



<p><u>Committee and date</u></p> <p>Northern Planning Committee</p> <p>2nd May 2023</p>
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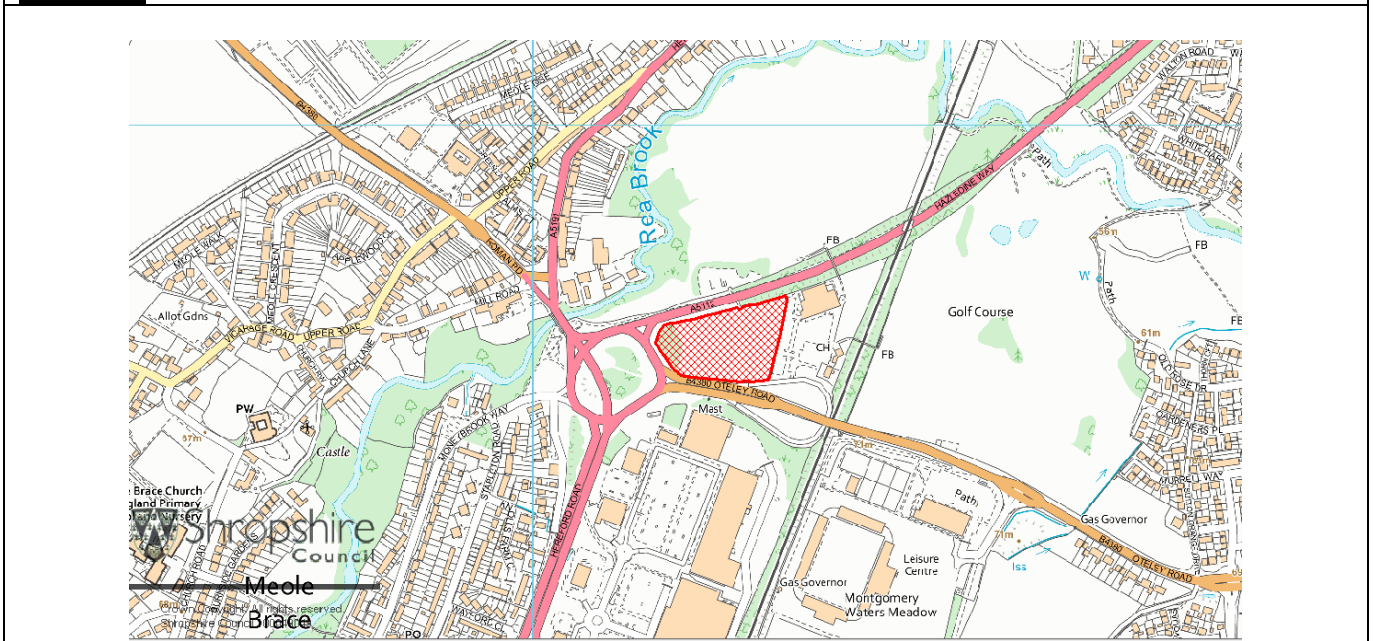
## Development Management Report

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



## REPORT

**Recommendation: Delegate authority to the Planning and Development Services Manager to grant planning permission subject to the conditions listed in Appendix 1 and to any modifications to those conditions as considered necessary.**

### 1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for a mixed use development on land between Hazledine Way and Oteley Road in Shrewsbury. The proposal would include retail, gym, drive-thru coffee shop and drive-through 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.
- 1.2 The layout would be divided into two distinct elements. The western side would accommodate the mixed retail, leisure and drive through units; the care home would be on the eastern side.
- 1.3 Mixed retail, leisure and drive through units: At the northern side of this part of the site there would be a two-storey building comprising five retail units on the ground floor and a gymnasium on the first floor. The retail units would range in size from 111m<sup>2</sup> to 408m<sup>2</sup>, and the gym would be 1013m<sup>2</sup>. External materials would include glazing and grey brick on the ground floor, and black cladding and tinted glass for the gym above. At the southern side there would be two single-storey detached units: one would be a coffee shop (167m<sup>2</sup>) and the other would be a restaurant (240m<sup>2</sup>). Proposed materials would include timber cladding, dark metal cladding, and brickwork. Both of these units would have drive-through facilities. A substation would be situated on the western side of the site and have a height of up to 3.15 metres. A shared car parking area would be provided in the centre of this part of the site, and further parking spaces adjacent to the drive-through units, with a total of 100 spaces. Vehicular access to this part of the site would be provided via a new entrance off Oteley Road to the south, with the egress being onto Hazledine Way to the north via a new exit road.
- 1.4 Residential care home: This would provide 80 bedrooms across two and three floors with communal facilities including lounge and dining areas, a cinema room, library, and therapy rooms. The total internal floorspace would be 4684m<sup>2</sup>. The application documents state that it is anticipated that the proposal would provide care for older people, respite care; dementia care; and convalescence care. Staffing would be provided 24 hours a day, and it is anticipated that there would be approximately 55 full time employees. The building would be 'S' shaped, with a design that includes stepped facades, flat roofs and balconies. The external materials would include a mix of brickwork, render and cladding. The bedrooms would be a minimum of 15m<sup>2</sup> with en-suite facilities.
- 1.5 Open space would include informal lawn, a communal garden with seating areas, an events lawn and a therapy garden. There would be 38 car parking spaces and

facilities for cycle parking. Vehicular access would be provided via a new entrance point from the existing service road off Oteley Road which leads to the Bannatynes car park. The exit would be back onto Oteley Road via the existing service road. This loops underneath Oteley Road and brings traffic back onto the westbound carriageway close to the Meole Brace roundabout.

