



Committee and Date
Northern Planning Committee
28th September 2021

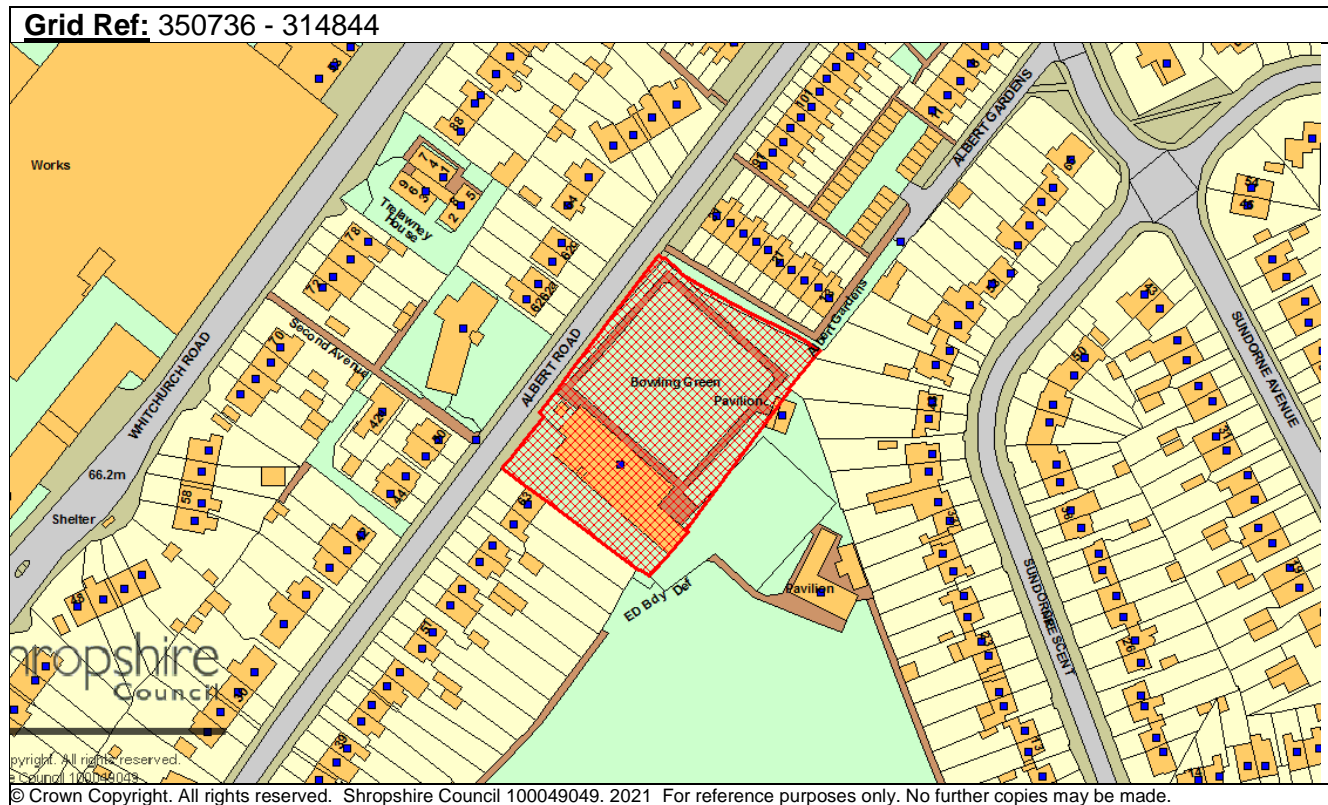
Item
6
Public

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 20/05217/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of 12No. dwellings (C3 Class) and 14No. supported living flats with Community Hub (C2 Class) and associated external works including ball strike fencing, road access, landscaping and car parking (amended description)		
Site Address: Site Of Former Sports And Social Club And Bowling Green Albert Road Shrewsbury Shropshire SY1 4JB		
Applicant: Bromford		
Case Officer: Jane Raymond	email	: jane.raymond@shropshire.gov.uk



Recommendation: Grant Permission subject to the conditions as set out in appendix A and

delegate to the Head of Service to make any amendments to these conditions as considered necessary as well as review and finalise the following developer contributions (heads of terms) to be secured by S106 following further consultation and discussion between Shropshire Council Leisure Services, Sports England and the applicant, agent and landowner.

S106 Heads of terms

- Open Space Contribution of £60,139.00.
- 1 affordable dwelling and an affordable housing contribution of £12,668.40 in respect of the balance of 0.2.
- A clause that the Open Space contribution and the 0.2 Affordable Housing Contribution would not become due if all of the dwellings were provided as affordable.
- A replacement bowling green to be provided at Shrewsbury Sports Village (granted under planning permission 20/00141/FUL dated 16.03.2020) to a specification to be agreed by Shropshire Council Leisure Services and available for play for the 2023 season (approximate cost £150,000).
- The legal costs of Shropshire Council and Shropshire Community Leisure Trust incurred to enable the green to be built at the Sports Village.
- A commuted sum payable to Shropshire Council to pay for the future maintenance of the replacement bowling green and/or an agreement regarding the legal and financial means for the future maintenance and management of the bowling green.
- The availability of an alternative site for the bowling club to relocate to for the 2022 season.
- A commuted sum payable to the Cricket Club to pay for the future maintenance of the ball stop fencing.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the erection of 12No. dwellings (C3 Class) offered by the applicant to be affordable dwellings and 14No. supported living flats with Community Hub (C2 Class); associated external works, road access, landscaping and car parking.
- 1.2 The application when first submitted included more two bed and three bed houses. The proposal as now amended includes 4 single bedroom apartments, 4 two bedroom houses and 4 three bedroom houses and a two storey building to provide 14 single bedroom apartments providing affordable supported living units as a 'My place' scheme.
- 1.3 Information provided regarding the 'My Place' building indicate that the design and layout including the proposed parking provision, outdoor amenity space and the

community hub is based on existing successful 'My Place' schemes operated by Bromford Housing and examples have been provided. Bromford Housing have confirmed that the proposed C2 accommodation offer '*a safe and secure living space with onsite care from specialist providers which offers the perfect mix of independence, safety and Security*'.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The site is the former Albert Road sports and social club, the adjacent bowling green that is still in use, and the access road to the cricket ground to the rear.

2.2 The site is situated within a predominantly residential area to the north of Shrewsbury with a mix of housing designs and sizes to the north east, north west and south west of the site. The cricket ground car park lies immediately to the south east and on the opposite side of Albert Road to the north west of the site is a single storey building currently used as a day care centre for adults with learning disabilities.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The proposal does not comply with the scheme of delegation as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Principal Planning Officer in consultation with the Committee Chairman and Vice Chairman agree that the application should be determined by committee.

4.0 **Community Representations**

4.1 **- Consultee Comments**

4.1.1 **SC Highways** Latest comments (02.09.2021): *Further to your consultation sent 4th May 2021 in relation to the above, I can confirm that Shropshire Council as Highway Authority have reviewed the revised details submitted and can confirm that we raise no objection to the granting of consent. We are satisfied that satisfactory access can be provided and the impact on the development would not have a severe harm on the surrounding highway network.*

(Response to proposal as first submitted):

Shropshire Council as Highway Authority raises no objection in principle to a residential development at the proposed location, however would seek further clarification with regard to the proposed access and associated visibility splays following points raised prior to confirming we fully support the submitted application.

Parking

It is noted that the submitted Design and Access statement and Planning statement provides a summary of the type of housing to be provided as part of the development. Each affordable dwelling has been allocated two parking spaces with the exception of plots 5 and 6 which are 1 bedroom flats, it is proposed to provide

one space only. Based on the fact the proposed dwellings are affordable units, this is acceptable in principle. However, we would raise concerns with regard to the suitability/usability of the proposed spaces, specifically those located directed off Albert Road. We need to be satisfied from a highways perspective that the proposed parking spaces will not obstruct visibility for vehicles emerging we would therefore request that a plan is submitted that indicates that visibility splays can be provided and not obstructed.

