

AGENDA ITEM



Committee and date

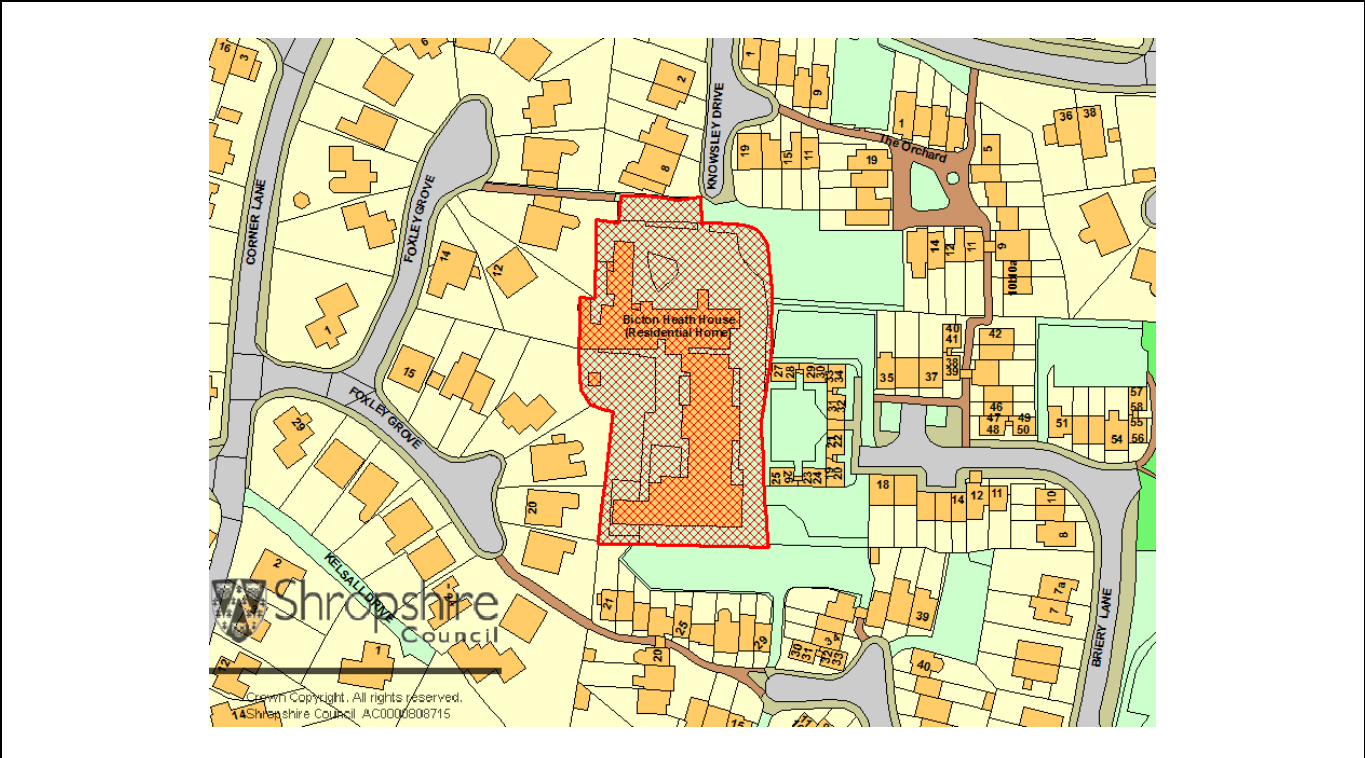
Development Management Report

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

Summary of Application

Application Number: 23/03972/FUL	Parish: Shrewsbury Town Council
Proposal: Proposed demolition of existing care home wing and proposed new build care home wing (resubmission)	
Site Address: Ideal Home Bicton Heath House Knowsley Drive Bicton Heath Shrewsbury	
Applicant: Minster Care	
Case Officer: Kelvin Hall	email: kelvin.hall@shropshire.gov.uk

Grid Ref: 345276 - 313164



REPORT

Recommendation: Delegate authority to the Planning and Development Services Manager to grant planning permission subject to the conditions included in Appendix 1 and any amendments or additions to these as considered necessary by the Service Manager.

