

# AGENDA ITEM



Committee and date

Northern Planning Committee  
28 July 2023

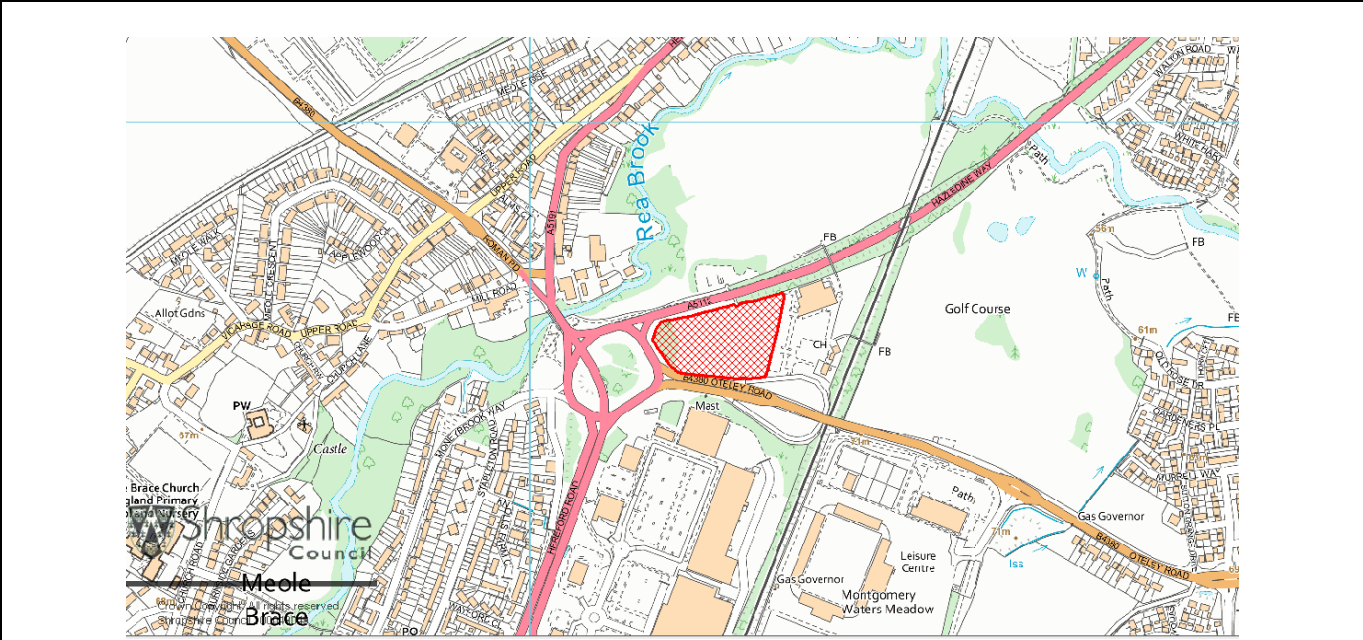
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 22/03877/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Mixed use development including retail, gym, drive-thru coffee shop and drive-thru restaurant (use class E), tanning and beauty salon (sui generis), and residential care home (use class C2) together with access, parking, landscaping and associated infrastructure.		
<b>Site Address:</b> Proposed Commercial Development Land To The South Of Hazledine Way Shrewsbury Shropshire		
<b>Applicant:</b> Cordwell Leisure Developments (Shrewsbury) Ltd and Avery Healthcare		
<b>Case Officer:</b> Kelvin Hall	<b>email:</b> kelvin.hall@shropshire.gov.uk	

**Grid Ref:** 349286 - 310660



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2022 For reference purposes only. No further copies may be made.

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

## UPDATE REPORT

**Recommendation: Delegate authority to the Planning and Development Services Manager to grant planning permission subject to the conditions listed in Appendix 1 of the original committee report, as amended by section 4.6 of this update report, and to any modifications to those conditions as considered necessary by the Planning and Development Services Manager.**

### 1.0 BACKGROUND

1.1 This application was presented to the Northern Planning Committee at its meeting on 2<sup>nd</sup> May 2023. Members resolved to defer the application for the following reasons:

1. The issue of the former use of the site had not adequately been dealt with;
2. A review of the Traffic Assessment to consider busy times;
3. Active travel to the site needed further investigation;
4. Foul Discharge, more information was needed in relation to this.

1.2 The applicant has now submitted additional information in relation to the above matters. Officers have considered this and provide below an update to the previous Committee report (included as Appendix A). This should be read in conjunction with the previous report.

### 2.0 ADDITIONAL INFORMATION SUBMITTED

2.1 Former use of the site: The applicant has provided further information in relation to the former use of the site as a 'pitch and putt' facility connected to the adjacent 12-hole golf course.

2.2 Traffic Assessment: The applicant's transport engineers have prepared a technical note to address the issues raised by Members.

2.3 Active travel: Further information has been submitted on this matter.

2.4 Foul discharge: The applicant has advised that there were issues of water discharge /blockage close to the boundary of the site. The Council appointed Advanced Group Global Holdings Ltd to investigate this. They have advised as follows:

- a section of 100mm clay drainage pipe work was blocked at 17 metres upstream from the site
- the pipe work was jetted through and the blockage was cleared, and the issue has

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

not reappeared since this was done.

2.5 Officers have assessed the additional information that has been submitted and this is discussed in sections below.

### 3.0 ADDITIONAL COMMUNITY REPRESENTATIONS

3.1 Since the original Committee Report was drafted a number of additional representations have been made. These are summarised below and include those that were included on the 'additional representations' schedule that was circulated to Members in advance of the 2<sup>nd</sup> May committee meeting, and all further ones that had been received at the time of writing this update report.