Appendix 1 of the submitted Design and Access statement provides additional detail with regard to the 'My Place' and states 'As this is a supported housing scheme parking is provided at 50%. Most customers won't have a driving licence or own a car and therefore the parking is predominantly for colleagues, carers and visitors'. It is noted that as a result of concerns raised with regard to the level of parking in relation to the 'My Place' housing, subsequent further information has been submitted to provide clarification with regard to the type of resident and the typical level of parking provided at other locations. It is assumed that there unlikely to be regular deliveries to the site and that residents are likely to access local amenities with their support workers. On this basis it would appear that the level of parking proposed for the 'My Place' appears to be acceptable in principle. We would however seek further clarification with regard to the parking spaces directly accessed off Albert Road.

Vehicle speeds - Albert Road

Concerns have been raised with regard to vehicle speeds and the displacement of parking along Albert Road. Whilst the proposed development is likely to increase the number of vehicle movements along Albert Road, in view of the type of housing and the number of vehicles already using Albert Road it is considered that it would be difficult to justify an objection on highway grounds. As the planning requirement of demonstrating 'severe harm' cannot be presented, in this instance.

The location of this site is relatively sustainable, in transport terms, with many local amenities, facilities and regular bus services being accessible on foot, in relatively close proximity. Also, this proposed residential use will spread the traffic and pedestrian movements throughout the day/evening. Rather than being concentrated to evenings and weekends, as it has been with the former Sports and Social Club usage. It is acknowledged that Albert Road is subject to the typical levels of on-street parking, experienced on most residential streets locally. Also, this street experiences additional traffic movements with local drivers avoiding occasional congestion on adjacent parallel routes. It should be noted that there have been no recorded personal injury accidents on Albert Road. This is probably due to the on-street parking, which acts as a traffic calming measure, reducing vehicular speeds and managing general traffic movement. Subsequently, given the scale of the development proposed, the resultant limited traffic movements and the relatively safe existing road conditions. It is considered that an objection, to this development, on highway safety grounds, could not be sustained.

The layout of the proposed estate road appears acceptable for planning purposes., however, the highway design, layout, sight lines, and construction details will need to be subject to a full technical appraisal through the Section 38 agreement process.

- 4.1.2 **SC Regulatory Services:** *Regulatory Services had not identified the proposed development site as potentially contaminated land but has been provided with a copy of a site investigation report by GRM Development Solutions Ltd; Albert Road, Shrewsbury; Phase II Site Appraisal & Short Form Desk Study for Bromford Developments; Project Ref. P9048, September 2019.*

GRM were appointed by Bromford Developments to undertake a Phase II investigation which refers to a previous Phase II Site Appraisal by Patrick Parsons (Phase II Site Appraisal, Albert Road, Shrewsbury, Ref: B18276, dated August 2018). The Patrick Parsons investigation covered a wider area than that by GRM and Regulatory Services requests a copy of this report due to some of the results reported, including elevated ground gas concentrations within this development boundary and cross boundary contamination.

Notwithstanding the above the GRM investigation has also identified on-site contamination and neither investigation was able to investigate the area beneath the on-site building or the bowling green.

At the time of GRM reporting further ground gas monitoring was also outstanding.

Outline remediation proposals were proposed by GRM, but until the results of further investigation and assessment have been undertaken, Regulatory Services cannot consider these proposals.

Accordingly, while not objecting to the proposed development the following must be included as conditions if planning permission is granted as further investigation is required.

- 4.1.3 **SC Leisure Services:** *Leisure Services have been in discussion with the landowner and their representatives since they acquired the site. We have always advised them that the Bowling Green would need to be replaced on an equivalent or better basis ('like for like') if they wanted to build on the site. The cost of the relocation the Bowling Green would need to be covered by the landowner or any developer that bought the site.*

An application was submitted in the early part of 2020 for a bowling green to be built at The Shrewsbury Sports Village next to the indoor bowls centre. If built this bowling green will mitigate for any loss at Albert Road. If this application is approved the Sports Village site needs to be referenced so the two sites are linked. Appropriate levels of funding need to be agreed for the construction of the new bowling green. To help inform the cost we will need to have a specification that follows Sport England Design Guidance for Natural Turf for Sport and The Ground Management Association, Performance Quality Standard. We would expect to see all of this agreed with a Section 106 agreement. A specification has been sent to Hooper / Burrowes Legal who are acting on behalf of the land owner. Within the specification it gives the details of how the Bowling Green should be constructed and the cost. No development should take place until an appropriate financial figure/specification has been agreed by the Planning Authority to cover the cost of the relocation.

Within the The Playing Pitch and Outdoor Sports Strategy 2019-2038 Albert Road Bowling Club is referenced. "If the provision is lost due to housing, ensure it is mitigated in consistency with Sport England guidance". The strategy also recommends that we should retain the existing quality of Greens. Therefore, focus should be on increasing participation and improving or maintaining the current stock of Bowling Green in Shropshire.

We would expect the new green to be playable before any development takes place on the existing Bowling Green. Once the Green is built it will need to be signed off by an appropriately qualified groundsman/agronomist. The club shouldn't be left without anywhere to play as a consequence of this proposed development.

We would also want assurances that appropriate access will be maintain to the Cricket Pitch.

4.1.4 **Sports England:**Latest comments (15.06.21):

Taking the point regarding the access to the cricket club first, I note that the site plan has now been amended to extend the access through the existing hedge to connect to the cricket club car park. I also note the intention to provide a temporary access until the new access becomes available. This would be acceptable providing this is appropriately secured, either in the planning conditions or the s106 agreement. I would therefore recommend the inclusion of a suitably worded condition to provide and maintain the temporary access upon commencement of development and until such time as the new access is provided and is made available for use to the cricket club. If you can put forward a suitably worded condition, hopefully I can then confirm that this would be acceptable?

I have consulted with the ECB regarding the ball strike assessment. They are agreeable to the findings of the report, which recommends the need for ball strike mitigation, in the form of protective fencing, along two sections of boundary to protect the proposed residential development. The fencing would range in height from 14m down to 5m as per the image in the report. Whilst you suggest this could be dealt with by condition I have a couple of points to raise.

Presumably planning consent would be required for such a large structure? Part of the structure would be required along the boundary between existing and proposed dwellings and in the vicinity of existing houses. In my view this should now be included within the description of development, and be subject to public consultation with those affected residents who may wish to comment? It would be helpful to understand your view on this? If planning consent is granted for the fencing (because its part of the description of development), it may then be acceptable to agree the design details by condition, though I would prefer to see these details agreed at application stage to ensure that what the developer is proposing is fit for purpose etc.

The 2nd point relates to management and maintenance of the ball stop fencing. The developer should be requested to advise how this will be addressed. I would not be supportive of a proposal that placed the burden of responsibility to maintain the fencing on the cricket club since, this is not a situation of their making. Furthermore, part of the boundary fencing will not even adjoin the cricket ground,

being between existing and proposed housing. I would therefore request that the applicant provides some additional details prior to the determination of the application to establish how this fencing will be managed and maintained thereafter.

Notwithstanding my view, if you wish to secure these details by condition, can you please put forward the proposed wording of the condition to include a requirement to address the management and maintenance of the ball catch fencing so that this is addressed. I would therefore wish to maintain Sport England's objection until the wording of the conditions are drafted and agreed.

Sport England's model condition is provided below which may provide a useful starting point to draft a suitable condition for this purpose?

The development hereby approved shall not be occupied until full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, as set out in [insert details of the mitigation report], have been; (a) submitted to and; (b) approved in writing by the Local Planning Authority, [after consultation with Sport England]. The approved mitigation shall be installed in full before the development is first occupied and thereafter be managed and maintained in accordance with the approved details.

Finally, in terms of the s106 mitigation for the loss of the bowling green, and the associated wording regarding the trigger point for implementation of the replacement facility, I note the proposed wording :

Prior to commencement of any part of the development (including demolition) the sum of £..... shall be paid to Shropshire Council in order to facilitate the provision of a replacement bowling green at Sundorne Road. The replacement bowling green shall be provided by Shropshire Council within 12 months of receipt of the payment. Development shall only commence within 12 months of receipt of the payment by Shropshire Council or on completion of the replacement bowling green whichever is the sooner.