1.0 THE PROPOSAL

- 1.1 Planning permission for the demolition of part of the existing care home at Bicton Heath House and the erection of a replacement wing was refused earlier this year under delegated powers (ref. 23/00765/FUL). The current application is a re-submission of that application. Similar to the refused application, the current proposal includes the demolition of the northern wing of the care home, and the erection of a replacement building in order to improve the standard of accommodation being provided.
- 1.2 The southern part of the care home would be retained. The northern wing, to be demolished, currently contains 22no. bedrooms, 4no. lounge rooms, sanitary and laundry facilities, a kitchen, dining room and a small office. Some of the existing bedrooms have WC facilities however most use shared facilities. The proposed replacement building would be mainly two storey with some single storey elements. It would provide 30 bedrooms, each with en-suite facilities. It would include a kitchen, two dining rooms, four lounge rooms, a nurses station on each floor, staff room, offices, laundry facilities, and shared sanitary facilities. It would also incorporate residential amenity spaces both as first floor terraces and shared external space at the ground floor level.
- 1.3 The proposed building would include a series of pitched roofs. There would be terraces at first floor level. The walls would be mainly red brick with blue/black brickwork to some of the single storey elements. The roof tiles would be grey. Single storey elements would have green roofs. Window and door frames would be anthracite grey powder-coated aluminium.
- 1.4 The application seeks to address the reasons for refusal of the previous application, which were:
1. *The proposed development would provide an unsatisfactory level of private amenity and on-site open space thereby resulting in an unacceptable level of amenity for occupants of the care home. There are no mitigating circumstances put forward to demonstrate why open space standards should not be met on site. The proposal is therefore contrary to Core Strategy policy CS6, SAMDev Plan policy MD2 and para. 130 of the NPPF.*
 2. *The level of tree loss necessary to implement the development would have a moderate adverse impact on the tree resource on the site and on the wider area, and would adversely affect canopy cover levels and public amenity. Insufficient*

information has been submitted to demonstrate that satisfactory compensatory planting could be provided, particularly given the constraints on the site which include the existing buildings, the proposed drainage infrastructure and the proximity of site boundaries. It has not been demonstrated that the proposed building works would not adversely affect the root system of two trees T4 and T6. In the absence of this it is not possible to conclude that the proposal would not have an adverse impact on trees on site. The proposal is therefore contrary to Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD12.

3. By virtue of its scale, massing and positioning in relation to site boundaries and adjacent residential properties, and the positioning and size of first floor windows on the western elevation, the proposal would constitute overdevelopment and result in a cramped and dominating appearance which would adversely affect the character of the area and adversely impact upon residential amenity of properties to the west due to potential overlooking. The proposed tree planting along the western side of the site would not provide sufficient mitigation against these impacts. The proposal is therefore contrary to Core Strategy policy CS6, SAMDev Plan policy MD2 and para. 2.15 of the Type and Affordability of Housing SPD.

4. Insufficient details have been provided regarding parking requirements for the number of staff and deliveries that would be associated with the development. The application therefore does not demonstrate that the site layout provides satisfactory car parking provision within the site to accommodate the likely demand which would be required to avoid the need for vehicles to park in surrounding residential area to the detriment of highway safety and local amenity. The proposal is therefore contrary to Core Strategy policy CS6.

5. Insufficient information has been submitted to address the apparent conflict between the routing of proposed drainage infrastructure and the root protection areas of significant trees within the site. It has not been satisfactorily demonstrated that the drainage scheme can be implemented without adversely impacting on these trees. The proposed development would therefore be in conflict with Core Strategy policy CS18.