## 1.5 Modifications

Since the application was originally submitted, the following further information and modifications have been provided:

- Ground Investigation reports to establish the prevailing ground conditions
- Statement in response to concerns raised by the Town Council
- Further information in response to matters raised in relation to ecology, trees, highways, open space and design considerations
- Revised layout plan to address highways concerns regarding egress from the site
- Plans to clarify tree retention proposals
- Additional landscaping information
- Sustainability checklists
- Waste audit statements
- Coal Mining Risk Assessment report
- Modification to site boundary to incorporate a track for use by Town Council maintenance vehicles
- Stage 1 Road Safety Audit
- Additional information relating to drainage strategy

## 2.0 **SITE LOCATION/DESCRIPTION**

2.1 The application site is located on a parcel of land between Hazledine Way and Oteley Road in the Meole Brace area of Shrewsbury. Those two roads form the northern, western and southern boundaries of the site. To the east is the Bannatynes Health Club and Spa. Further afield to the north and east is the Meole Brace Golf Course; to the south is the Meole Brace Retail Park; and to the west is a roundabout beyond which the land is in residential use. The site comprises an area of grassland with mature trees and hedgerow around its boundaries, extending to an area of approximately 1.6 hectares. The site was previously used as a “pitch and putt” course associated with the adjacent Golf Club. That use ceased in 2019.

## 3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The proposal is on land which is owned by Shropshire Council and relates to development which is not in line with the Council’s statutory functions. Under the Council’s scheme of delegation such applications are required to be determined by Planning Committee.

## 4.0 **Community Representations**

4.1 -Consultee Comments

4.1.1 **Shrewsbury Town Council** Objects. The Town Council objected to this application on the grounds of overdevelopment, concerns about highways and the lack of green

space proposed for the care home. The Travel Plan provided is incorrect and needed further investigation, e.g., it states that buses to the site will be available at night and gives inaccurate travel times to the station and town centre. Active travel to the site also needed to be considered further as the plans are currently very car centric. Members felt that the development was 'crammed on' to a small site. There did not appear to be enough provision for pedestrians to cross nearby roads and Members respectfully requested that SC Highways investigate this further. It was felt that the proposed exit road on to Hazeldine Way was dangerous as the road had a speed limit of 50mph.

The application was also objected to on operational grounds for Shrewsbury Town Council. The Municipal Golf Course is divided by Hazeldine Way. Small ride-on Golf Course specialist maintenance vehicles and equipment access the disused Pitch and Putt Course down a narrow track and cross Hazeldine Way via the field gate positioned in the boundary hedge. No provision for this access appeared on the plans to allow vehicles safe access onto the course from the Golf Course Depot Facilities positioned next to Ballantynes. The current plans isolate the access to the course from the Maintenance Depot which contained all the specialist course vehicles and machinery. The current proposals would direct all maintenance machinery around the busy Meole Island, the equipment is slow and not designed for daily road use.

The land has a well-established natural mixed buffering screen, forming a natural hedge, this should be protected and retained. The boundary contains a mixture of well - established trees which should be protected with TPOs, and Members respectfully requested that the Tree Officer from Shropshire Council investigate this. The removal of any of the hedge for access roads should be limited to the minimum width required and large swathes of hedgerow removal should be avoided.

It was reported that the site also had issues with travellers gaining unlawful access and it was suggested that deterrents are put in place to prevent unauthorised encampment.

It was suggested, with many of the building designed with flat roofs, this provided a great opportunity to green these with permanent planting to reduce the carbon footprint of the development.

The grounds of the Care Home also had the opportunity to create some wetland areas to encourage biodiversity in and around the conservation areas proposed, developing a sustainable drainage system.

4.1.2 **SC Conservation** No response received.

4.1.3 **SC Archaeology** No comments to make on this application with respect to archaeological matters.

4.1.4 **SC Regulatory Services** No objection.

The following reports have been submitted in support of this planning application:

- GIP Ltd; Phase I Geotechnical and GeoEnvironmental Assessment for a Proposed Commercial Development at Meole Brace Golf Course, Oteley Road, Shrewsbury; 13th October 2016, AP/25197 FINAL;
- GIP Ltd; Ground Investigation Report for a Proposed Residential & Commercial Development at Meole Brace Pitch & Putt, Oteley Road, Shrewsbury; for Cordwell Property Group; 17th April 2020, Ref. 27805 FINAL.

The results of the investigation in respect of soil contamination have not identified any significant risks to human health and therefore no further assessment is required.

A potential risk from ground gas has been identified and Environmental Protection has requested that a separate Mine Gas Risk Assessment is necessary in order to ensure that all potential risks are assessed.

Having considered the application it is noted that the site is within a Coal Mining Reporting Area (as defined by the Coal Authority).

The presence of a development over coal workings or areas of non-coal mining, does not necessarily mean that there are risks due to gas emissions. There are specific circumstances when mine gas can pose a significant risk (acute or chronic) to development. It is therefore important that these risks are assessed by undertaking a Mine Gas Risk Assessment.

For all new development located within the defined coal mining areas (i.e., Development Low Risk Areas and Development High Risk Areas), the Local Planning Authority will require a Mine Gas Risk Assessment (MGRA) to be undertaken by competent, qualified and experienced mine gas risk assessors, in accordance with current guidance and industry best practice e.g., Environment Agency (EA) 'Land Contamination Risk Management (LCRM)' guidance and CL:AIRE, 2021 'Good Practice for Risk Assessment for Coal Mine Gas Emissions' (ISBN 978-1-905046-39-3). Competence must be demonstrated in accordance with current guidance and industry best practice. A 'Decision Support Tool' is included in the CL:AIRE guidance to assist in the process.

Accordingly, as the proposed development site is located in both a Development Low and High Risk Area, Environmental Protection recommends that a condition is added to the decision notice if permission is granted to require that a mine gas risk assessment is submitted and approved.

Further comments: The further report that has been submitted does not constitute a Mine Gas Risk Assessment having regard to the October 2021 CL:AIRE guidance. A detailed risk assessment is required.