The structure of the obligation would acceptably address my previous comments to ensure continuity of provision of the bowls green, subject to agreeing the sum. It would be helpful to better understand where negotiations have got to on this, has a sum now been agreed?

Hopefully this is helpful to move this forward. If you can come back to me on the proposed wording of the planning conditions and the final drafting of the s106 agreement, including the proposed sum, hopefully I can then remove the objection at that point? If you decide to require the developer to provide the ball catch fencing details prior to determination (which would be my preferred approach), then please re-consult me on these details in due course.

Initial comments (11.02.21)

Sport England – Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of

land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or*
- land which has been used as a playing field and remains undeveloped, or*
- land allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal and Impact on Playing Field

The proposal relates to the construction of a residential development on land at Albert Road Sports and Social Club. The application site presently comprises a natural turf crown bowls green, and associated building and an associated access and car parking area. The proposal therefore involves the loss of these existing sports facilities. To mitigate the loss of the bowls green, it is intended to replace the bowls green at Shrewsbury Sports Village, for which planning consent has been obtained to construct a new bowls green, scoring shelter, storage shed and associated lighting (20/00141/FUL).

The existing access and car parking area also serves the existing cricket club that shares the sports and social club site. The proposal has the potential to prejudice the use of the cricket ground for the following reasons:

- the need to ensure an appropriate means of access to the cricket ground is retained in perpetuity*
- part of the development (plots 9-10) would be within 70 metres (or thereabouts) of the cricket pitch, such that there is a potential risk of ball strike to the properties and their occupants when the cricket pitch is in use*

Assessment against Sport England Policy

This application relates to the loss of existing playing fields and/or the provision of replacement playing fields. It therefore needs to be considered against exception 4 of the above policy, which states:

'The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and*
- of equivalent or greater quantity, and*
- in a suitable location, and*
- subject to equivalent or better accessibility and management arrangements.'*

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 4.

Assessment of Impact on Playing Fields

In respect of the loss of the bowls green and its associated facilities, I note the response provided by your colleague Sean McCarthy, and I concur with his conclusions. The replacement of the bowls green on a like-for-like basis at Shrewsbury Sports Village will ensure that appropriate re-provision is provided in line with Exception E4 of Sport England's playing fields policy and para 97b) of the NPPF. As Sean sets out, it will be dependent on securing an appropriate sum for the construction of the replacement facilities, and whilst not specifically mentioned in his response, I'm aware from recent discussions with Sean that he has requested a sum of £145,000 to meet the cost of this work. I have also included a link to Sport England's current cost guidance, where you will see that a bowls green is estimated to cost £150k, and so I would concur that the sum being requested is reasonable to current build costs. I would also point out that due to the location of the proposed replacement site being at the Sports Village, the applicant benefits from not having to acquire the land or to build a replacement building for the bowls club to use. As such, in Sport England's view, the requested £145k sum is the minimum that should be accepted, which should be secured by a suitably worded section 106 agreement.

As set out in Sean's response, there will be a need to ensure that the bowls club are not displaced as a result of development commencing on site prior to the replacement bowls green having been constructed, the grass established to be suitable for play, and then made available for first use. This could be secured either through a suitably worded Grampian style planning condition or suitably worded clauses in a section 106 agreement. I have set out below Sport England's model condition for your consideration. This should be raised with the applicant to establish if this can be agreed.

*The development hereby permitted shall not be commenced until [or by no later than * months of the date on which the development hereby permitted has been commenced] the [playing field/sports facility] permitted by planning permission xx dated xx has been implemented and made available for use.*

*Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy **.*

Turning to the cricket club, I note that the club have made representations themselves, referring to the need to retain access to the ground. As Sean sets out,

we would want re-assurances that an appropriate access will be maintained to the cricket ground, both during construction and thereafter. In respect of the proposed layout, I note that the proposed access would abut up to the application boundary. The image below from google earth shows that there is a hedge along the boundary that separates the application site from the cricket club car park. In order to provide a suitable means of access to the car park, it will therefore be necessary to extend the access by removing part of the hedge and extending the hard surface into the existing car park. Can the applicant provide re-assurance that these works would also be undertaken by the developer? The cricket club will then require a legal right of access thereafter. Can the applicant confirm that this is what they propose?

Careful consideration is required in respect of retaining sufficient car parking for the cricket club. As the club have set out, part of the existing access also serves to provide some overspill car parking which will be lost to undertake the proposed development. The new access will also neutralise at least one or two car parking spaces within the club's car park. Will parking be permitted on the proposed site access, or if this is to be prohibited, how will this be controlled? It would be regrettable if parking associated with the cricket ground became a source of complaint for the future occupants of this development as a result of the design and layout of this development.

In respect of ball strike, plots 9 and 10 are within ball strike range from the cricket pitch, and so it's probable that some form of mitigation may be required along part of the boundary of the site to ensure that the use of the cricket ground is not prejudiced. I'm mindful that the relationship of the cricket pitch to surrounding dwellings is comparable in places. Nonetheless, it is appropriate to assess the risk from this proposal and to put in place appropriate mitigation where required to ensure that the use of the playing field is not prejudiced by the proposed development in accordance with the agent of change principle set out in paragraph 182 of the NPPF. I would therefore recommend that prior to the determination of this application, the applicant commission Labosport, the ECB's recognised consultant to undertake a ball strike assessment. Where the assessment recommends ball strike mitigation be put in place, the application should then be amended to incorporate appropriate features such as ball strike fencing to be provided and maintained thereafter at the applicant's expense. Please re-consult me when this information is provided so that I can provide further comments in consultation with the ECB.

Conclusions and Recommendation

In light of the above, Sport England wishes to raise a holding objection to this application in order to resolve the points raised above regarding access to the cricket ground and the issue of ball strike risk. Subject to addressing these points, Sport England do not have a fundamental objection to this application in respect of the loss of the bowls green, and anticipate being able to remove the objection in due course once the above matters have been addressed. Please re-consult me in due course and I can these provide further comments on any additional information that's provided.

4.1.5 **SC Conservation:** *The application site is not covered by any Conservation Area*

designation and there are no listed buildings nearby. Referring to sequential historic mapping it would appear that the brick bowling pavilion dates to circa 1940 where plans to extend the building in 1943 and subsequently 1945 are held by Shropshire Archives. While we have no particular comments beyond this on heritage matters, given the mid-20th Century date of the building, prior to its demolition the building should be fully photographically recorded (basic Level 1 Photographic Recording as outlined in standard condition JJ30) as a point in time record.

- 4.1.6 **SC Affordable Housing:** *The ‘My Place’ supported living flats receive the full support of the Housing Enabling and Development Team. This provides much needed supported living accommodation and, in an area, where the residents can be part of a community. The affordable dwellings (12 no.) are also supported in principle and would provide homes in area of high affordable housing need, especially for 2 and 3 bed accommodation.*

The dwellings proposed do not meet space standards identified in Technical Housing Standards – Nationally Described Space Standards. We would expect these standards to be met for affordable housing. The standards for 3 bed accommodation and for a 4-person household is 84 sq. metres and for a 5-person household 93 sq. metres. The 3 bed being proposed measures from my assessment 82.6 sq. metres. The standards for 2 bed accommodation are 70 sq. metres for a 3-person household and for a 4-person household is 79 sq. metres. The two bed roomed dwelling being proposed measures 67.2 sq. metres. We cannot support the space standards as proposed.

- 4.1.7 **SC Ecology** (Latest comments (08.08.2021): *Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.*

I have read the submitted Preliminary Ecological Appraisal with Preliminary Roost Assessment (Focus Ecology, June 2019) and the Bat Surveys (Susan Worsfold, June 2021). I have spoken to Susan Worsfold following my previous response in relation to tree T4.

Landscaping

The landscaping plan should include some native species planting.

The Preliminary Ecological Appraisal states the following:

‘[A]s compensation for the loss of a section of this hedgerow, new species-rich hedgerow planting will be incorporated into the development scheme, along with any required bolstering of the remaining hedgerows, in order to improve condition and maintain connectivity.’

‘Opportunities may include the incorporation of new native hedgerow planting between new property boundaries, as well as landscaping using native species, or those with a known benefit to wildlife. This may include tree planting (specifically fruit trees such as apple, plum, pear etc.) which will provide a vital winter food source for birds. The inclusion of scented night-flowering plants would also enhance the post-developed site by attracting night-flying insects, providing a food resource for bats.’