6. The proposed development would result in the complete loss of the heritage significance of the existing building which is a non-designated heritage asset, and result in less than substantial harm to the asset. The benefits of providing a replacement building, including the likely improved layout and energy efficiency, are acknowledged. Nevertheless it is not considered that sufficient justification has been put forward for the complete demolition of the existing building over the benefits of retaining the non-designated heritage asset. Furthermore the benefits of the proposal are not sufficient to outweigh the harm that would be caused to the non-designated heritage asset. The proposal is therefore contrary to Core Strategy policies CS6 and CS17, SAMDev Plan policies MD2 and MD13, and para. 203 of the NPPF.

- 1.5 In seeking to address the above, the current proposal has been re-designed and includes the following changes to the previous scheme:
- Private amenity and on-site open space: the application provides additional justification for the amount of open space being provided
 - Residential amenity impacts: the revised application proposes a revised roof form and building design
 - Compensatory tree planting: the revised application includes a tree planting scheme
 - Parking: the revised application is supported by a Highways Statement which assesses the parking demands for the proposal in relation to parking capacity being provided
 - Impact on existing trees: the revised application provides information and clarification on measures proposed to avoid damage to trees from working within their root protection areas
 - Demolition: additional information has been provided regarding the standard of the existing accommodation and the need for improvements in order to justify its replacement with a new building.

2.0 SITE LOCATION/DESCRIPTION

2.1 The existing residential care home is located within Bicton Heath, at the north-western side of Shrewsbury. The property occupies a total area of approximately 0.33 hectare and includes amenity space and a car park. It is accessed from the head of Knowsley Drive, a short cul-de-sac. Surrounding land is in residential use, predominantly two storey dwellings with two bungalows adjacent to the northern boundary of the site.

2.2 The care home has 50 beds, across two sections. The current application relates to the main house (northern wing) which contains 22 bedrooms and which provides personal care for younger adults over the age of 30 who have mental health conditions. This wing, which is the part to be demolished, is constructed of some white painted brick and some red brick. To the rear of this is the southern wing which is a purpose-built extension, This provides personal care for older residents with dementia. This part would be retained.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Town Council's views are contrary to the officer recommendation. It was agreed at the agenda-setting meeting that the Town Council had raised material reasons for their objection and that it was appropriate for the application to be determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shrewsbury Town Council** The Town Council object to this re-submitted application. Members agree that the applicant has looked at different designs for

the proposed building, but they still did not agree with the demolition of most of the existing building. The demolition would result in harm to this heritage asset. Members fully support the comments raised by the Conservation Officer.

4.1.2 **SC Ecology** No objection. Recommends conditions and informatives. The level of survey work is appropriate. Conditions should be added to require bat and bird boxes; and a lighting plan.

4.1.3 **SC Trees** No objection. The proposed planting is sustainable and will maintain canopy cover on the site and is acceptable. As for the foundations, the proposed re-use of the existing subbase can be managed by a detailed method statement and some site supervision. The foundations are a bit different. It is doubtful that you could build a structure of this sort of the existing subbase and certainly not without further compaction, so a specialised type of foundation is required. Probably pile and beam and these were the details that were being sought as part of the previous application. That said, there is no reason not to use this type of foundation and we could probably require these details through a condition. If so then no objection is raised.

Relevant previous comments:

The AIA has identified 10 individual trees, 5 groups of trees and 2 hedges which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The proposed development would require the removal of 4 individual trees, 2 category B, moderate value and 2 category C low value. The loss of these trees would have a moderate impact on the tree resource on site and the wider area and would affect canopy cover levels and public amenity to some degree. This could be compensated for through new planting on the site.

In addition to the tree loss, the proposed building encroaches into the Root Protection Areas of 2 trees, T4 & T6. To mitigate the impact of this it is proposed that a specialised foundation design and installation method is used. Having visited the site, it is noted that there is existing hard surface in the areas that would be encroached upon. It is considered that it may be possible to limit damage to the root system of the trees through the use of specialised foundation design, however details of this would be required before this could be verified.