### 3.2 -Consultee comments

3.2.1 **SC Drainage** Recommends that a condition is imposed to require that development does not 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 Drainage team have also offered the following further advice:

- Hydraulic design of porous paving must be in accordance with Interpave guidance and submitted for approval
- Full details of foul or surface water outfalls should be submitted for approval
- Full attenuation and simulation calculations for all storms up to the 1 % AEP plus 40% must be submitted for approval
- Details of the pipe system to convey surface water to the attenuation tanks should be amended
- A contoured exceedance route plan must be submitted for approval demonstrating that exceedance flows will not result in the flooding of property or contribute to flooding outside of the development site
- The specific proposed maintenance regime for the drainage systems proposed, including details of who will take responsibility, must be submitted for approval.

3.2.2 **SC Highways** Following the deferral of the application by the Northern Planning Committee due to concerns raised relating to traffic and Active Travel, the applicant has produced additional information in support of the proposals. Concerns raised specifically relating to the Drive Through elements of the overall scheme.

As shown previously, the Carehome is able to derive both entry and exit via the current Golf Course and Gym access arrangements, but as the two developments link to one another, also provides an emergency vehicle routing within the layout should this be required.

The report sets out the known operators of the development as KFC and Starbucks and explains their operating model and the methodology for assessing the impact of

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

the development on the adjacent highway network. Moreover, that the potential stacking of waiting vehicles can be accommodated within the site and would not give rise to queuing back onto Oteley Road. This information has been assessed by highway officers and it is considered that the additional information adequately demonstrates that the proposals are acceptable and moreover that a refusal on the grounds that the cumulative impact of the development would be severe are not justified.

As indicated previously by Highways, the junction onto Hazeldine Way and treatment of the current speed limit, would be the subject of detailed design and Road Safety Audit process before development commences and once built will be the subject of further safety auditing in line with standard procedures.

Appendix 4 attached to the latest additional information indicates how the site links with both the cycleway/footway network and the confirmed cycle access and egress is now shown on the western side of the site adjacent to Mele Brace Roundabout.

### 3.2.3 **Cllr Bentick - Local Member (adjacent Ward of Meole)**

(The comments below were previously circulated as part of the 'additional representations' in advance of the 2<sup>nd</sup> May committee meeting):

The Local Member for the adjacent Ward of Meole, Cllr Bentick has objected to the proposed development on the following grounds:

#### Pitch and Putt Facilities

- the land was used for over 30 years as the only municipal Pitch & Putt area in Shropshire, attached to Shropshire's only municipal Golf course, which is well frequented by local residents, including nearby Meole Estate, which is among the 20% most deprived communities in England; Meole Estate's young people are among the 10% most deprived, according to Census Data (2011 and 2021).
- Inadequate consultation of local residents and the golfing community prior to decision to regard the land as surplus to need; against the wishes of Shrewsbury Town Council
- part of a bio-diverse habitat comprising The Rea Brook Conservation Area and Meole Golf Course
- should be returned to municipal Golfing use for Pitch and Putt facilities
- South Shrewsbury is poorly served for community leisure and sports facilities and activities and the decision for the proposed sale of this land should be reversed.

#### Proposed Care Home Development

- currently no pressing need for additional Care Home beds, partly as Shropshire Council has a Policy of preferentially caring for people in their own homes. According to the CQC register on 3rd January 2023, there were a total of 3572 registered beds in 118 Care Homes in Shropshire and on 9th January 2023, there was good availability of vacant beds across all bed types. 3 Care Homes opened in

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

January and February 2023, adding 200 new beds; two new Care Homes due to open on Oteley Road, close to Hazledine Way; all information from Executive Director of People on 11th January 2023.

- main issue in Care Homes is poor pay and working conditions for staff, resulting in 248 beds across Shropshire being closed at the start of 2023

## Mixed retail, fast food and Care Home premises on the same site

- combination of premises is incompatible and all will substantially increase traffic at Meole Brace roundabout, which is already frequently overloaded, resulting in long queues along all feeder roads at busy times at present.

## Overall Traffic Flow

- the Traffic Assessment is based upon data collected on one weekday in early April 2022 and is unrepresentative; does not reflect the high traffic flow at Meole Brace roundabout at peak times, including weekends and holidays; the impact of the proposed housing development of 150 new houses adjacent to Meole Retail Park has not been considered

## Needs of local residents and children and students travelling to the Education Quarter of South Shrewsbury

- principal needs of local residents have not been considered and are for increased leisure and recreational facilities and activities for young people and additionally for safe active travel facilities: this proposed development directly conflicts with those needs
- the current and proposed Active Travel infrastructure along all routes to and from Meole Brace roundabout will be adversely affected, if not completely disrupted, by this development; 2350 children and students and their parents travel through the South Shrewsbury Education Quarter every day; there are an average of 3 traffic collisions involving children and students on the roads approaching Meole's 3 schools every term: safety is likely to be further compromised by this development, not the least from the proposed exit onto Hazledine Way, which is unsuitable for pedestrians and cyclists, having a speed limit of 50 mph and inadequate separation of active travellers from vehicles.

## Surface Water and Foul Drainage

- the cursory report from Nolan Associates has concluded that there are no adopted sewers in the immediate area. No solution for this deficit was declared. The Shropshire Water Cycle Report 2020 (SWCR 2020) rated Shrewsbury as RED with regard to sewerage capacity, with the need for urgent engagement of Shropshire Council with Severn Trent Water Company to resolve the issues. No Document from this engagement has been published.
- Severn Trent Water Company (STWC Ltd) has not made public their strategic or detailed plans for improvements to Sewage Treatment Works (STWs) or Combined Storm/Sewage Overflows (CSO) in Shrewsbury and there are no documents in this

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

Planning Application detailing how increased surface water and foul drainage will be connected to the sewerage system or how the already overloaded system will cope with the increased volume caused by this development.