'A suitable scheme of management for the new and existing hedgerows (e.g. bolstering and/or rotation coppicing where required), should be implemented at the site'.

I have recommended a landscaping condition, but this will not be required if the proposed landscaping is updated now to include the above.

Bats

The Preliminary Ecological Appraisal states that 'It is possible that Tree 4 will need to be removed in order to facilitate the development. Further survey work to assess the trees potential to support roosting bats has therefore been recommended, accordingly.' Activity surveys of Building 1 was also recommended.

The previous SC Ecology response repeated the need for bat surveys of the building and Tree 4. The agent did not instruct Susan Worsfold to assess the tree so only the building was surveyed.

I have spoken to Susan Worsfold and tree is going to be retained so a survey of the tree is not required. Should any works be required to this tree in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works.

No bat roosts were observed in the building.

Bat boxes should be erected on the new dwellings to provide potential roosting opportunities for bats.

The lighting scheme for the site should be sensitive to bats (and other wildlife) and follow the Bat Conservation Trust's guidance.

Birds

The Preliminary Ecological Appraisal recorded dunnock, house sparrow, starling and swift on or passing over the site.

Works should ideally take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

Bird boxes should be erected on the new dwellings to provide replacement and additional nesting opportunities for birds.

Other species

Working methods have been recommended to protect any common amphibians, reptiles and small mammals that may enter the site during the works.

Hedgehog and invertebrate boxes are recommended as an enhancement.

4.1.8 APT on behalf of SC Ecology (22.02.20221):

Recommendation: *Additional information is required relating to protected species (bats).*

In the absence of this additional information (detailed below) I object to the proposed development since it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The applicant is advised to provide the assessments detailed below to allow full consideration to be given to ecological issues prior to a planning decision being made. The applicant is invited to contact the planning officer to discuss a mutually agreeable timescale for the provision of the additional information required.

Bats

Focus Ecology (2019) assessed the buildings present on the site and concluded that B1 – the former sports pavilion has potential to support roosting bats and requires at least one bat activity survey in the active season for bats. This additional survey information does not appear on the case file and is required in order to allow a planning decision to be made. Tree T4 was also assessed as having moderate bat roosting potential, I note that the site plans show this tree as retained but I would like to see bat activity surveys of this tree also carried out since the new development has the potential to impact upon the functionality of any roost within this tree.

The rest of the buildings are assessed as negligible bat roosting potential and do not require additional surveys. Careful control of lighting will be required by could be achieved through appropriate planning conditions.

Nesting Wild Birds

There is potential for nesting wild birds to be present on the site. Works should commence outside of the bird nesting season and a suite of artificial nesting boxes should be provided on the site. Both these issues can be covered through appropriate conditions and informatives.

Badgers

There was no evidence of badgers on the site.

Great Crested Newts

The nearest pond is around 1km from the site and it is not considered likely, by Focus Ecology, that great crested newts could be present on the development site and impacted by the proposed works.

Reptiles

The site has little potential to support reptiles and is separated from other areas of suitable habitat by significant built up areas.

Designated sites

The proposed development is not likely to impact upon any designated sites.

- 4.1.9 **SC Trees:** *Due to the nature of the site and current use as building, car park and bowling green the arboricultural impact overall is low and I have no objection on the*

grounds of trees. However, there are a number of trees on the boundary / off site which are worthy of retention and highlighted in the submitted tree report as T9 sessile Oak, T3 Hawthorn and T5 Cherry Plum.

A description of the protective fencing to be used is included in the landscape plan schedule however these details should be shown on a Tree Protection Plan (TPP) showing location / position of protective fencing.

5 new trees are proposed for the site -3 Acer campestre (Field Maple) and 2 Sorbus aucuparia (Rowan) 3 at the entrance to the site and 2 internal ' this does not match the perspective drawings submitted with the application which appear to show one tree to the front of each property.

Other than initial watering in of the newly planted trees, watering them for the first 2 years to ensure survival is not mentioned in the landscape maintenance schedule.

In summary in order to support the landscape element of the scheme I would like to see the following amendments:

Additional tree planting in POS (not small front gardens)

A 2 year watering schedule to ensure survival of the trees

Positions of tree protective fencing added to the plans for existing retained trees

- 4.1.10 **SC Waste Management:** *It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).*

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: <https://new.shropshire.gov.uk/media/7126/shropshire-refuse-and-recycling-planning-guidance-july-2017-002.pdf>

I would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that that the vehicle can access and turn on the estate. Details of the vehicle size and turning circles are in the document linked above.

Particular concern is given to any plots which are on private drives that the vehicles would not access. Bin collection points would need to be identified and residents advised when they move in/purchase.

Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.

- 4.1.11 **WSP on behalf of SC Drainage:** *Recommends a pre-commencement Drainage condition and informative advice.*

4.1.12 **West Mercia Constabulary:** Provides advice on 'Secured by Design' and crime prevention and site security.

4.2 - Public Comments

4.2.1 **Shrewsbury Town Council** (comments on application as first submitted): *Members considered this application and wish to object. This development will have a large impact on neighbouring properties and will increase traffic greatly in this area. Albert Road is already a narrow road with a lot of traffic on a daily basis with roads already being congested. It is an over development in that area due to the amount of properties they propose to build.*

4.2.2 **Cllr Dean Carroll** (comments on application as first submitted): *As the local member for this location I wish to formally object to this application on the following grounds:*

1. Insufficient parking is provided within the scheme and there will be a loss of on street parking to create the house frontages. Albert Road already has parking issues and this application will both compound the existing problems and create new problems for residents of these proposed properties.

2. As far as I can see from the site layout and application there no Public Open Space is proposed. This is unacceptable and in contravention of local planning policies.

3. Private amenity space of some of the proposed houses, particularly the four fronting on to Albert Road, is insufficient. Combined with the lack of public open space provided within the scheme this would leave residents with almost no amenity space.

4. Albert Road is already a dangerous road, with much on street parking and being used as a rat run at times of heavy traffic on Sundorne Road and Whitchurch Road. This application would make the road even more dangerous for pedestrians, cyclists and motorists as there is insufficient onsite parking and the existing visibility for motorists driving along Albert Road is very poor. Any vehicles emerging from the proposed access would have a great deal of difficulty in seeing vehicles approaching.

5. The bowling green cannot and must not be lost until a replacement of equal or better standard has been provided. I am not aware that any agreement has yet been reached for such a replacement so I view this application to be premature until such an agreement is in place.

In summary my objections can be categorised as the present application would be overdevelopment of this site. By trying to cram this volume of properties onto a very small site any consideration for the quality of life of future residents of these properties as well as the existing residents of the neighbourhood has been ignored. This application breaches planning policies that seek to ensure public and private amenities. For these reasons I believe this application should be rejected. If it is the view of officers that they are minded to grant permission then I request this application go to Planning Committee for determination.

4.2.3 **Cllr Kevin Pardy** (comments on application as first submitted): *My objections are due to the following reasons;*

- I) Over development
- II) Highways
- III) Flooding

I) To develop the amount of housing applied for on this site is over development caused by using an infill that is far too close in proximity of established housing.

The number of units applied for are too many for the size of the site they are to be built upon.

II) Albert Road is a very narrow road which has an abundance of on road parking. This on road parking and the narrow road they park upon causes difficulties and dangers for passing vehicles and also problems for pedestrians. These problems are increased in early mornings and late afternoons or if there are road works in the area due to drivers using Albert Road as a short cut/rabbit run at times of large volumes of traffic on Sundorne Road and Whitchurch Road.

As already stated there is an abundance of on road parking along Albert Road, noting that the application declares one parking space per household there is no doubt that surplus vehicles will park on Albert Road further increasing problems.

III) Flooding has always been a problem in Sundorne due to the soil being of clay. The development will displace a grassed area and water will naturally find its own level increasing flooding in the area. The flooding is not minor it is far more than that. I live in the area and have had to build a sump to pump excessive flood water from my property.

I wish you to seriously consider my objections. Please consider where Shropshire is in its housebuilding policy and realise there is not any need for this windfall development.