#### 4.1.5 **SC Ecology** Recommends conditions.

The survey work carried out is acceptable. The preliminary ecological appraisal and

preliminary roost assessment carried out by Arbtech (January 2022) found no evidence of protected or notable species during the PEA and PRA. Suitable habitat for nesting birds was identified within the boundaries and scattered trees on site. Two ponds were identified within 500m. These are not considered to be impacted by the proposed development. No further surveys were recommended.

Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area.

SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of bat and bird boxes will enhance the site for wildlife by providing additional roosting and nesting habitats. Other ecological enhancements are also recommended.

It is recommended that conditions are included on the decision notice to cover the following matters:

- Submission of Construction Environmental Management Plan for approval
- Provision of bat and bird boxes
- Prior approval of external lighting
- Submission of landscaping plan for approval
- Work to take place in accordance with method statement

#### 4.1.6 **SC Trees** Recommends conditions.

Further to this team's previous comments on this site it is noted that the updated landscaping proposals for the care home element of the scheme now include the requested woodland type planting of native shrub and tree species to compensate for loss of trees, provide a stronger boundary treatment and offer long-term biodiversity gains.

Should this application be approved it is recommended that conditions are imposed to require that the trees that are to be retained are protected during development works; that a tree specialist shall be appointed to undertake supervision and monitoring of the tree protection fencing and ground protection measures; and that all services are routed outside the root protection areas unless a detailed method statement and task specific tree protection plan has been approved.

#### 4.1.7 **SC Highways** No objections.

The following highway comments reflect the updated layout plan and additional information.

From a highway aspect, whilst there remains some concerns regarding the egress onto Hazledine Way, it is considered that this can be dealt with as part of the Section 278 process, which will include the full submission of engineering details and Road Safety Audit process that will identify and resolve any highway safety and mitigation measures required prior to any development being commenced. Key therefore will be

to ensure that the Section 278 process is undertaken prior to any works commencing on site.

As indicated in earlier comments, the Care home proposals now allow for both entry and exit off the current slip road arrangement serving the Gold Course and Bannatynes Gym. This also provides potentially emergency access from the western development site.

A minor amendment to the scheme is required in terms of the proposed pedestrian routing into the site on the western side of the site and linking with the current cycleway to ensure that cyclists can be fully accommodated as well as pedestrians.

Whilst highways therefore have no objection to consent being granted, conditions should be imposed to cover the following matters:

- Submission of full engineering details of access and egress onto Hazledine Way and Oteley Road; no use of development until Hazledine egress has been completed
- Completion of surfacing, car parking areas and road layout prior to first use
- Submission of Construction Traffic Management Plan/Construction Method Statement and phasing plan for approval prior to commencement
- Upon first use of the care home, implementation of Travel Plan which shall remain in force for the lifetime of the development
- Submission of Travel Plan for the retail and leisure units and drive through units for approval

Background comments: The proposal seeks to develop the former Pitch & Putt facility that was complementary to Meole Brace Golf Course and developing into a Care Home on the eastern side of the site and food restaurant/Drive Thro on its western side. The 2 distinct development halves would be accessed from the slip road that current serves Bannatynes and Golf Course with exit left turn only onto Hazledine Way. It is not possible to realistically achieve a right turn option out onto Hazledine Way and this has been previously assessed. A Transport Assessment (TA) has been submitted in support of the application proposal and a Stage 1 Road Safety Audit (Stage 1 RSA) carried out to assess the highway safety implications of development proposals.

The site layout effectively results in a left in and left out of the site as there is no potential to provide a right turn onto either Hazledine Way or Oteley Road. In reality what this means is that any driver leaving the site wishing to travel along Hazledine Way in an easterly direction or Oteley Road in an easterly direction, would have to use Meole Brace Roundabout as the 'U' turn. All other movements can be accommodated. Whilst undesirable, this is not a substantive concern providing that entry and exit to and from the site are fit for purpose and do not raise adverse highway safety concerns.

The TA concludes that the development traffic can be adequately accommodated on the highway network. The highway authority have no material grounds to dispute this

point or the overall findings of the TA, however the main issue to address is both the entry and exit of the site and in this regard a Stage 1 RSA has been carried out. This concludes that there are no identified safety issues raised as regards the entry points. With regard however to the Care Home there is the potential option that both entry and exit onto the slip road is achievable and should be considered. [Note: revised plans have now been submitted to show an additional exit from the care home back onto Oteley Road].

Exit onto Hazeldine Way represents the greater challenge to ensure that safety is not compromised and to prevent any exiting traffic being able to turn right. The Stage 1 RSA indicates that Hazeldine Way is subject to a 40mph speed limit. This is incorrect as the speed limit is 50mph. For the left out manoeuvre adequate visibility is achievable, with the access designed to cater for all vehicle types. The speed limit would however need to be assessed as part of the detailed design and Section 278 Agreement. This would include the inclusion of the central island to restrict the left turn manoeuvre and prevent any right turn off Hazeldine Way into the site. Again this would be the subject of the 278 Agreement design check and Stage 2 RSA. Point A4.1.1 raises a concern regarding pedestrians/cyclists potentially crossing at the kerbed island and this has not been addressed as part of the current submission and would be best considered at this juncture rather than at the detailed design stage.

- 4.1.8 **SC Drainage** Outline drainage details have been supplied in the Meole Brace, Shrewsbury Flood Risk Assessment and Drainage Strategy report.

In order to develop the surface and foul water designs to satisfy the LLFA's requirements, reference should be made to Shropshire Council's SuDS Handbook which can be found on the website at <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

The Appendix A1 - Surface Water Drainage Proforma for Major Developments must also be completed and submitted with the application.

- 4.1.9 **SC Planning Policy** No response received.

- 4.1.10 **SC Affordable Housing** No response received.