- the SWCR 2020 called for active engagement of Shropshire Council with STW to resolve existing issues, as well as proposed developments and there are no declared documents detailing the outcome of this engagement
- in 2022, including a relatively dry summer, there were 794 mostly dry weather (illegal) spills for 8800 hours from STWs and CSOs into the Rea Brook and River Severn in the Shrewsbury area, including 1267 hours at Monkmoor STW, 1360 hours at Greyfriars Bridge and 2592 hours at the Radbrook CSO. Only 1.3% of spills are due to extreme weather conditions.
- in 2021, a more representative year, there were 1559 spills for a total of 23,293 hours (almost 1000 days) into The Rea Brook and River Severn in the Shrewsbury area, with no improvements declared by STWC Ltd over those 2 years or for 2023. These figures included spills from Monkmoor STW for 4110 hours, Greyfriars Bridge CSO for 2132 hours and Radbrook CSO for 3479 hours.
- comprehensive documents from STWC Ltd and Shropshire Council should be published on the strategic and detailed plans to cope with both the current inadequate capacity of the Sewerage System in the Shrewsbury (and Shropshire) area and how the increased demands from new developments will be met, before this and any other large development in Shrewsbury and Shropshire receives Planning Consent.
- Sport England guidance provides a recommended approach to undertaking a robust assessment of need for indoor and outdoor sports facilities. The guide has primarily been produced to help (LAs) meet the requirements of the NPPF, which states that 'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.'
- the Meole Brace Golf Pitch and Putt Facility was not advertised or promoted as a local facility by Shropshire Unitary Council since its formation in 2009 until the Pitch and Putt facility was closed a decade later in 2019. During this time, it received inadequate maintenance and yet prices were increased, without justification.
- Meole Brace Golf Course has not received adequate funds for maintenance over the last 15 years; in particular, bunkers are in a poor state; no significant investment in the course over that time period
- the local Communities have inadequate open spaces and in particular, Council sponsored sports/leisure facilities and activities, including Meole

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

- Golf has a recognised beneficial effect on wellbeing and we should be increasing facilities, not reducing them
- has been an overall increase in those playing Golf since the Covid 19 Pandemic
- should be promoting this sport, not slashing one of its building blocks, that is Pitch and Putt facilities
- Meole was the only municipal Pitch and Putt facility in Shropshire and should not have been closed without adequate assessment and consultation, which I now request
- the planning application should be halted until all appropriate processes have been undertaken.

## 3.2.4 Shropshire Playing Fields Association

### Comments of 17/7/23 (summary):

- in response to the applicant's statement regarding "the demise of much of the casual dining market in Shrewsbury" and that KFC will plug the gap created by others, the applicant should provide substantial authentic evidence of the demise, and whether the landowner of the Meole Brace pitch and putt Shropshire Council share this view put forward by the applicant
- there are currently 23 flourishing food and drink outlets within a few hundred yards of the site; two further food and drink outlets are not needed in this area of Shrewsbury, whereas there is a need for public outdoor open spaces
- the applicant has failed to provide a 'retail impact assessment' to support their application; policy MD10b of the adopted SAMDev DPD advises that proposals for main town centre uses of 300m<sup>2</sup> or more that are located outside defined principal centres, such as Shrewsbury Town Centre, are required to satisfy a "retail impact test"; applicant has failed to provide this in accordance with Planning Practice Guidance; the assessment should be provided by a collective group that includes the applicant, Shropshire Council, Shrewsbury Town Council, Shrewsbury Bid and the Shropshire Chamber of commerce, with its findings being put to the residents of Shrewsbury
- list of food and drink outlets within 0.5 miles of the golf course: 1. Flames Kebab & Pizza Takeaway; 2. Shalimar Takeaway; 3. Pizza Hut; 4. McDonalds; 5. Burgerking; 6. Starbucks; 7. On the move Greggs; 8. Subway; 9. Costa; 10. Marks and Spencers Café; 11. Dobbies Garden Centre restaurant; 12. Next café; 13. The Brooklands pub and eating place; 14. Bannantynes café; 15. Meole Brace Bowls Club Bar and catering; 16. Louise house café; 17. Pro league bar and restaurant; 18. Football Stadium catering and function rooms; 19. Percy Throwers restaurant and café; 20. Asda food outlet; 21. Lidl food outlet; 22. Sainsbury food outlet; 23. Marks and Spencer food outlet.

Comments of 29/6/23: The landowner Shropshire Council despite repeated requests to officers, staff and members by Shropshire Playing Fields Association have so far failed to produce any robust or up-to-date evidence to be able to justify their claim that

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

the pitch and putt golf course is clearly surplus to requirement.

Golf participation levels are rising steeply across the UK and it would seem that Meole Brace Pitch and putt could make a substantial profit year on year for Shropshire Council if managed, maintained and designed in a suitable, efficient and acceptable manner, that would fit well with the Councils Healthy living strategy.

SPFA do not believe a fast food outlet, tanning salon or drive through coffee shop is conducive or in line with Shropshire Councils health recommendations aimed at reducing 62% Overweight and Obesity levels.

Previous comments 27/5/23: The application does not adhere to NPPF guidelines with relation to the landowners opinion that the pitch and putt was surplus to requirement. A lack of robust up-to-date evidence has been provided by the landowner or applicant to be able to demonstrate clearly the land to be surplus to requirement. Shropshire Council as landowner has failed to properly interpret and apply paragraphs 97, 98 and 99 of the NPPF, Shropshire Council figures show 2,500 paying visits were made in a year to the pitch and putt facilities predominantly we suggest used by young people under the age of 14. 2001 to 2021 census data clearly shows Meole Estate just a few yards away from this site to have high levels of socio-economic deprivation. The same census figures show an increase of 40,000 new residents to Shropshire, many of which now reside in the Meole Brace, Sutton and Column Wards.