I also request that this application goes to committee.

- 4.2.4 **Representation on behalf of Sentinel Cricket Club:** *On behalf of the Committee and Members of Sentinel Cricket Club, we would like to comment on aspects of this application as they could impact on the operation of the Club. The site proposed is directly adjacent to the Sentinel Cricket Ground.*

The current application relates to the old disused social club and the adjacent bowling green. The bowling green is still in use and is fully maintained for the benefit of its members. The development proposed utilises the frontage of the site on Albert Road and we believe the houses/flats will extend across the bowling green, old social club site and the driveway adjacent to the former Stewards house. We assume that separate discussions are taking place regarding providing a suitable future site for the bowling club, as they would for the cricket club in the event of an enforced move resulting from consented development.

The driveway mentioned above is the only access at present into the cricket club site which is situated to the rear of the proposed development. The cricket club is bounded by Albert Road, Sundorne Road and Sundorne Crescent houses along the rest of the boundary. In addition to access, the driveway is wide enough to

accommodate car parking spaces and when the social club was open this was the area where visitors to the social club parked.

When the existing driveway is no longer available, provision within the development design will be required for an alternative access into the cricket club. This is the most important issue arising from these proposals as they affect our club. Located within the existing driveway is the sewage pumping main from the on-site pumping station which drains the cricket pavilion to the main sewer. This would preferably need moving or an easement as part of this scheme.

The car park within the cricket club site is available when matches and other social events in the cricket pavilion take place, but often the extra spaces alongside the old social club are necessary due to numbers attending. If the extra spaces were no longer available due to the development of the site, there could be a shortage of parking at peak times resulting in additional local street parking.

It is worth noting that the Club membership is in the region of 200 and includes male and female seniors, male and female juniors and a number of social members. Regular matches for all age groups are held on most days of the week, particularly weekends and regular coaching and practice nights also take place.

We are keen to understand how this proposal may impact on the future operation of our cricket club and our many members and supporters will also be interested

4.2.5 Latest objection on behalf of **Shropshire Playing Fields association** summarised as follows:

The application falls well short in justifying the loss of the bowling green and social amenities.

Lack of information and clarity over future costings, management, and maintenance agreements.

Fails to meet the requirements of NPPF Para 97 and is contrary to Shropshire Councils Playing Pitch Strategy that states *'both the Bowling Green and the Cricket Pitch at the Albert Road site need 'protecting' from the threat of future development'*.

Loss of the existing facilities would in our opinion be an act of vandalism against the local community and contrary to Core Strategy Policy CS8 that seeks to protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors.

An outdoor floodlit Bowling Green would simply be an extension of the existing Sports Village Bowls Club. The land is owned by Shropshire Council and managed by Shropshire Community Leisure Trust, whose board of trustees included at the time the application (20/00141/FUL) was made, Shropshire Council Portfolio Holder for Leisure and Culture Lezley Picton.

The proposed piece of land at the Sundorne Sports Village, although not a formal sports or recreation ground is an area of existing publicly accessible land, that

currently can be used for recreational purposes and which has visual amenity value. Therefore, it would be wrong to view existing recreational land as a gain, that could be used to mitigate the loss of the recreational land at Albert Road.

SPFA believe the applicant has been unable to demonstrate that the proposed bowling green at the Sundorne Sports Village could fulfil any of the four elements put forward by NPPF 97 or Sport England (Equivalent or greater quantity and quality and suitable and accessible location), therefore the application should be refused.

To replicate an equivalent or better facility would we believe take 10 years minimum to achieve, and only then if the same drive and commitment from those involved in the club were to be replicated.

The ancillary facilities that already exist at the Sports Village does not in any way mitigate the loss of the social club at the Albert Road Site and the recreation land on which it stands.

Considers that the cost of the land at Shrewsbury Spots Village needs to be added to the cost of re-locating the bowling green and support Sport England's viewpoint on there being a shortfall in funding.

The Sports Village clay sodden soil would be wholly unsuitable for trying to replicate a bowling green surface, as well as trying to maintain a surface that suffers from poor drainage and recommends an independent assessment by the Institute of Grounds Maintenance and the British Bowls Association.

In order to ensure continuity of provision, the replacement green should be provided prior to the development of the existing site.

SPFA would like to see a breakdown of all the costs likely to be incurred in this proposed deal to provide a replacement bowling green and also a maintenance programme with related costs that we believe should be in place prior to any application being agreed.

SPFA consider that paragraph 60 and 65 of Sport England's Planning Policy should be adhered to and insist that all aspects of Sport England's policy are scrutinised by the local planning authority.

The current location of the bowling green and social club at Albert Road has occupied a tranquil, secluded, easily accessible location that sits at the very heart of the local community of Sundorne and to provide an alternative location that will be equivalent or better than the current location will be hard to achieve.

The proposed site will be located less than 4 metres away from the busy Sundorne Road (B5062) that attracts an extremely high volume of passing vehicles as a main route into the town centre of Shrewsbury resulting in noise, vibration and air pollution.

Reported crime is an ongoing problem along Sundorne Road, and at the Sundorne Sports Village Outdoor Sports and Recreation Area.

A new swimming pool is being proposed less than 10 metres away from the proposed green which will create even higher levels of disturbance during construction, along with school buses constantly dropping off children next to the green, once it is open.

The location at the Sports Village with surrounding buildings, car park and road seems hardly conducive for a pleasant evening's bowling and would also be more difficult to access on foot.

The proposed green would be very exposed to the public and the Albert Road site is a more suitable site for bowling than the proposed Sport Village for many other reasons including where the sun sets and protection from the wind.

There is no mention of whom would manage the future bowling green or who would maintain it on behalf of Shropshire Council or what costs would be involved to deliver this proposal appropriately.

It is SPFA's understanding that without proper governance Shropshire Leisure Community Trust would not be in a position to apply for additional grants from Sport England to make good any shortfall in funding that might be necessary to provide an equivalent bowling green.

SPFA believe the management of the facility could also be compromised by the role of the existing bowls club at the Sports Village, the role of the existing Albert Road members and the role of SERCO - who would be ultimately responsible for making operational decisions like pricing, bookings, and hours of opening for playing at the facility - all would seem to be very problematic.

SPFA do not believe the current management and maintenance regime at Sundorne sports village would be able to sustain the provision of a bowling green to an equivalent or better standard than that which is currently being provided at the Albert Road site.

It is misleading for the applicant to state '*There is ample open space in the vicinity of the site with the Cricket Club immediately to the rear of the site*' when the cricket ground might be re-developed. The site should be viewed in its entirety and parts of the site should not be allowed to be developed in isolation of the whole.

We note the land registry covenant accompanying this site states:

That the said lands shall be used for the purpose of the erection thereon of dwellings for the working classes or the provision of public gardens to be held in connection therewith....

We are astounded that Shropshire Council adult services should be supportive of The MyPlace proposal which claims it will contribute to inclusive communities where people with special needs are catered for in the community, when the application would actually deny those most in need immediate access to public open space.

We are appalled at the applicants' statement which says: *It is unnecessary to reduce the number of affordable houses on the site to create a pocket of public open space, as such provision would be of less public benefit than the significant benefits of providing affordable housing and supported accommodation on the site.*

In SPFA's opinion this may be seen as being discriminatory against meeting the open space needs of future residents.

4.2.6 113 letters of objection received (over 60 of which are a signed duplicate letter) with concerns and issues summarised as follows:

Loss of greenspace and bowling green.

The bowling green is well maintained and is a valuable local asset which along with the adjoining cricket ground provides a green recreational space in a relatively dense residential area and both should remain.

It would be a huge loss to the area if the cricket ground was built on and it was a shame to lose the sports and social club, but the cricket ground has continued to provide for the local community, and I believe could go from strength to strength.

The former sports and social club building is an eyesore.

A suitable compromise would be to demolish the social club building and replace it with the "My Space" development.

If development was allowed on this site older persons bungalows, much needed in the area, would be a much better proposal.

Shropshire Council have already given permission for the bowling green to be relocated at the Sundorne sports complex prejudged this planning application.

The replacement bowling green would not be of equivalent quality as it would replace a secluded quietish green with a space on a main road where players would be subject to constant traffic, noise and pollution.