- 4.1.11 **Sport England** No objection. The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:  
[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning\\_applications](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications)



If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Para. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

*[Case Officer note: the relevant paragraph of the NPPF is 99, not 97 as quoted above.]*

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

## **4.2. -Public Comments**

4.2.1 The application has been advertised by site notice, and also in the local press. Three public representations have been received, objecting to the application on the following grounds:

- Inadequate measures to encourage active travel
- Impact on cycle and pedestrian path from creation of vehicle access onto Oteley Road; safety hazard
- No entrance to the site for cyclists from Hazledine Way
- Inadequate Travel Plan
- Transport Assessment does not assess impacts on the Meole Brace island on weekends, when the traffic is at its worst
- Insufficient consideration to impact on children travelling down Oteley Road to schools and other pedestrians; dangerous entry and exit points
- Dismal outlook of care home onto commercial development

- Facilities for younger generation like swimming pools, community halls etc. required
- Opening up additional fast food eateries is doing little to encourage a healthy society
- Concern over tree removal and impact on wildlife
- Concern over additional car journeys
- Policies encourage an increase in walking and cycling for short journeys

## **5.0 THE MAIN ISSUES**

### **5.1**

- Principle of development
- Design, scale and character
- Historic environment consideration
- Residential and local amenity considerations
- Highways and access considerations
- Ecology issues
- Water resources and pollution issues
- Affordable housing
- Planning balance

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

#### **6.1.1**

Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan includes the Core Strategy and the SAMDev Plan. The National Planning Policy Framework (NPPF) and national planning practice guidance are material planning considerations. In terms of emerging planning policy the draft Shropshire Local Plan (2016 – 2038) was submitted to the Secretary of State for examination on 3rd September 2021. Stage 1 hearing sessions covering legal and strategic issues took place in July 2022. Stage 2 hearing sessions which are likely to focus on the development management policies and site allocations are to take place during 2023. Given the stage of plan preparation it is considered that some limited weight can be given to relevant draft policies in the draft Shropshire Local Plan, as a material consideration in the decision making process.

#### **6.1.2**

Locational considerations: Core Strategy policy CS1 states that Shrewsbury will be the focus for significant retail, office and employment development, and will accommodate 25% of Shropshire's residential development over the plan period. Policy CS2 and policy S16.1 set out the development strategy for Shrewsbury, with particular emphasis on development coming forward within allocated sites and sites within the Development Boundary. The application site lies within the Development boundary for Shrewsbury, and therefore the proposal accords with the general settlement strategy for the town as set out in the above policies.

#### **6.1.3**

In terms of draft policies the site lies with the proposed Shrewsbury Development Boundary as shown on plans forming part of the draft Local Plan. The draft Plan does not propose to allocate the application site for any specific purpose. Draft Settlement policy S16.1 provides for new residential development to take place on residential and

mixed-use allocations, and states that this will be complemented by residential and mixed-use development opportunities within the development boundary, particularly the town centre.

- 6.1.4 Former use of site: 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.
- 6.1.5 The proposed development would result in the loss of land previously used as a “pitch and putt” but the adjacent golf club, with 12-hole parkland course, will remain fully open and in operation. The “pitch and putt”, which is owned by Shropshire Council, closed in 2019 due to being surplus to requirements. The Council’s Commercial Performance and Project Manager has confirmed that alternative options were explored before the land was identified as surplus to requirements, and efforts for community transfer yielded no interests from community organisations. At its meeting in March 2017 the Council’s Cabinet assessed options for the pitch and putt course and resolved that the facility is declared surplus to requirements. Cabinet also agreed to the marketing of the site on the open market. The site had been registered as an Asset of Community Value (ACV). The required steps to allow community bodies to come forward to make a bid for the asset were taken. No qualifying bodies made a bid during the relevant six month period, and it is understood that the ACV listing was removed in 2019. In view of this and the formal decision of Cabinet, it is considered that the land has been clearly shown to be ‘surplus to requirements’ and therefore the test in the paragraph 99(a) of the NPPF is met.
- 6.1.6 As the proposal meets the test in paragraph 99(a) it does not need to meet the tests in (b) and (c). However the proposal would provide for alternative sports and recreation provision in terms of a gym facility. Therefore, notwithstanding that the pitch and putt facility has been closed for some years and is surplus to requirements, the proposed gym would nevertheless ensure that there would be some recreational facility in this area. In addition, it should be noted that there is no identified need in the Council’s Playing Pitch and Outdoor Sports Strategy (PPOSS) for ‘pitch and putt’ provision in Shropshire. Overall, it is considered that there are no significant issues raised in respect of the principle of an alternative use for the land.
- 6.1.7 Locational consideration – care home: Core Strategy policy CS11 supports the provision of specialist housing, including residential and extra care facilities, in appropriate locations where there is an identified need. The NPPF includes policy to significantly boost the supply of homes and recognises the importance of meeting the specific housing needs of certain groups including the elderly. National planning practice guidance on Housing for older and disabled people states that “the need to provide housing for older people is critical”. The location for this care home within the Development boundary is acceptable in principle.