Paragraph 98 of the NPPF says a robust and up-to-date assessment of the need for open space should be provided to determine if a facility is surplus to requirement. Shropshire Council does not have a robust up-to-date assessment available. Alternatively it says `there is no identified need in the Council's Playing Pitch and Outdoor Sports Strategy (PPOSS) for 'pitch and putt' provision in Shropshire. The Playing pitch strategy does not cover the needs of golf – indeed there is no mention of golf throughout the 227 page report, so the comment is erroneous.

Paragraph 99 of the NPPF states that the former pitch and putt open space should not be built on unless (a) an assessment has been undertaken which has clearly shown the land to be surplus to requirements; this has not been done or (b) the loss is replaced by equivalent or better provision; this has not been agreed or even discussed or (c) the development is for alternative sports and recreational provision, the benefits of which outweigh the loss.

Given that it is proposed to take away a much needed recreational facility accessible to young people and replace it with a fast tanning salon, fast food restaurant, care home for elderly drive thru coffee shop and a gym facility that young people under 14 would not be able to access then clearly this application fails to meet the requirement set out in paragraph 99 of the NPPF.



# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

We request that a considerable sum of money should be set aside by the landowner so as to be able to replace the pitch and putt with equivalent or better provision elsewhere in Shrewsbury.

Recently Lady Justice Rose on behalf of five Supreme Court judges, said their judgment would act as a warning to local councils that they need to take proper stock when they seek to sell public land, we recommend you should heed those wise words when considering this case, to avoid a similar outcome.

### **3.3 Additional public representations**

3.3.1 Since the original committee report was published four further public objections have been received, taking the total to seven. These additional representations raise the following concerns:

- Incompatibility of mix of retail and fast food development with a care home on the same small site
- Retail and fast food developments will draw more traffic to the Meole Brace roundabout, which is already frequently overloaded with queues and stationary traffic
- The needs of the local population have not been assessed, there isn't a need for a third fast food site so close to the Meole Brace Retail Park and the A5 'Dobbies' roundabout services; no need for another care home needed since there are two others on the Oteley Road
- Instead leisure and recreational facilities for young people are needed
- Need for better, safer access to and around the Meole Brace roundabout for pedestrians and cyclists is needed
- Disruption to children and parents using walking and cycle paths on Oteley Road to get to the primary and secondary schools; their use will be made more difficult by the wide vehicle entrances to the site
- Unsuitability of the exit onto Hazledine Way for cyclists and pedestrians onto a road with a speed limit of 50mph where drivers of oncoming vehicles are focussed on the Meole Brace roundabout, its signage and their lane selection to navigate the roundabout
- The proposed central kerbed island on Hazledine Way to prevent a right turn at this exit is likely to encourage pedestrians and cyclists to cross there
- The Traffic Assessment is based upon data collected on one weekday in early April 2022 and is unrepresentative of the higher traffic flows experienced in summer, at weekends and at holiday times. Nor does it take into account the increase in traffic flow at the roundabout that will result from residential development 22/05051/FUL of 150 homes adjacent to the Meole Brace Retail Park
- Loss of trees and shrubs at the western (roundabout) end of the site that provides screening of the site and is valuable for wildlife
- The site is close to and is important to the Rea Brook Valley Local Nature Reserve
- The local need for leisure and recreational facilities, and for better, safer access to

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

and around the Meole Brace roundabout for pedestrians and cyclists can be met without developing this site

- The area is already significantly developed and further development is taking place adjacent to the park and ride and football ground
- Little consideration to the town plan, facilities, green space, environmental impact, traffic, sustainability or wishes of local population
- No need for another drive through or a tanning salon
- Loss of public recreational space
- Increase pollution levels
- Will cause traffic congestion at Meole Brace island

## 4.0 OFFICER APPRAISAL IN RELATION TO REASONS FOR DEFERRAL

### 4.1 Former use of the site

4.1.1 One of the reasons for the deferral of this application at the 2<sup>nd</sup> May North Planning Committee meeting was that Members considered that the issue of the former use of the site had not adequately been dealt with.

The previous committee report noted that paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the land to be surplus to requirements; or
- (b) the loss is replaced by equivalent or better provision; or
- (c) the development is for alternative sports and recreational provision, the benefits of which outweigh the loss.

4.1.2 The application site was formerly in use as a 'pitch and putt' site in connection with the adjacent 12-hole golf course. The 'pitch and putt' would be lost as part of the proposed development, albeit the golf course would remain fully open. 'Open space' is defined in the NPPF as:

*"All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity".*

4.1.3 Officers consider that the site meets this definition and therefore paragraph 99 of the NPPF is engaged.

4.1.4 Paragraph 99(a) requires that an assessment is undertaken which has clearly shown the land to be surplus to requirements. In addition to the originally submitted information, which was discussed in the previous committee report, the applicant has now provided a more comprehensive assessment.

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

## 4.1.5 Details of open space assessment:

The applicant's assessment notes the following matters. The pitch and putt facility closed in 2019, and since that time there has been no formal recreation use of the site. Since this time it has been listed as an Asset of Community Value, and then de-listed, with no bids coming forward from qualifying community groups to purchase the site for alternative recreational use. The applicant considers that extensive open space with a formal and informal recreational function would remain available locally, and draws attention to the proposals including a recreational element in terms of the health and fitness centre. The applicant considers that it is not the fact that the site is redundant as a pitch and putt facility that renders it surplus for an alternative recreational function; rather that no credible alternative has come forward (save for the current health and fitness proposal) and that there is an abundance and wide variety of recreational opportunity locally.

4.1.6 The pitch and putt site was bought by Shropshire Council in 1970 as part of a larger area of land and has been in its ownership since. There are no restrictions on the title relating to its use. There are no obligations to retain the land for open space, and the land is not held in trust. The Site had historically been used as a "pitch and putt" course associated with the adjacent Meole Brace Golf Club.