If sixty more homes are to be built on the cricket ground, as part of the second plan, although yet to be submitted, not allowing this first part of development would hopefully put an end to that.

Insufficient parking allocated per household and visitors

Increased traffic and parking in surrounding streets where there is insufficient for existing residents

The increase to road traffic endangers the safety of pedestrians, especially children walking to the 3 local schools, plus it adds to the wear and tear on roads that are already deteriorating.

Albert road is already congested with cars parked on the road and this makes it

harder for pedestrians to see clearly to cross the road and traffic calming measures are required

Increased people living in the area and the resulting increase in noise and pollution

The existing road network will not be able to cope

Accessing Sundorne and Whitchurch Road is already problematic at busy times of the day.

Most of Albert Road is used for parking so there is no provision or space for any more cars.

Albert Road is used as a rabbit run at peak times when Sundorne and Whitchurch Road are heavily congested and there is a problem with speeding cars and on street parking does not slow this.

It is also a main access route for Shrewsbury academy pupils been driven and walking to school.

The current Shropshire Council day centre can cause back logs when mini-buses, taxis and family drop off and collect.

Emergency vehicles already struggle to access properties in Albert Road demonstrated by a recent fire.

Additional noise and disturbance from construction traffic and further potential for road blockages.

The proposed units facing Albert Road will receive very little direct sunlight and exposure to adequate sunlight is essential for maintenance of mental health.

Being new this building should be constructed to the Passive House standard or equivalent for comfort and energy efficiency.

The lack of car ownership of likely residents is a positive aspect of this development

The additional houses and people will put additional strain on the schools, local medical centre, doctors and dentists.

The number of units proposed is an over development of the land for the size of the site.

The majority of people do not want more housing.

There are already houses being built in our beautiful town which are lying empty and this would just add to it.

The development is too close to established housing.

There is no noticeable police presence in this area and there is an increase in drink and drug related incidences, anti-social behaviour and local crime.

Considers more affordable housing, especially supported living flats and community hub would risk increases in these types of incidences by accepting more households in an area that has not the facilities to support and protect neither their safety and wellbeing nor the safety and wellbeing of their neighbours.

Development of this type would be more suited closer to the town centre

The house prices of the houses that back onto the cricket ground will fall

The proposed flats will overlook the front gardens of properties in Albert Gardens resulting in loss of privacy and will block out light.

The development will spoil views from Albert Road and Sundorne Road and a block of flats is not in keeping with houses in the area.

The hedgerow which is used to surround the bowling green supports a biodiversity of life which will be lost due to this development.

The new landowner demolished the old water tower (a listed building) on the front entrance to the land (and got a fine for doing so) and this type of action does not bode well.

With the additional housing that is being proposed the ground will be unable to take away any excess water which lies all around this area and will add to the problems that already exist.

5.0 **THE MAIN ISSUES**

Principle of development

Open space provision

Loss of bowling green and impact on the cricket club

Highways/Access/Parking

Ecology, trees and landscaping

Scale, design and appearance

Impact on residential amenity

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. It is close to services and facilities that can be accessed by foot or by cycle and the Town Centre is also readily accessible by public transport. The location of the development therefore accords with the NPPFs presumption in favour of sustainable development and Shropshire Core Strategy Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. In addition, it represents development of a predominantly brownfield site making optimum use of previously developed land which is supported by the NPPF.

6.2 Open space provision

6.2.1 SAMDev Policy MD2 requires all development to provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). This development comprises 12 dwellings (C3 use) providing 24 bedrooms in addition to a 14 bed 'My Place' supported living scheme (C2 use). The open space requirement for the 'My Place' proposal would equate to 420 square metres of open space and the proposal provides approximately 450 square metres of open space around the building that includes a dedicated and enclosed shared amenity space of 350 square metres to the rear of the building for use by residents. Information has been provided regarding other successful 'My Place' schemes operated by Bromford Housing that provide a similar amount of amenity space for residents. It is considered that the open space provision for the 14 residents of the proposed 'My Place' building is acceptable and accords with the requirements of MD2.

6.2.2 The required open space provision for the 12 dwellings equates to 720sqm. Public open space is usually required to be on site but due to existing public open space and recreation facilities in the local area it is not considered necessary to provide a dedicated area of public open space within this development. The existing facilities include the adjacent cricket ground, the Lantern playground approximately 700m to the east that includes a children's play area, a multi-purpose games court and large playing field, and also the sports and recreation facilities at Sundorne Sports Village within 800 metres. The supporting statement highlights the following existing public open space provision all within 800m of the site:

There is public open space within 400 metres at Albert Road/ Albert Square to the north-east and at Coniston Road to the north of the site.

The River Severn footpath & cycle route is only a short walk with the nearest point of access being off Lesley Owen Way.

Just beyond the 400 metres radius of the site are the allotments.

The public open space off Montgomery Way and the Shrewsbury Sports Village are within 800 metres of the site, with the Pimley Community Woodland and the footpath to Haughmond Hill Country Park just beyond.

6.2.3 MD2 only requires developments of 20 dwellings or more to provide an area of functional recreational space for play, recreation, formal or informal uses on site. The proposal is only for 12 dwellings and 720sqm is not considered to be of

sufficient size to provide a valuable and meaningful area of public open space and the provision of more housing rather than 720sqm of public open space is a significant material consideration. In addition, the gardens proposed to be provided are generally more generous than on many housing schemes and will provide valuable outside amenity space for future residents.

- 6.2.4 It is considered that both the shared amenity space for the My Place scheme and the private gardens for the proposed dwellings provide more than adequate open space provision for future residents who will also have reasonable access to existing recreational facilities and wider open space in the neighbourhood within 800metres of the site. Where no public open space provision is being provided on site an off-site contribution is usually required. An off-site open space contribution of £60,139.00 has been calculated and agreed for this site.
- 6.2.5 The applicant is offering all of the 12 dwellings to be affordable and has confirmed that a financial open space contribution in addition to the provision of 100% affordable housing and the cost of providing a replacement bowling green and future maintenance would make the scheme unviable. Due to the site being in an area requiring only 10% affordable housing (equating to only one affordable house) it is considered that eleven additional affordable homes instead of an off-site contribution towards open space provision is a significant benefit.
- 6.2.6 It is therefore recommended that a clause is included in the S106 agreement that the open space financial contribution in lieu of on-site open space would not become due if all the houses are provided as affordable dwellings. The S106 would therefore allow for either an open market proposal to include only one affordable dwelling and an off-site financial open space contribution, or a 100% affordable housing scheme where a financial contribution would not be viable.

6.3 **Loss of bowling green and impact on the cricket club**

- 6.3.1 Part of the site is currently occupied by a bowling green and the former Reman sports and social club building and the access drive to the Sentinel cricket club car park and cricket ground. Development of the site would therefore result in the loss of the bowling green and could also impact on the use of the adjacent cricket ground. Sports England have therefore been consulted as a statutory consultee as the proposal has the potential to prejudice the use, or lead to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years
- 6.3.2 In their statutory consultation response in January and June of this year Sports England have provided comments in relation to the proposed replacement bowling green and the impact of the proposal on the cricket club. SC Leisure Services, the Cricket Club and Shropshire Playing Fields have also commented on this application and their comments along with all other consultee and public comments are included in section 4 of this report.
- 6.3.3 Sports England have advised in their first consultation response that they will

'oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

6.3.4 Paragraph 99 of the NPPF (previously 97) states the following with regards to development affecting recreation grounds and playing fields:

99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

6.3.5 Planning permission has already been approved for the provision of a bowling green at Sundorne Sports Village to include a scoring shelter that will provide covered seating facilities, a protective hedge surrounding it, suitable secure storage and flood lighting. Siting a bowling green here benefits from the changing room and cafe facilities at the Shrewsbury Sports Village. Negotiations are ongoing between the applicant, Shropshire Council Leisure Services and Sports England regarding the applicant funding a replacement bowling green in this location and its future maintenance and management. The applicant has agreed in principle for the following to be secured by S106 and/or pre-commencement planning conditions:

- A replacement bowling green to be provided at Shrewsbury Sports Village (granted under planning permission 20/00141/FUL dated 16.03.2020) to a specification to be agreed by Shropshire Council Leisure Services and available for play for the 2023 season (approximate cost £150,000).
- The legal costs of Shropshire Council and Shropshire Community Leisure Trust incurred to enable the green to be built at the Sports Village.
- A commuted sum payable to Shropshire Council to pay for the future maintenance of the replacement bowling green and/or an agreement regarding the legal and financial means for the future maintenance and management of the bowling green.
- The availability of an alternative site for the bowling club to relocate to for the 2022 season.