- 6.1.8 The national planning practice guidance on Housing for older and disabled people states that development should address the needs of people with disabilities and reduced mobility. The site lies within an accessible location, close to services and facilities. There are numerous footways and cycleways which provide options to gain access to these. This would reduce the need for reliance on private or other vehicles to achieve connectivity.
- 6.1.9 Location – commercial element: Policy CS2 highlights the importance of the Meole Brace retail park and notes that it has scope for enhancement and expansion if required. It should be noted that the application site lies adjacent to the retail park but does not form a part of it. Policies CS2 and CS15 seek to maintain and enhance the vitality and viability of the town centre, and advocates a sequential approach to site selection. This means that only if suitable sites are not available in the town centre should out of centre sites be considered.
- 6.1.10 The NPPF sets out the appropriate tests to ensure town centre uses in out of centre locations are acceptable and do not have significant adverse impacts. It states that retail and leisure development outside town centres which are not in accordance with an up-to-date plan should include an impact assessment. This should include the impact of the proposal on investment in centres in the catchment of the proposal, and the impact of the proposal on town centre vitality and viability. SAMDev Plan policy MD10b requires that an impact assessment is required for new retail, leisure and office proposals which are outside the town centre, and not in accordance with the area's settlement strategy, and have a floorspace which exceeds 500m<sup>2</sup>.
- 6.1.11 A Retail and Centres Assessment forms part of the application. This includes a sequential test. This notes that the retail and service element of the proposed development would only perform a relatively local function, helping to meet the needs of those living in the southern part of Shrewsbury. The proposed gym would perform a general health and fitness function offering a mixture of equipment and classes. It is not the intention for it to be a specialised facility. The proposed food and beverage outlets would provide a drive-through function. In terms of the overall development proposed the assessment states that it would include approximately 1,931m<sup>2</sup> of retail and leisure space and that this, taking into account the multiple units, cannot be accommodated elsewhere. The assessment has considered other sites sequentially and identifies that they do not represent suitable and available alternatives for development of the type proposed. It therefore concludes that the proposal meets the requirements of the sequential test.
- 6.1.12 In terms of potential impacts on investment in the town centre the assessment notes that a comprehensive scheme of redevelopment of the town centre is planned. It notes that there is no drive-through provision in the town centre and that there is a wide range of food and beverage outlets in the town centre. It states that health and fitness facilities are heavily concentrated in the northern part of the town, and that the retail elements would be likely to perform a local function. The units would not be of a sufficient size for a larger supermarket; and would not compete directly with the town centre. It states that it would more likely divert trade from the Meole Brace retail park.

Officers concur with the findings of the Retail and Centres Assessment and consider that the sequential test is met and that the proposal would not have a 'significant adverse impact' on Shrewsbury town centre. The proposed commercial element is therefore acceptable in principle in this location.

6.1.13 In summary, the proposed commercial units and care home can be supported in this location in principle.

## **6.2 Design, scale and character**

6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. It states that development will be designed to a high quality using sustainable design principles. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value, and demonstrates how good standards of sustainable design and construction have been employed.

6.2.2 Care home: The care home building would have two and three storeys forming an 'S' shape. It would include flat roofs, stepped facades and other external features such as balconies and glazed balustrades. The materials palette would include a mix of brickwork, render and cladding. These would provide visual interest, helping to break up the elevations and reducing the apparent massing. It is considered that the design is appropriate for the area.

6.2.3 The bedrooms would be a minimum of 15m<sup>2</sup> with en-suite facilities. The application states that this is in excess of standards which require 12m<sup>2</sup>. The bedrooms and communal areas would outlook onto surrounding open space and/or existing vegetation. The trees and hedgerow between the proposed building and the public highway to the north are to be retained, and it is considered that there would be a satisfactory buffer to avoid adverse amenity from noise from traffic. The siting and internal layout is considered to be acceptable. Overall it is considered that the care home would present a contemporary design with an attractive appearance, appropriate to its local context.

6.2.4 Retail and gym; drive-through units: The proposed retail and gym building, and coffee shop and restaurant building, would have an appropriate design for their commercial function, and be of a scale which would be capable of being assimilated within the landscape without dominating the area. The coffee shop and restaurant would have one-way vehicle flow routes for the drive-through elements, and separate parking space for customers consuming on the premises. It is considered that this commercial element of the proposed development would have an acceptable layout, with a modern design, and officers raise no specific concerns in terms of its appearance.

6.2.5 Trees and open space: The application is supported by a tree report which includes a

tree survey, constraints plan, arboricultural impact assessment, method statement and tree protection plan. The submitted documents provide an assessment of the existing trees on the Site and identifies the associated root protection zones.

- 6.2.6 The site benefits from existing mature trees and hedgerow around its perimeter, and this includes a thick belt of trees on the western side. The proposals have been designed to retain the existing perimeter trees and hedgerow on the site where possible. Nevertheless it would result in the removal of 18 individual trees and the partial removal of 3 mixed groups and hedges. The accompanying arboricultural assessment confirms that no protected or notable trees would be removed. However the Council's tree officer notes that there would be a large loss of canopy cover of mainly B category trees. The majority of the perimeter hedgerow would be retained. Small sections would be removed to provide the required pedestrian and vehicle access. In addition a belt of trees would be retained along the western boundary of the site where this faces onto the Meole Brace roundabout.
- 6.2.7 In response to comments from the Council's tree officer the landscaping proposals have been amended to include woodland-type planting of native shrub and tree species. The submitted plans indicated that landscaping would also include new hedgerow, specimen trees, herbaceous planting and grassed areas. This would include 45 standard trees and extensive areas of mixed native species hedgerow. The Council's tree officer considers that the revised landscaping would compensate for the loss of trees. It is considered that tree retention along with additional planting would ensure that there remains a good vegetated boundary to the site which would help to screen the development and soften its appearance. Precise details of landscaping proposals can be agreed as part of a planning condition.
- 6.2.8 It is considered that the development as a whole would have a satisfactory layout. The commercial and the care home elements would be developed separately but would integrate satisfactorily in visual terms. The provision of built development as a replacement to an area of open land would result in significant changes to the visual character of the area. However, the design and scale of the proposal, in conjunction with the landscape retention and new planting, would ensure a satisfactory visual appearance, compliant with Core Strategy policies CS6 and CS17, and SAMDev Plan MD2.
- 6.2.9 Open space: In relation to open space provision, SAMDev Plan policy MD2 seeks the provision of adequate open space of at least 30m<sup>2</sup> per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural landscape features. It states that for developments of 20 dwellings or more, this should comprise an area of functional recreational space for play, recreation, formal or informal uses including semi-natural open space.
- 6.2.10 The care home development would provide a variety of outdoor spaces for residents and staff. These would allow opportunities for walking, sitting, outdoor eating, events and gardening. These areas would be linked by paths. The gardens would include

ornamental and native planting. In total this would amount to approximately 46% more open space that is indicated by policy MD2. It is considered that the open space proposed is satisfactory in terms of quality and quantity as sought under this policy.