4.1.7 The pitch and putt site closed in 2019. The reason for this was that since 2011 there was a steady decrease in the number of people using the facility, from a peak of 2590 down to 1590 in 2015. This reduced number of attendees at the pitch and putt compares with the market trend in the falling popularity of golf during this period, with several golf clubs going into insolvency. In a bid to remain viable many private golf clubs who had suffered a fall in membership subscription and converted to 'pay and play' attracting younger members on subsidised subscriptions and members of the public wishing to enjoy their facilities. This trend continues today and is more acute, especially with the cost of living crisis and the cost of maintenance and energy forcing private clubs to attract membership with subscription benefits and incentives to sustain a financial future. These factors would have played a part in the demise of the 'pitch and putt'.

4.1.8 The facility was always properly maintained and marketed along with a number of initiatives to increase the custom including 2 for 1 deals, price reviews and various marketing campaigns, however, the popularity continued to decline and the facility was running at a deficit by more than 50% due to ongoing costs. The applicant considers that a 4 acre stand-alone Pitch and Putt course with no dedicated car parking and no additional facilities would not be profitable because it lacks the size, investment, variety and market appeal to stimulate enough demand for it to be viable.

4.1.9 In 2016 the Council's Cabinet approved the commencement of a public consultation on the potential cessation of the pitch and putt site, and this was held later that year to consider three options:

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

- Option 1 – the sale of the site;
- Option 2 – to continue to operate and subsidise the site, including to introduce potential new activities to complement existing use;
- Option 3 – consider an alternative amenity/leisure use.

4.1.10 This consultation was made available online on the Council's Consultation Portal and via hard copies distributed to key stakeholders and the general public. The main responses from stakeholders were:

- Sport England : Sport England do not comment on proposals involving pitch and putt course but highlighted the importance of assessing any future application for development against the relevant local and national policies relating to the loss of sports facilities; and the opportunity for securing financial contributions towards other sports facilities redevelopment of the site could bring
- Meole Brace Golf Club: The Golf Club expressed their disappointment that the pitch and putt may be lost as a facility that provides a taster for entry into participation for golf. Their strong suggestion, should disposal take place, was for alternative 'beginner' facilities to be installed in a suitable location adjacent to the golf shop – practice nets, putting green, chipping green and bunker.
- Contract Manager - Meole Brace Golf Course: The Contract Manager considered that the pitch and putt was not viable as a standalone facility.
- Grounds Maintenance Contractor – Shrewsbury Town Council: Commented that consideration needs to be given to current access across the pitch and putt to the main golf course for essential greens machines. Asked that a maintenance strip to be retained to allow use of a tractor and flail.
- Individual Responses: All three responses agreed with Option 1 – Sale. They also asked that enhanced 'beginner' facilities be installed with some of the proceeds of disposal.

4.1.11 Following consideration of the outcome of this consultation, Cabinet resolved in 2017 that the pitch and putt site is "declared surplus to requirements and the marketing of the site is approved on the open market".

4.1.12 The report to Cabinet noted in its conclusion that "The results of the consultation demonstrate that although there would be some regret over the loss of the pitch and putt course, the main focus of the stakeholders was for some reinvestment back into the main golf course that could include aspects aimed at 'beginners' such as a putting green, chipping green/bunker and practice nets". The Cabinet resolution included approval of the retention of up to £50,000 from the capital receipt from the disposal of the site for improvements to the main golf course facility.

4.1.13 The report also acknowledged that the pitch and putt site was a registered Asset of Community Value (ACV). The consequence of this was that a formal process would need to be followed to give the nominating organisation, Friends of Meole Brace Golf Club, or other qualifying community body, time to confirm whether they wish to make a

## AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

bid for the site.

- 4.1.14 This formal process was undertaken in 2017. No qualifying bodies made a bid during the relevant six month period, and it is understood that the ACV listing was removed in 2019.
- 4.1.15 The applicant's assessment notes that there are numerous other open spaces and recreational areas for use by the public within close proximity of the site:
1. Meole Brace Golf Club
  2. Radbrook Valley Reserve
  3. Primrose Drive Recreational Ground
  4. Stanley Lane Recreational Ground
  5. Meole Rise Recreation and Playground
  6. Shrewsbury Hockey Club
  7. Shrewsbury Driving Range (within 3 miles / 6 minute drive)
- 4.1.16 The assessment further notes that the pitch and putt site has not been in operation for four years, and that the adjacent golf club, with 12-hole parkland course, will remain fully open and operational. Furthermore, that the proposals will provide for alternative sports and recreation provision in the form of a new gym facility.
- 4.1.17 The applicant's assessment identifies that from figures reported to Cabinet and Full Council in 2017, the maintenance costs for the pitch and putt course were 84.78% in excess of the revenue received. This produced an annual loss to the Council and the facility was costing nearly double the amount to operate and maintain than was received in income from paying customers.
- 4.1.18 The assessment highlights that the site is 'surplus to requirements' not simply because it was redundant as a pitch and putt facility but because of the provision of other sporting facilities. It notes that the Council's Strategy and Action Plan was published in 2020 and included an analysis of all outdoor and playing field facilities in the county. The report looked into the current capacity of different sports in the county and the likely level of future demand. Whilst it does not specifically reference golf, it does say that in terms of 'other sports', there is adequate existing provision and also adequate provision to address future demand to 2038.
- 4.1.19 Officer's assessment: Officers have considered the applicant's assessment in relation to the requirements of paragraph 99(a) of the NPPF. Officers accept that the demand for the facility had been falling for some years, and that this was in line with market trends for other golf facilities. The Council, as owner of the site, undertook an appropriate consultation to invite community views on the options for the future of the site. The responses to this consultation were taken into account as part of the Cabinet resolution to declare the site surplus to requirements and market the site on the open market. The requirement to invite bids for the site as it was a registered ACV was

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

undertaken and this did not result in any bids coming forward. The site has been closed for four years. It has not been fenced off to exclude access but it is understood that the Council has not received any claims relating to public rights over it. There are numerous alternative recreation and open spaces within the local area which are available for public use. The Open Space and Recreational Needs Assessment which was undertaken on behalf of the Council in 2018 in support of the Local Plan review does not specifically reference the former pitch and putt site or pitch and putt provision generally. Furthermore, the Council's Strategy and Action Plan 2020 (Playing Pitch and Outdoor Sports Strategy), whilst not specifically referencing pitch and putt or golf, does indicate that provision for 'other sports' is adequate at present and sufficient for future demand.