If the above are secured it is considered that the proposal accords with paragraph 97 of the NPPF as the loss of the existing bowling green as a result of development of this site would be replaced by equivalent or better provision in terms of quantity

and quality and in a suitable location. Sports England have also confirmed that the '*replacement of the bowling green on a like-for-like basis at Shrewsbury Sports Village will ensure that appropriate re-provision is provided in line with Exception E4 of Sport England's playing fields policy and para 97b) of the NPPF*'.

- 6.3.6 If members resolve to approve this application subject to the above being secured by a S106, a decision notice cannot be issued until the exact wording has been agreed by all parties including the applicant, the landowner, Shropshire Council Leisure Services and Shropshire Community Leisure Trust (who lease the Shrewsbury Sports Village site) and in consultation with Sports England.
- 6.3.7 Further discussions with Leisure Services and Sports England have taken place and other than needing to reach agreement on the exact wording of the S106 to secure the matters outlined in 6.3.5 above the other issues that have been raised and need to be addressed by suitably worded planning conditions and/or secured by S106 are as follows:
- Access to the car park and cricket ground during construction and in perpetuity once development is completed.
 - The provision of ball stop fencing required to protect the proposed development (and not existing housing) from ball strike.
 - A commuted sum payable to the Cricket Club to pay for the future maintenance of the proposed ball stop fencing.
- 6.3.8 Sports England's latest formal consultation comments refer to ball stop fencing that was originally proposed to be to the rear of both the existing and proposed housing in accordance with the Ball Strike Assessment received in May. Sport England have recommended a planning condition (which is included in appendix A of this report) but continue to maintain their objection until the wording of this and other conditions are agreed (or the exact detail of the ball strike fencing and its future maintenance is provided).
- 6.3.9 The latest ball strike report recommends an 18me section of ball stop fencing to be 13m high to be sited on the cricket club land on the northern edge of the pitch (and not to the rear of the proposed or existing housing). The mitigation fencing will be similar to the existing ball stop fencing/netting to the rear of all the existing houses that surround the cricket ground. Revised plans have been received that indicate the position of the ball strike mitigation fencing and the description of development amended to include this fencing. The applicant is also agreeable to paying a commuted sum to pay for the future maintenance of the ball stop fencing.
- 6.3.10 With regards to access to the cricket ground a revised plan has been submitted to outline how this will be maintained. Sports England have confirmed that both the proposed provision of the temporary access and a permanent access to the cricket club indicated on the revised plans is acceptable providing that this is appropriately secured by a S106 or planning condition. An appropriately worded condition is included in Appendix A.
- 6.3.11 It is considered that subject to agreement by all interested parties on the exact

wording of the S106 and relevant planning conditions a replacement bowling green can be secured, and the bowling club wouldn't be left without anywhere to play as a consequence of the proposed development. The proposal would not result in the loss of recreation and sports facilities or prejudice the use of the adjacent cricket ground/playing field.

- 6.3.12 If members resolve to approve this application subject to the recommended draft conditions in Appendix A Sports England will be re-consulted regarding the final wording of the planning conditions and the wording of the S106 relating to the replacement bowling green and future maintenance, access to the cricket club and car park and the ball strike mitigation. Delegated authority is therefore sought to make any amendments to the conditions in appendix A and to agree the wording of the S106.
- 6.3.13 The proposal will also result in the loss of the sports and social club building. CS6 outlines that *'Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term'*.
- 6.3.14 CS8 seeks to protect existing facilities and the loss of existing provision and states that *'development of sustainable places in Shropshire with safe and healthy communities where residents enjoy a high quality of life will be assisted by protecting and enhancing existing facilities, services and amenities that contribute to the quality of life of residents and visitors,'* and by *'Preserving and improving access to facilities and services wherever possible'*.
- 6.3.15 The existing club building closed in 2015 as it was no longer viable and is now derelict and scheduled for demolition. A replacement bowling green in an alternative and accessible location can be secured by S106 but is not considered necessary to secure a replacement social club building as it has been closed and not in use for over 5 years and therefore cannot be considered to be an existing and viable facility.
- 6.3.16 CS8 also states that *'In identifying needs, particular attention will be given to addressing areas with current disadvantage or deprivation'* and that *'The needs of the elderly, the young and vulnerable groups will be prioritised'*. The 'My Place' supported living accommodation includes a Community Hub comprising a lounge, meeting room and kitchen that provides a social area and a facility to provide training, advice and activities for vulnerable residents.
- 6.3.17 Shropshire Adult Social care fully support the proposed 'My Place' scheme as there is a shortage of supported living accommodation in Shrewsbury and this results in out of county placements at a high cost to the Council. The 'My Place' scheme will provide a valuable facility and service in accordance with CS6 and CS8.

6.4 Highways/Access/Parking

- 6.4.1 The NPPF states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. Policy CS6

seeks to ensure that (amongst other things) development includes appropriate car parking provision. Policy MD2 indicates that adequate on-site car parking should be incorporated within a development site to ensure that cars do not overspill onto surrounding roads and therefore negatively impact on the local road network.

- 6.4.2 The latest amended plans indicate adequate visibility splays are proposed for the new access and Highways have now confirmed that the access is satisfactory. The residents of the 'My Place' proposal will not own cars and it is considered that satisfactory parking spaces for the new housing and also for visitors and staff to the 'My Place' proposal will be provided. The level of parking and access for the cricket pitch will also be maintained. There is good accessibility to nearby services and facilities and the concerns of existing residents regarding existing speeding and the number of parked cars on Albert Road is acknowledged but there is no evidence that the proposal would exacerbate this or that the proposal would result in harm to highway users.
- 6.4.3 It is considered that the increased amount of additional traffic arising from the proposal would not significantly compromise highway safety along Albert Road and in the surrounding area and Highways have confirmed that the impact of the development would not have a severe harm on the surrounding highway network. A Construction Environmental Management Plan has been submitted and a condition is recommended to ensure that it is complied with.

6.5 Ecology, trees and landscaping

- 6.5.1 An arboricultural survey and tree constraints report has been submitted. Due to the existing nature and use of the site the Tree officer has confirmed that the arboricultural impact of the proposed development is low. However, the tree officer has recommended additional tree planting (including a 2-year watering schedule) and that the position of protective fencing is added to the landscaping plan to ensure the protection and retention of existing trees close to the boundary of the site. An amended landscaping plan has been submitted that indicates these recommendations that includes the planting of 11 new trees in addition to shrub planting.
- 6.5.2 A Preliminary Ecological Appraisal and Preliminary Roost Assessment has been submitted and was first assessed by APT and additional Bat Surveys were requested. These have been received and reviewed by SC Ecology who have confirmed that as Tree 4 is being retained additional survey work of the tree is not required. The survey also confirmed that no bat roosts were observed on the building.
- 6.5.3 SC Ecology has recommended conditions to require the submission of a landscaping proposal to include native species tree and more hedge planting and the provision of bat and bird boxes and hedgehog and other wildlife friendly landscaping and enhancement.
- 6.5.4 Although the revised landscaping proposal meets the requirements of the tree officer it is considered that further enhancements could be made to improve the sites bio-diversity value. Subject to the recommended conditions regarding the provision of an enhanced landscaping plan, tree protection and implementation of

the landscaping proposal the proposed development would not result in the loss of existing trees, new hedge planting will mitigate the loss of any existing hedgerow and satisfactory landscaping of the site can be provided that will provide ecological enhancement.