The relationship between the trees and the proposed building is similar to the existing situation and, given the nature of the occupancy and the fact that the site is commercially managed it is unlikely that significant conflicts will arise between the trees and residential amenity.

There is also a requirement to replace hard surface within the RPA of the T4 & T6. The AIA notes that this will be done using the existing subbase and would not be damaging to the trees. This would be acceptable, however a detailed method statement, including arboricultural supervision, would be required.

- 4.1.4 **SC Conservation** This is a resubmitted planning application following the refusal of application 23/00765/FUL, where we would highlight refusal reason number 6 which references the complete loss of the non-designated heritage asset, which comprises the mid-19th Century former Sion Villa.

The historic north range of the building complex is denoted as Sion Villa on historic OS mapping where it is shown in a then isolated rural position down a long access lane from the main highway on the 1881 surveyed First Edition OS map, where there is a range of outbuildings positioned to the Villas immediate west side. Sion Villa is indicated on the subsequent OS revised 1900 map with the same configuration, and then on the following 1925 revised OS map as Bicton Heath House. Referring to Archives holdings online, there are references to Sion Villa as early as 1853, meaning that the existing historic building dates to at least the mid-19th Century.

We had previously highlighted in our subsequent consultee comments that the prepared Heritage Statement advises that the main built form of the pre-1844 and pre-1881 rural villa still remain, with some survival of traditional features internally.

That Statement noted that the development proposal would see the full demolition of this historic original rural villa which now forms the northern historic wing of the Bicton Heath House facility, where this would result in the total loss of heritage significance of that building, and also notes the impact that modern extensions and alterations have had on the significance of the historic villa.

That Statement noted the proposal to demolish the building would result in less than substantial harm to the non-designated heritage asset, and while the Statement sets this harm at a low level of heritage significance, we would emphasize that this is harm none the less, resulting in complete loss of the heritage asset which formed the basis of the present care facility in this neighbourhood.

Referring to the resubmitted plans, there have been revisions to the design of the proposed new building however the proposal in the main remains the same with the complete demolition of the former villa still proposed.

We would again highlight the 2021 planning application which aimed to retain the historic former villa as part of the facility's further extension, where retention of the historic building form as viewed from Knowsley Drive was explained as a key part of the proposal in the Planning Statement submitted at that time.

Retaining the historic built form of the original building while undertaking internal upgrades and further modernisation of this part of the facility is the recommended approach on heritage grounds, rather than full demolition of the original building form comprising this facility, as full demolition would result in direct harm to the heritage asset at the less than substantial level.

We would again note that if in the planning assessment and planning balance the application is however supported, a full photographic recording exercise should be completed in accordance with standard condition JJ30, Level 2 minimum, so that a complete point in time record of this building is secured.

4.1.5 **SC Highways** No objection. It is recommended that in the event planning permission is granted a planning condition requiring a Demolition and Construction Management Plan to be submitted and approved prior to commencement, should be attached to any permission granted.

4.1.6 **SC Drainage** The foul and surface water drainage strategy contained in the Flood Risk Assessment and Drainage Strategy ref TC/T20706/2023/01 are acceptable.

One minor amendment to the layout would be to include a linear drainage channel cross the entrance to ensure surface water flows are intercepted prior to being conveyed to the public highway. Given the degree of betterment, this connection could be downstream of the flow control chamber.

4.1.7 **SC Regulatory Services** Recommends a condition. Given the development sites proximity to existing housing there is some potential for noise and dust impact upon the locality during demolition and construction phase. I would therefore recommend that if permission is granted that a condition is applied which requires the submission and implementation of a construction management plan which includes measures to control noise and dust impact.

4.1.8 **Shrewsbury Civic Society** Objects. Shrewsbury Civic Society has objected to the previous application and there is nothing in this one to change our original view.