6.2.11 Sustainability considerations: The application is accompanied by a Sustainability Checklist as required under policy CS6, and a Sustainability Strategy. The proposed care home has been designed to provide a 5% reduction of energy demand beyond Building Regulations requirements. Air source heat pumps are to be used on site. Electric vehicle charging points are to be provided. Low energy light bulbs are to be fitted, and white goods would achieve the highest energy efficiency ratings. Cycle parking would be provided, both to the care home and separately to the retail units. Alternative, renewable options for power requirements, such as solar pv and wind turbines, have been investigated but have been discounted. The Sustainability Checklist states that the relatively low wind speeds would not make this a viable option. It states that the retail proposal at this stage is being provided as “shell only” and therefore renewable options may be taken forward by individual tenants. In relation to comments from the Town Council the applicant has set out the constraints to providing green roofs to the development and these include the space required for plant, and access issues for safe maintenance. Policy DP11 of the draft Shropshire Local Plan seeks to raise standards that development proposals should meet in terms of environmental credentials, however given the stage of plan preparation and the representations that have been received in relation to this draft policy it is considered that limited weight can be given to this at the current time. In relation to current policy expectations and requirements, it is considered that the proposed development incorporates a satisfactory level of sustainable design elements and is in line with Core Strategy policy CS6. Further comment on this is included in the planning balance section below.

### 6.3 Historic environment considerations

6.3.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire’s historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.

6.3.2 The site does not lie within a Conservation Area. Given the distance to the nearest heritage assets, it is not considered that the proposal would adversely affect the setting of any listed building or adversely affect the character or appearance of any Conservation Area.

### 6.4 Residential and local amenity considerations

6.4.1 Core Strategy policy CS6 states that development should safeguard residential and local amenity. The site lies adjacent to existing areas of commercial development and to busy traffic junctions. The nearest residential properties are some distance away and the proposal would not result in adverse impacts on residential amenity. The proposal adopts a relatively self-contained layout. There would be some localised

impacts on amenity in the area due to the intensification of the use of the land. This includes the additional traffic that would use the existing entrance and exit to/from Bannantynes. However it is not considered that this would be unacceptable. The layout of the care home has been designed so that those rooms that are closest to the commercial units would not contain bedrooms, in order to minimise any adverse impacts to residents from proximity to and outlook on the retail activities. These parts of the building would house the kitchen, laundry and offices. It is considered that the nearest bedrooms would be a sufficient distance from the commercial units to maintain an acceptable level of residential amenity, in line with Core Strategy policy CS6.

## **6.5 Highways and access considerations**

- 6.5.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. Policy CS6 of the Core Strategy identifies a number of key requirements in order to achieve sustainable places which are inclusive and accessible. This includes: “Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced” and “...ensuring that all development: Is designed to be adaptable, safe and accessible to all...”. 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.
- 6.5.2 For the commercial units, vehicles would follow a one-way system with access to be gained from Oteley Road and the exit being via a new connection onto Hazledine Way. The access would be at a point shortly before the existing slip road to the Bannantynes health centre and the golf club. The Council’s highways officer has confirmed that this access is acceptable. A Stage 1 Road Safety Audit has been undertaken in respect of this exit arrangement. Whilst officers consider that the proposed exit is acceptable in principle, the highways officer has advised that some concerns do remain but that these can be dealt with as part of the Section 278 agreement process which will be required in connection with alterations to the public highway. Officers consider that these matters can be satisfactorily addressed and that therefore it would be appropriate impose conditions to require that full engineering details are submitted for approval.
- 6.5.3 In response to comments from the Council’s Highways Officer the access arrangements for the proposed care home have been updated so that it now provides an exit as well as an entrance onto Oteley Road. It is considered that this arrangement is acceptable.
- 6.5.4 No concerns have been raised by the Council’s Highways Officer in relation to the number of car parking spaces being proposed for each element of the mixed use scheme. The application states that developments of this kind would usually need to provide a minimum of one space per three registered care beds.



6.5.5 The Travel Plan identifies that the nearest bus stop is located close by on Hereford Road, and bus services operate Monday to Saturday. These services would ensure that alternative transport options to private vehicles are available to staff and customers to and from the site. The site integrates with the existing pedestrian and cycle routes in the local area, including the network of paths around the Meole Brace roundabout. Bicycle parking and storage is proposed within the site layout. A Travel Plan for the care home has been submitted. It is considered that this is acceptable and a condition can be imposed to require that this is adhered to. A framework Travel Plan for the commercial units has been submitted and a planning condition can require that a more detailed one is submitted for approval to ensure that the use of sustainable modes of transport are maximised.

6.5.6 Access for Town Council maintenance vehicles: The Town Council has raised concerns over the impact of the proposal on the existing route used by its maintenance vehicles to travel between its depot and the adjacent golf course. The proposal as originally submitted would have severed this route and required maintenance machinery to use the Meole Brace roundabout to travel between the two sites. Following a site meeting a solution has been identified and the site layout has now been modified to provide a dedicated access track to the rear of the care home. The Formal Space Manager of the Town Council has informally confirmed that this arrangement is satisfactory and that it meets their needs for the movement of maintenance machinery.

## 6.6 Ecology issues

6.6.1 Core Strategy policy CS17 (Environmental Networks) seeks to protect and enhance the diversity, high quality and local character of the natural environment, and to avoid significant adverse impact on environmental assets. SAMDev Plan policy MD2 requires that development enhances, incorporates or restores natural assets.