6.6 Scale, design and appearance

- 6.6.1 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 and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.6.2 The proposal is for a mix of two storey houses including 4 two bedroom semi-detached houses and 4 three bedroom semi-detached houses and a two storey building to provide 4 single bedroom apartments. In addition, the proposal includes a two-storey building to provide 14 single bedroom apartments providing supported living units with additional accommodation for staff.
- 6.2.3 The local area is predominantly residential with a mix of designs and sizes including semi-detached houses, terraces of four and longer terraces, some fronting the road and some at right angles to the road. The proposed layout follows this mixed pattern of development and the proposed scale and appearance of the dwellings is considered to be in keeping with the more recent development in the vicinity of the site.
- 6.6.4 The houses are all proposed to be affordable dwellings. The affordable housing team initially noted that the floor area of the dwellings did not meet the following space standards identified in Technical Housing Standards – Nationally Described Space Standards (NDSS):

NDSS

- 1 bed 1-person household - 39 sq. metres*
- 1 bed 2-person household - 50 sq. metres*
- 2 bed 3-person household - 70 sq. metres*
- 2 bed 4-person household - 79 sq. metres.*
- 3 bed 4-person household - 84 sq. metres*
- 3 bed 5 person household - 93 sq. metres*

The floor area of the one bed apartments meet the NDSS but the two and three bed houses fall just short:

PROPOSED

- 1 bed flats – 47.3 sq. metres ground floor and 55.4 sq. metres first floor*
- 2 bed houses – 67.2 m²*
- 3 bed houses – 82.6 m²*

The agent has confirmed that the floor areas of the dwellings now proposed either meet or exceed the Homes England requirement of 85% of NDSS which is their

acceptable standard for funding purposes. Bromford Housing do not wish to increase the size of the proposed houses and it is considered that the proposed floor area and scale of the houses and the mix and size of accommodation provided is acceptable.

6.6.4 The dwellings will be situated within good sized plots providing more than adequate outside amenity space and sufficient off-road parking. It is considered that the scale, design and appearance of the buildings are appropriate given the context of the site and in keeping with the more recent development in this part of Albert Road. The street fronting elevations would have no adverse impact on the character and appearance of the street scene.

6.6.5 The vacant brick-built building to be demolished is of no architectural or heritage merit but dates to circa 1940. Conservation has no objection to its removal subject to a condition requiring photographic recording. The building to be removed makes a negative contribution to the street scene and its replacement with the proposed two storey housing will represent an enhancement of this part of the site.

6.7 Impact on residential amenity

6.7.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 130 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*'.

6.7.2 The proposed two storey houses and supported living apartment building are located sufficiently distant from the surrounding residential development that they would not appear overbearing or obtrusive or result in a loss of light. There is almost 20 metres between the nearest facing elevations of the existing dwellings in Albert Gardens and the proposed My Place building. Due to the relationship between the existing and proposed development and distances between, it is considered that the position of first floor windows would not result in the opportunity for overlooking and a loss of privacy.

6.7.3 It is considered that the additional homes and families would not result in any additional noise and activity in this predominantly residential area other than that which already exists. There is potential for noise and disturbance during the construction phase, but a construction management plan (CEMP) has been submitted that details the hours of deliveries and activities and details of traffic management, and control over dust and vibration etc. Some disturbance is expected during the construction phase but will be limited if the CEMP is adhered to and a condition is recommended regarding this.

7.0 CONCLUSION

7.1 Residential development of this site is acceptable in principle being located in a sustainable location within the urban development boundary for Shrewsbury and would make efficient and effective use of a part brownfield site. It is considered that the layout, scale, design and appearance of the development is appropriate and

would have no adverse impact on the character and appearance of the street scene or local area and would have no significant adverse impact on residential amenity.

- 7.2 Subject to the recommended conditions regarding landscaping the proposal would not result in the loss of existing trees, new hedge planting will mitigate the loss of any existing hedgerow and satisfactory landscaping of the site can be provided that will provide ecological enhancement and increase the sites bio-diversity value.
- 7.2 It is considered that adequate off-road parking for the proposed housing and 'My Place' proposal will be provided and the increased amount of additional traffic arising from the proposal would not significantly compromise highway safety along Albert Road and in the surrounding area and would not have a severe harm on the surrounding highway network. The shared amenity space for the 'My Place' scheme and the private gardens for the proposed dwellings will provide more than adequate open space provision for future residents and there is access to existing recreational facilities and public open space within reasonable walking distance of the site.
- 7.3 Subject to agreement by all parties on the exact wording of the S106 and relevant planning conditions a replacement bowling green will be secured, and it is considered that the proposal would not result in the loss of recreation and sports facilities or prejudice the use of the adjacent cricket ground/playing field. Although Sports England maintain their objection, if members resolve to approve this application Sports England and SC Leisure Services will be re-consulted regarding the wording of the planning conditions and the wording of the S106 relating to the replacement bowling green and future management and maintenance in addition to maintaining access to the cricket club and car park and providing ball strike mitigation.
- 7.4 Once the draft decision notice and S106 has been finalised Sports England would be re-consulted and a decision cannot be issued until agreement has been reached with all interested parties. Delegated authority is therefore also sought to make any amendments to the conditions in appendix A and to agree the wording of the S106 as considered necessary and in consultation with Sports England.
- 7.5 Subject to compliance with the recommended conditions in appendix A and the recommended S106 heads of terms it is considered that the proposal accords with the aims and provisions of the NPPF and Shropshire LDF policies CS1, CS2, CS6, CS8, CS11, CS17, MD2 and MD12 that are considered to be the local plan policies most relevant to the determination of this application.
- 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: NPPF

Core Strategy and Saved Policies: CS1, CS2, CS6, CS8, CS11, CS17, MD2 and MD12

11. Additional Information

List of Background Papers

20/05217/FUL - 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=QLEAAKTDJBX00>

Cabinet Member (Portfolio Holder): Councillor Ed Potter

Local Member: Cllr Dean Carroll

Appendices

APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance ' Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy 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.

- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority 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 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 offsite receptors.

4. No development approved by this permission shall commence until a Level 1 photographic survey (as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice') of the interior/ exterior of the buildings has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required before development commences to record the historic fabric of the building prior to development.

5. No development shall take place (including demolition, ground works and vegetation clearance) until a hard and soft landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely;
- c) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- d) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- e) Native species used are to be of local provenance (Shropshire or surrounding counties);
- f) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- h) Implementation timetables.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

6. Prior to the commencement of development a maintenance and management plan for the replacement bowling green at Shrewsbury Sports Village approved under planning permission 20/00141/FUL to include a maintenance schedule and management responsibilities and the legal and financial means of how future repairs and maintenance will be secured shall

be submitted to and agreed in writing with the local planning authority.

Reason: To establish and secure the future management and maintenance of the replacement bowling green.

7. Prior to the commencement of development details of the availability and use of an alternative bowling green for the bowling club to relocate to for the 2022 season shall be submitted to and agreed in writing with the LPA.

Reason: To ensure that the bowling club has access to an alternative facility once development commences and prior to the replacement being provided at Shrewsbury Sports Village.

8. Vehicular access to the Sentinel Cricket Club car park off Albert Road must be maintained at all times both during construction of the development and on completion and occupation of the development. Prior to the commencement of development and for entirety of the construction phase the access shall be first provided via the temporary access indicated on the plan reference 21C received 17 September 2021 and this access shall not be closed until the new access via the new estate road indicated on the approved plans has been provided and made available for use.

Reason: To ensure that access to the cricket club is maintained.

9. The Construction Environmental Method Plan (CEMP) hereby approved shall be adhered to throughout the demolition and construction period.

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

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

10. The development hereby approved shall not be occupied until full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, as set out in [insert details of the mitigation report], have been; (a) submitted to and; (b) approved in writing by the Local Planning Authority, [after consultation with Sport England]. The approved mitigation shall be installed in full before the development is first occupied and thereafter be managed and maintained in accordance with the approved details.

Reason: To protect the proposed development from ball strike.

11. All hard and soft landscape works shall be carried out in accordance with the approved landscaping plan. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

12. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to

be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of first occupation of the development.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development hereby approved shall commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the approved landscaping plan have been fully implemented on site. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with.

c) All services will be routed outside the Root Protection Areas indicated on the approved landscape plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

13. Prior to first occupation of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be sited in suitable locations, with a clear flight path where appropriate, and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

14. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

15. No above ground works shall take place until a scheme of surface and foul water

drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

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