The previous comments of the SCS are as follows:

This is an attractive and relatively old building and the proposal would demolish most of the existing building. The applicants do not seem to have considered the realistic option of upgrading the existing building, by retro-fitting to modern standards, thus avoiding the need for demolition.

4.2 **Public Comments**

4.2.1 The application has been advertised by a site notice. Nine public objections have been received. The objections are on the following grounds:

- disturbance from construction works

- Insufficient parking provision
- Surrounding roads are inadequate for additional service and other vehicles
- Insufficient planting being proposed
- May result in additional crime in the area
- Impact of proposed drainage scheme on boundary hedge which would result in light pollution if lost
- Impact on birds and bats
- Other options to need to be considered which have a better carbon footprint

4.2.3 **Cllr Alex Wagner – Local Member**

I objected to this application back in February echoing comments made by Knowsley Drive and The Orchard residents, the Town Council, and Shrewsbury Civic Society. The resubmission has not improved the case sufficiently in my eyes.

The scale and negative impact that this would have on heritage, as commented on by Shrewsbury Civic Society, still stands. Similarly the points raised by residents about a lack of consideration for the impact on parking in the area, already poorly-policed, have not been addressed. There is not enough change here to justify a change in my original position so I wish to object to this again.

5.0 **THE MAIN ISSUES**

- Policy & Principle of Development
- Design, scale and character; open space and tree considerations
- Residential and local amenity considerations
- Ecological considerations
- Highways and access considerations
- Drainage considerations

6.0 **OFFICER APPRAISAL**

6.1 **Policy and Principle of Development**

6.1.1 The property provides residential care to both elderly and younger adults over the age of 30 who have mental health conditions. The proposal would increase the capacity of the younger adult section and improve the standard of accommodation. Core Strategy policy CS11 supports the provision of specialist housing, including residential and extra care facilities. The NPPF recognises the importance of meeting the specific housing needs of certain groups including the elderly and people with disabilities. National planning practice guidance on Housing for older and disabled people states that “the need to provide housing for older people is critical”. In addition, its states that “the provision of appropriate housing for people with disabilities, including specialist and supported housing, is crucial in helping them to live safe and independent lives. Unsuitable or unadapted housing can have a negative impact on disable people and their carers”. The proposal to improve the standard of accommodation provided within the curtilage of the existing site is acceptable in principle. The wider planning issues raised by the proposal are discussed below.

6.2 **Design, Scale and Character; open space and tree considerations**

6.2.1 Core Strategy policies CS6 and CS17 require development to protect and conserve the built, historic and natural environment and be appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. SAMDev Plan policy MD12 seeks the avoidance of harm to Shropshire's natural assets. SAMDev Plan policy MD13 requires that Shropshire's heritage assets are protected, conserved, sympathetically enhanced and restored.

6.2.2 Planning permission for renovations and extensions to the care home remains in place, but has not been implemented. This would allow: a first floor extension along the northern side; a part two storey and part single-storey extension on the western side; and two storey extensions along the eastern side. The applicant advises that they have reviewed this option of upgrading the existing building and retrofitting it to modern standards. They advise however that due to the condition of the building this has been assessed as unachievable.

6.2.3 The recently-refused application proposed a replacement building with a flat roof, as shown below:



Fig 4.0a: Recently refused 3D Massing

6.2.4 In the officer report, it was acknowledged that this design would provide a modern and contemporary building. However officers raised concerns over its massing and scale. One of the refusal reasons stated that the proposal would “constitute overdevelopment and result in a cramped and dominating appearance which would adversely affect the character of the area and adversely impact upon residential amenity of properties to the west due to potential overlooking”.

6.2.5 The current proposal seeks to address these concerns, as shown in the image below:



Fig 4.0b: Proposed 3D Massing taking on board Officers comments regarding recently refused application.

6.2.6 The revised design largely mimics the footprint of the existing building, and includes pitched roofs which would reduce the massing of the building. Although the footprint would be similar to the refused scheme, the revised design would be significantly less overwhelming in its plot. It is considered that it would also be more in keeping with the residential nature of the surrounding area, which predominantly comprises two storey red brick dwellings with pitched roofs.