- 4.1.20 On the basis of the above considerations Officers conclude that the assessment undertaken by the applicant demonstrates clearly that the site is 'surplus to requirements' and therefore the test in paragraph 99(a) of the NPPF is met.
- 4.1.21 As noted in the original committee report for the 2<sup>nd</sup> May meeting, as the proposal is considered to meet the test in paragraph 99(a) it does not need to meet the tests in (b) and (c). Notwithstanding this, the following comments are of relevance in relation to (b) and (c):
- 4.1.22 Paragraph 99(b) – the extent to which the loss is replaced by equivalent or better provision in terms of quantity and quality in a suitable location  
In response to the consultation that was undertaken on options for the future of the pitch and putt site, which was carried out in 2016 and in to 2017, Sport England advised that whilst they do not comment on proposals involving pitch and putt, they would encourage the opportunity for securing financial contributions towards other sports facilities that the redevelopment of the site could bring. Similarly, the Meole Brace Golf Club suggested that alternative 'beginner' facilities are provided in a suitable location on adjacent land. As part of the Council's resolution to dispose of the land, it was agreed that a sum of money from the capital receipt from the sale of the site would be ring-fenced for improvements to the adjacent main golf course. The applicant has confirmed that these improvements would take the form of a reinvestment in the golf course and would include elements aimed at beginners such as a putting green, chipping green/bunker and practice nets. Potential areas for improvement are shown highlighted in purple and orange on the plan below. The applicant has advised that club members and staff would be consulted on the details of these additional facilities.
- 4.1.23 The Council's Assistant Director Commercial Services has confirmed by letter that the Council commits to investing £50,000 or a sum very close to £50,000 to complete the improvement works within a period of one year from the date the land sale completes. It should be noted that this is a commitment that has been made outwith the current planning application, and would be triggered by the sale of the land and not by any

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

grant of planning permission. In addition, it is acknowledged that these improvements to the adjacent golf course cannot be considered to amount to 'equivalent or better provision'. Nevertheless, it is considered that it does constitute some degree of compensation for the loss of the open space and would benefit the golf course itself and improve golf opportunities in the wider area.



4.1.24 Paragraph 99(c) – the extent to which the development is for alternative sports and recreational provision, the benefits of which outweigh the loss

The existing pitch and putt facility was closed in 2019. The proposed development would result in the loss of the open space. It is proposed that the commercial element of the site includes the provision of a gym with an area of 979m<sup>2</sup>. The proposal therefore would provide an alternative sports and recreation facility at the site.

## 4.2 Traffic assessment

4.2.1 The applicant's transport consultant has provided a technical note to address the request of Members for a review of the Traffic Assessment to consider busy times. Concerns over traffic impacts appear to relate primarily to the commercial element of the proposal. Officers do not consider that the care home element of the proposal raises significant highway and traffic implications. This is because, as explained in the

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

Travel Plan, residents are not expected to be car owners or drivers given their age and infirmity. The majority of car trips would therefore be likely to be by care home staff, visitors, emergency and delivery vehicles. It is considered that the access and egress arrangements are satisfactory to accommodate this level of use.

4.2.2 Concern has been raised that the applicant's Traffic Assessment was based upon data collected on one weekday in early April 2022 and that that it is unrepresentative and does not reflect the high traffic flow at Meole Brace roundabout at peak times, including weekends and holidays. Whilst it is true that the traffic survey was undertaken on one day, this formed part of a 7-day ATC survey which was undertaken throughout that week. The Assessment has taken into account the whole of the data collected, and includes consideration of peak period traffic flows. The methodology used includes a capacity assessment of the Meole Brace roundabout for a future year of 2029. The layout of the drive through elements takes account of the time taken for orders to be fulfilled and the Traffic Assessment explains that the drive-through lane for the Starbucks site could accommodate eight cars, and the KFC lane could accommodate 14 cars, with other spaces available if required, without vehicles stacking back into the car park.

4.2.3 As was explained in the original committee report, paragraph 111 of 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. The Council's Highways Officer has assessed the additional information and considers that it adequately demonstrates that the proposals are acceptable and that refusal of the application on the grounds that the cumulative impact of the development would be severe would not be justified.