6.6.2 The submitted Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) confirm that the proposed development would have no direct impact on any designated sites, and found no evidence of protected or notable species. Suitable habitat for nesting birds was identified within the boundaries and scattered trees on site. Two ponds were identified within 500m, but these were not considered to be impacted by the proposed development. Neither the PEA nor the PRA recommend that further surveys are undertaken.

6.6.3 The Council's ecology team consider that the survey work that has been carried out is acceptable. They have recommended that a number of planning conditions are imposed to avoid ecological impacts during the construction phase and to provide biodiversity enhancement. These can be added to the decision notice. Subject to this it is considered that the proposal would provide biodiversity net gain at the site and comply with relevant policies on ecology protection.

## 6.7 Water resource and pollution issues

6.7.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural

resources, including soil and water.

6.7.2 Surface and foul water drainage: The submitted Flood Risk and Drainage Strategy confirms that the site lies within Flood Zone 1 which denotes areas of lowest risk of flooding. Due to likely poor infiltration rates on the site and the layout being proposed, soakaways for surface water drainage have been discounted. Instead it is proposed that surface water flows would be attenuated to greenfield runoff rates, through the provision of an underground attenuation tank. The application proposes that foul water would be disposed of to mains sewer. This would be achieved by either connecting to an existing network / pumping station by the B4380 or to an existing connection point through agreement with Severn Trent Water.

6.7.3 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. As requested by the Council's Drainage team, a Surface Water Drainage Proforma for Major Developments has now been submitted. This, and the other submitted information, sets out the proposed indicative drainage layout and strategy. It is considered that specific details can be dealt with through a planning condition, to require that development does not commence on each phase until full details of surface and foul water drainage have been approved. This would require that sustainable water management systems are incorporated within the development.

6.7.4 Ground conditions: Ground Investigation reports have been submitted as part of the application, in relation to any potential soil contamination and presence of ground gas. The Council's Regulatory Services team have reviewed these. They have confirmed that the reports do not identify any significant risks to human health in relation to soil contamination. In relation to ground gas, the team have identified that a Mine Gas Risk Assessment will be required and have advised that this can be dealt with by planning condition. An additional assessment report has been submitted however this does not meet the requirements of the relevant guidance. A planning condition can be applied to the decision notice to ensure that risks are properly addressed through an appropriate assessment.

## **6.8 Affordable housing liability**

6.8.1 The proposed residential care home falls within Use Class C2 and the Council's adopted Type and Affordability of Housing SPD advises that such developments are not required to make a contribution to affordable housing.

## **7.0 Planning balance and conclusion**

7.1 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 as surplus to requirements. Redevelopment of the site is therefore not in conflict with national planning policy.

- 7.2 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.
- 7.3 The access and egress arrangement 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.
- 7.4 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 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.

#### 10. Background

##### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS2 - Shrewsbury Development Strategy

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS11 - Type and Affordability of housing  
 CS15 - Town and Rural Centres  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD2 - Sustainable Design  
 MD8 - Infrastructure Provision  
 MD10B - Impact Assessments for Town and Rural Centres  
 MD13 - Historic Environment

Relevant planning history

PREAPP/17/00548 Erection of Food Store with Car Parking, Access and Ancillary  
 Development PREAMD 7th December 2017

PREAPP/19/00066 Mixed use development to include A1/A3/A4/A5/D2 with drive through  
 facility in addition to proposed Residential Care Home C2 PREAMD 1st April 2019

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RH471MTDIFV00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor Richard Marshall

Local Members

Cllr Ted Clarke  
 Cllr Tony Parsons  
 Cllr Rosemary Dartnall

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, drawings and documents as listed in Schedule 1 below.

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

### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. No development shall commence until a phasing plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved plan.

Reason: To ensure a satisfactory phasing of development.

4. No development shall take place on each phase until a scheme of foul drainage, and surface water drainage for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for each phase shall be fully implemented before the associated phase of 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.

5. a) No development within each phase of the 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 mine gas risk assessment has been undertaken to assess the potential for mine gases to exist on that phase of the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with 'CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021' and having regard to current Environment Agency guidance - 'Land Contamination: Risk Management (LCRM; 2020)'. The Report is to be submitted to and approved in writing by the Local Planning Authority before development within that phase commences.

b) In the event of the mine gas risk assessment finding that phase of the site to be affected by mine gases a further report detailing a Remediation Strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must have regard to current guidance and standards and 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 in that phase after remediation.

c) The works detailed as being necessary to make safe the mine gases shall be carried out in accordance with the approved Remediation Strategy for each phase.

d) In the event that further contamination is found at any time when carrying out the approved development for each phase that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment, and where remediation is necessary a remediation scheme for that phase must be prepared in accordance with the requirements of the Environment Agency guidance - Land Contamination: Risk Management (LCRM; 2020), which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme for each phase a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the risks from mine gases and any contamination identified within that phase 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. Verification must be in accordance with current guidance and standards.

Reason: To ensure that risks from potential mine gases to the future users of the land, property and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

6. Prior to the above ground works commencing on each phase, samples and/or details of the roofing materials and the materials to be used in the construction of the external walls of all buildings on that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details for each phase.

Reason: To ensure that the external appearance of the development is satisfactory.

7. Prior to the commencement of development for each phase, full engineering details of the egress onto Hazledine Way and the Oteley Road slip road accesses and egress shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be first brought into use or open to trading until the Hazledine egress 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.

8. Prior to the commencement of development of each phase a Construction Method Statement, including details of construction traffic management and the phasing of road construction, shall be submitted to and approved in writing by the Local Planning Authority; the Construction Method Statement and phasing plan shall be implemented fully in accordance with the approved details.