6.2.7 The image below has been provided in the application to illustrate the vertical scale of the proposed replacement building in comparison to the existing building (shown outlined in blue).



6.2.8 The application states that the current building is somewhat chaotic in appearance, with various additions having been made in different forms over the years. It is considered that the proposed replacement building would provide a simplified building form than exists at present, of a similar vertical scale, and would be of an acceptable design which would also meet the objective of improving the standard of accommodation.

6.2.9 Impact on heritage asset: As noted by the Council's Conservation Officer, the part of the care home which is proposed to be demolished is a historic building which dates back to at least the mid-19th century. The Conservation Officer advises that the building can be considered to be a non-designated heritage asset. The Heritage Statement notes that the core of the existing building survives from an early to mid 19th century former country villa. It considers that, following heavy alterations and modern developments within the building plot, what survives is the shell of the former villa. It states that there is some survival of traditional features

but considers that the site holds only a limited amount of evidential architectural interest, assessed as at best of 'low significance'. It acknowledges that the building is a non-designated heritage asset and concludes that the proposed development would result in less than substantial harm to the asset.

- 6.2.10 One of the reasons for refusal of the previous scheme was that insufficient justification had been put forward for the complete demolition of this asset over the benefits of retaining it. The current application provides additional information on this point, and states that the existing building is unsuitable for retention taking into account the latest Care Quality Commission (CQC) standards that would need to be adhered to. The applicant states that the new building would improve the quality of accommodation for residents, and would be built to current regulations, including acoustic, thermal and accessibility, which could not be retrofitted into the existing building due to issues such as narrow corridors and uneven floors.
- 6.2.11 It is noted that previous planning permissions ensured the retention of the historic building form and its appearance from the main entrance way to the north. However the current proposal would result in the complete loss of the heritage asset. The Conservation Officer has recommended that the built form of the original building should be retained as part of any upgrading and modernisation required. Paragraph 209 of the NPPF requires that, in determining applications, the effect of an application on the significance of a non-designated heritage asset is taken into account. It states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This is considered further in the planning balance below.
- 6.2.12 Open space considerations: The existing care home currently has 50 beds, across two sections. The northern wing, which is the part which is proposed for demolition, currently has 23 bedrooms. Five of these are doubles, so the current capacity is for 28 residents. The application states that the garden space at the existing care home amounts to 693m². Based upon the standards set out in SAMDev Plan policy MD2, of 30m² of open space per person, the care home at present provides less than 50% of this.
- 6.2.13 The site does have extant planning permission for single and two-storey extensions to the building (ref. 21/01030/FUL) which would provide 29 ensuite bedrooms in this section of the care home. The current application would increase this to 30 bedrooms. The Council has therefore previously accepted a redevelopment scheme at this site which provides a lower amount of open space to that referred to in policy MD2. Nevertheless one of the reasons for refusal of the previous scheme raised concern over the lack of justification for the limited amount of amenity space that would be provided.
- 6.2.14 The current application has provided additional information to address this. At present, outdoor space is not fully accessible for the residents on the first floor, as staff assistance may be required. Although the current proposals would not

increase the amount of open space at the site, it is considered that they would increase the quality of both internal and external amenity space. For example, the proposals include a quiet lounge, dining room and secondary lounge. Each resident would also benefit from a larger bedroom and ensuite bathroom. Views from bedrooms would also be improved which is considered to constitute a benefit over the existing situation. In terms of outdoor space, external first floor balconies would be provided, which would be accessible to all residents. Additionally, and of particular relevance, is that not all residents would be able to enjoy the outside areas at any one time given the care needs of the majority of residents which may require them to be supported by staff members.