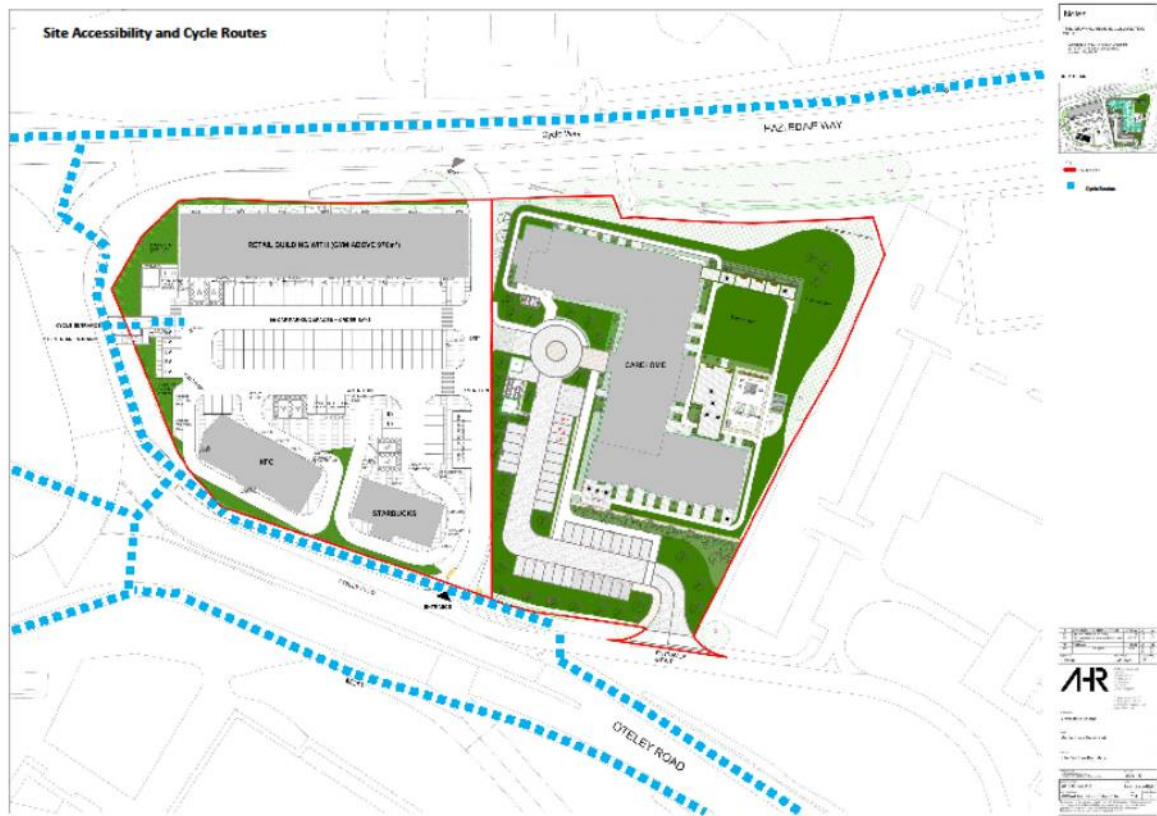
### **4.3 Active travel**

4.3.1 The further information that has been submitted by the applicant shows improved and separate cycle access into the site and plan, and how these link in with the active pedestrian and cycle routes around and connecting the site. The plans have been updated to show the improved and wider designated cycle entrance into the site, with a separate pedestrian route. The cycle route plan shows that the current designated cycle route only crosses one entrance to the site (see below).



# AGENDA ITEM

## Proposed Commercial Development Land To The South Of Hazledine Way



### 4.4 Drainage considerations

4.4.1 As part of the deferral, Members requested further information regarding foul discharge from the site. The applicant has advised that a blockage at the site has now been cleared and drainage issues that were associated with this have now been addressed.

4.4.2 In relation to foul drainage proposals, as explained in the original committee report, it is proposed that foul water from the development is disposed of to mains sewer. The applicant has made enquiries to Severn Trent Water (STW) in relation to existing infrastructure and records. STW has confirmed that the property is not recorded as being at risk of internal flooding due to overloaded public sewers. Details of proposals for dealing with foul drainage are included in the submitted Drainage Strategy which has been prepared by the applicant's drainage consultants. This states that as there are no adopted sewers within the immediate area of the development. It proposes that foul drainage would be connected to the existing network / pumping station that serves the adjacent health club. It states that alternatively, if this option is not viable, then foul drainage would discharge into the sewer network under an agreement with Severn Trent Water.

4.4.3 In response, the Council's Drainage team have recommended that a condition is imposed to require that the development does not take place until a scheme of surface

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. It is considered that the proposed arrangements for dealing with foul water are acceptable in principle and there does not appear to be any technical constraint to connecting to the public sewer network. Therefore it is considered that it is appropriate for detailed designs for foul (and surface) water drainage to be agreed as part of a planning condition. This would be worded to ensure that the development does not commence until an acceptable scheme has been approved, and this would be considered in consultation with the Council's drainage team taking into account the further advice which has been provided by that team. An appropriate condition was provided as condition 4 in Appendix 1 of the original committee report.

## 4.5 Other considerations

- 4.5.1 EIA Screening: The proposed development is of a type which falls within Category 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, i.e. Infrastructure projects – urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas. The proposal meets the applicable threshold for this category as the development includes more than 1 hectare of urban development which is not dwellinghouse development. The proposal therefore constitutes Schedule 2 development.
- 4.5.2 The proposed development has been considered against the selection criteria in Schedule 3 of the 2017 Regulations and also to advice contained in Planning Practice Guidance (PPG) on Environmental Impact Assessment. In relation to sites which have not previously been intensively developed the indicative criteria and thresholds set out in the PPG are that (i) the area of the scheme is more than 5 hectares; or (ii) it would provide a total of more than 10,000m<sup>2</sup> of new commercial floorspace; or (iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings). The size and scale of the proposed development are significantly below these thresholds. Taking this into account, and other relevant matters, it is not considered that the proposed development would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Therefore under Regulation 6 of the 2017 EIA Regulations, Shropshire Council adopts the Screening Opinion that the proposed development is not EIA development and that Environmental Impact Assessment is not required.
- 4.5.3 Health issues: Concerns have been raised through public consultation on this application that a fast food outlet, tanning salon or drive through coffee shop is conducive or in line with Shropshire Council's health recommendations aimed at reducing overweight and obesity levels. There are no specific planning policies which restrict the development of fast food or drive through facilities on health grounds. In terms of recent planning decisions, planning permission was granted in July 2023 for the erection of a restaurant and a coffee shop, both with drive-thru facilities (both

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

Class E(b) / Sui Generis), access, car parking, landscaping and associated work at Chartwell Business Park in Bridgnorth. In addition planning permission was granted in 2022 for the erection of a drive-through restaurant following demolition of existing restaurant at Old Potts Way in Shrewsbury. Officers do not consider that refusal of this application due to concerns over health implications would be warranted.