Reason: To ensure the coordinated construction of the development and to mitigate the impact of the construction of the development site in the interests of highway and pedestrian safety.

9. No development within each phase shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan for that phase

has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing Wildlife/Habitat Protection Zones where construction activities are restricted, where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for: i) Compliance with legal consents relating to nature conservation; ii) Compliance with planning conditions relating to nature conservation; iii) Installation of physical protection measures during construction; iv) Implementation of sensitive working practices during construction; v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and vi) Provision of training and information about the importance of Wildlife Protection Zones to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan for the relevant development phase.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

10. No development shall take place within each phase (including demolition, ground works and vegetation clearance) until a landscaping plan for that phase 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, hedgehog-friendly gravel boards and amphibian-friendly gully pots, bat and bird boxes;
- b) Written specifications for establishment of planting and habitat creation;
- c) Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved for each phase.

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

11. Prior to the commencement of each phase the development a suitably qualified tree specialist shall be appointed to undertake supervision and monitoring of the tree protection fencing and ground protection measures at pre-commencement stage and throughout the



construction period for that phase as outlined in the submitted arboricultural method statement and submit to the Local Planning Authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures in that phase.

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

12. a) No development shall take place on each phase until a scheme for the air ventilation and extraction system together with details of treatment and dispersal of fumes and odours for that phase has been submitted to and approved in writing by the Local Planning Authority.

b) The approved scheme shall be implemented in full prior to the use commencing on each phase and shall thereafter be maintained.

Reason: To protect the amenities of occupiers of adjacent land from potential smell nuisance. The information is required prior to the commencement of the development to ensure that any extraction equipment required is provided within the development from the commencement for the reasons give above.

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

13. Prior to each phase of the development hereby permitted being first brought into use/open to trading, the car parking areas and internal road layout infrastructure for that phase shall be surfaced and laid out fully in accordance with the approved drawings.

Reason: To ensure the coordinated delivery of the internal infrastructure to serve the development.

14. Prior to the first use of the retail, leisure and drive-through facilities details of proposed pedestrian and cycle paths at the site shall be submitted to and approved in writing by the local planning authority, and the approved details shall have been completed. The submitted details shall include full details of the design of paths into and out of the site, and circulation routes around the site.

Reason: To ensure satisfactory connectivity and safe routes to and from and within the site for pedestrians and cyclists.

15. Prior to the first use of each phase of the development hereby permitted details of the location, specification and appearance of all fencing and gates to be erected at the site shall be submitted to and approved in writing by the local planning authority. The fencing and gates shall be erected in accordance with the approved plans for each phase.

Reason: To control the appearance of the development in the interests of maintaining the visual character of the area.

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, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development 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.

17. Prior to the erection of any external lighting within each phase on the site, a lighting plan for that phase 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, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details for each phase and thereafter retained for the lifetime of the development.

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

18. Prior to first occupation / use of the building[s] within each phase, the makes, models and locations of bat and bird boxes for that phase shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 20 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 20 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design). 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.

For swift boxes: Boxes should be positioned out of direct sunlight, at least 5m high, preferably under the eaves of a building and with a clear flight path to the entrance. North or east/west aspects are preferred. (See <https://www.swift-conservation.org/Leaflet%204%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

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

19. The approved care home development shall be operated in accordance with measures set out in the approved Travel Plan dated May 2022 and these measures shall remain in force for the lifetime of the development.

Reason: To promote sustainable travel to the site and in the interests of reducing car borne traffic.

20. Prior to the retail, leisure and drive-through facilities being first brought into use/open to trading, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented fully in accordance with the approved details and shall remain in force for the lifetime of the development.

Reason: To promote sustainable travel to the site and in the interests of reducing car borne traffic.

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

21. All services will be routed outside the root protection areas indicated on the Tree Protection 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 by protecting trees.

22. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats and birds as provided in Section 4.2 of the PEA and PRA (Arbtech, January 2022).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

23. The building identified as 'care home' on the approved plan no. MBS-AHR-S1-XX-DR-A-08111 rev P06 shall be used only as a residential care home under Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose.

Reason: In order to restrict the use of the building in the interest of the amenities of the area.

24. The use of the ground floor of the building identified as 'retail building with gym above' on approved plan no. MBS-AHR-S1-XX-DR-A-08112 rev P05 shall be restricted to:

- (i) those within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose, or
- (ii) a tanning and beauty salon.

Reason: In order to restrict the use of the premises to those appropriate for this location and in the interest of the amenities of the area.

25. The use of the first floor of the building identified as 'retail building with gym above' on approved plan no. MBS-AHR-S1-XX-DR-A-08112 rev P05 shall be restricted to those within Use Class E(d) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose.

Reason: In order to restrict the use of the premises to those appropriate for this location and in the interest of the amenities of the area.

26. The use of the buildings identified as 'KFC' and 'Starbucks' on approved plan no. MBS-AHR-S1-XX-DR-A-08112 rev P05 shall be restricted to:

- (i) those within Use Class E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and for no other purpose, and/or
- (ii) drive-through food takeaway.

Reason: In order to restrict the use of the premises to those appropriate for this location and in the interest of the amenities of the area.

27. The premises identified as 'KFC' and 'Starbucks' on approved plan no. MBS-AHR-S1-XX-DR-A-08112 rev P05, and the units on the ground floor of the building identified as 'retail building with gym above' on approved plan no. MBS-AHR-S1-XX-DR-A-08112 rev P05 shall not be open for customers outside the following hours: -  
0600 to 0100 Monday to Sunday.

No customers shall remain in the premises outside of the above times.

Reason: To protect the amenities of the area from potential nuisance.

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

#### 3. Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to any of the building and begin nesting, work must

cease until the young birds have fledged.

#### 4. General site informative for wildlife protection

Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs. If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801). Hedgerows are more valuable to wildlife than fencing. 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.