development.

I am satisfied that the proposed development will not be detrimental to the maintenance of the populations of soprano and common pipistrelle, lesser horseshoe bat, brown long-eared bat and *myotis* species, at favourable conservation status within their natural range, provided that the conditions set out in the response from Suzanne Wykes to Jane Raymond (dated 31 March 2021) are included on the decision notice and are appropriately enforced.