- 4.5.4 Need for care home: Objections have been received on the grounds that there is insufficient need for a care home. Issues relating to the need for care homes were discussed in sections 6.1.2-6.1.3 and sections 6.1.7-6.1.8 of the original Committee Report. With regard to the need for specialist housing (including Care Homes), Members should note that the Strategic Housing Market Assessment (SHMA) Part 2 includes an assessment of the need for specialist housing in Shropshire and does identify a need for additional Care Home provision over the period to 2038. Given that this site is located within the development boundary for Shrewsbury, it is considered that a Care Home in this location can contribute to meeting the longer term needs of Shropshire.
- 4.5.5 Retail impact assessment; need for food and drink outlets: Objections, including those by the Shropshire Playing Fields Association have referred to the need for a retail impact assessment and that there is no need for additional food and drink outlets. These matters were discussed in the original committee report, at paragraphs 6.1.2 – 6.1.3 and 6.1.9 – 6.1.13. Officers would re-iterate that the site lies within the development boundary of Shrewsbury. The site is not allocated for any specific purpose and represents a potential windfall opportunity, for which there is policy support in principle and there is no requirement *per se* to demonstrate a need for additional food and drink outlets. A Retail Assessment has been carried out and was discussed in the original committee report. Paragraph 6.1.2 concluded that the proposal would not have a 'significant adverse impact' on Shrewsbury town centre, which is the test required under SAMDev Plan policy 10b.

## 4.6 Amended recommended conditions

- 4.6.1 The original committee report recommended that, should planning permission be granted, this should be subject to the conditions included in Appendix 1. It is recommended that conditions 7 and 14 are amended as follows.

*7.(a) Prior to the commencement of development of the retail, leisure and drive-through facilities, full engineering details of the egress onto Hazledine Way, and the Oteley Road slip road access and the pedestrian and cycle access at the western side of the site shall be submitted to and approved in writing by the Local Planning Authority. The retail, leisure and drive-through facilities development hereby permitted shall not be first brought into use or opened to trading until the Oteley Road slip road access, Hazledine Way egress and the pedestrian and cycle access for the retail, leisure and drive-through facilities has been constructed fully in accordance with the approved scheme.*

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

*(b) Prior to the commencement of development of the Care Home, full engineering details of the Oteley Road slip road access and egress shall be submitted to and approved in writing by the Local Planning Authority. The Care Home shall not be occupied until the approved Oteley Road access and egress for Care Home has been constructed fully in accordance with the approved scheme.*

*Reason: To provide adequate means of access and egress from the site and in the interest of highway safety.*

*16. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Tree Protection Plan drawing number Arbtech TPP 01 and Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site for each phase, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development for each phase and be moved or removed only with the prior approval of the LPA.*

*Reason: To safeguard the amenities of the local area by protecting trees.*

## **5.0 Updated planning balance and conclusion**

- 5.1 The additional information that has been submitted was in response to the issues raised by Members when the application was brought to planning committee on 2<sup>nd</sup> May 2023. Officers consider that this further information has satisfactorily clarified these issues. The updated assessment of the planning balance, and the conclusion, is as follows.
- 5.2 The proposed development would provide a mixed-use development of retail, leisure, restaurant, café, and residential care home within the development boundary of Shrewsbury. The care home would provide specialist housing for older people, the need for which national planning guidance states is 'critical', and the location for which is acceptable under Development Plan policy. The assessments undertaken as part of the planning application conclude that the proposed commercial element of the scheme meets the requirements of the sequential test in terms of its out of town centre location, and that it would not have a significant adverse impact on the town centre. The proposal is located on land which was formerly used as a 'pitch and putt' site. This site closed in 2019 and has now been identified by the Council as surplus to requirements. The proposal would lead to the loss of an area of open space and, in line with the requirements of the NPPF, an assessment has been undertaken. Officers consider that this assessment has clearly shown that the site is 'surplus to requirements' and that the proposal is not in conflict with NPPF paragraph 99(a). In addition the proposals would include the provision of an alternative recreation facility in terms of a gym on the site; and a commitment is in place to provide investment in the adjacent golf course to provide facilities on that site for beginners.

# AGENDA ITEM

Proposed Commercial  
Development Land To The  
South Of Hazledine Way

- 5.3 The proposed development is compatible with surrounding land uses and officers do not have any significant concerns in relation to its design and layout. Whilst the development would necessitate the removal of a number of trees from the site it is considered that there would be sufficient retention of existing vegetation, and appropriate compensatory planting, to ensure a satisfactory visual appearance in this location. The landscaping proposal would also provide biodiversity enhancements. The amount and quality of open space for the care home is appropriate. Whilst there may be additional opportunities to improve the sustainability credentials of the proposed scheme, it is considered that the development is acceptable in relation to existing policy.
- 5.4 The access and egress arrangements are acceptable in principle following modifications to the proposal, and the residual concerns can be addressed through further design work which can be agreed as part of planning conditions. In addition opportunities to maximise sustainable modes of transport can be agreed as part of a Travel Plan for the commercial units. The methodology used in the Transport Assessment is considered to be appropriate.
- 5.5 The proposal would result in economic and social benefits in terms of employment creation, investment, housing provision, and commercial development. It is predicted that the care home would create between 70 and 80 jobs. It would also provide biodiversity enhancements, and would therefore contribute towards sustainable development objectives. In conclusion it is considered that the proposal is acceptable in relation to Development Plan policies and it is therefore recommended that planning permission is granted subject to the conditions set out in Appendix 1.

## 8. Risk Assessment and Opportunities Appraisal

### 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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than six

# AGENDA ITEM

Proposed Commercial Development Land To The South Of Hazledine Way
--

weeks after the grounds to make the claim first arose 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.

## 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.

## 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. Financial Implications

There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this application – in so far as they are material to the application. The weight to be given to this issue is a matter for the decision maker.