- 6.2.15 It is considered that the revised application does provide satisfactory justification for the amount of open space, with reassurance that this is appropriate for the needs of residents in conjunction with the wider improvements to internal and external spaces. The proposal can therefore be supported in relation to policy MD2.
- 6.2.16 Impact on trees: In relation to the previous application the Council's Tree Officer noted that the proposal tree loss would have a moderate impact on the tree resource on site and on the wider area; and would affect canopy cover levels and public amenity. One of the reasons for refusal of the previous application concerned the lack of information to show that the level of tree loss could be satisfactorily compensated for by new planting within the site. The refusal reasons also referred to concerns that building works would have on the root system of two trees within the site.
- 6.2.17 The current, revised application is supported by a tree planting scheme. This proposes nine replacement trees across the site, including two trees in the car park to replace the one proposed for removal; and three trees to both the eastern and western site boundaries. These would be visible from surrounding properties and as such would improve the public amenity value of the site.
- 6.2.18 The revised application provides additional information to demonstrate that potential damage to the roots of two existing trees can be avoided by a 'no dig' method. Precise details of this can be agreed as part of a method statement along with arboricultural supervision during the works, which can be secured by a planning condition.
- 6.2.19 In addition to the above, one of the reasons for refusal of the previous scheme raised concern over the conflict between proposed drainage infrastructure and the root protection areas of on-site trees. The submitted Arboricultural Impact Assessment sets out how this should be avoided. This includes: the use of trenchless insertion methods where necessary or, where this is not feasible, the use of hand-held tools; and ensuring that inspection chambers are positioned outside of root protection areas. It is considered that, subject to these methods being employed, the risk of damage to tree roots can be avoided.

6.2.20 It is considered that the revised application satisfactorily addresses the previously-raised concerns in respect of impacts on trees. The proposal is therefore acceptable in relation to policies CS6 and CS17 of the Core Strategy, and policies MD2 and MD12 of the SAMDev Plan.

6.3 **Residential and local amenity considerations**

6.3.1 Core Strategy Policy CS6 (Sustainable Design and Development Principles) states that development should safeguard residential and local amenity. One of the reasons for refusal of the previous application was that the scale, massing and positioning of the building in relation to adjacent residential properties, and the positioning and size of first floor windows on the western elevation, would adversely impact upon residential amenity of properties to the west due to potential overlooking.

6.3.2 It is considered that these concerns have been addressed as part of the revised design. In relation to the western boundary which adjoins residential properties, the proposed building would be further away from this than the existing building. There would be some single storey elements along this elevation. The windows to the two-storey element have been reduced in size in relation to the previous scheme and positioned in a way which ensures there is no direct overlooking. The nearest windows at first floor level to adjacent residential properties would be those serving a corridor and these are proposed to be obscure glazed. Other windows of the proposed building would be no less than approximately 20 metres away from the nearest windows of adjacent dwellings. It is proposed that three trees would be planted along this boundary which would provide screening and visual enhancement. It is considered that the design of the replacement building, and its distance from residential properties, would avoid adverse impacts on amenity. The application also proposes the retention of a short section of brick wall along the western boundary, which has been requested by the neighbouring resident.

6.4 **Ecological considerations**

6.4.1 Core Strategy policies CS6 and CS17 require that development protects and enhances the natural environment. CS17 requires that development does not have a significant adverse impact on Shropshire's environmental assets. SAMDev Plan policy MD2 requires that developments enhance, incorporate or recreate natural assets. Policy MD12 seeks the avoidance of harm to natural assets and their conservation, enhancement and restoration.

6.4.2 It is noted that the preliminary ecological assessment states that no further surveys or mitigation work is required. The Biodiversity Net Gain Assessment states that the proposed development would result in a small increase in biodiversity. As recommended by the Council's ecologist, it is recommended that if planning permission were to be granted then additional measures to increase biodiversity further should be required, to include the installation of bat and bird boxes.

6.5 Highways and access considerations

6.5.1 Core Strategy policy CS6 requires that development is safe and accessible. Vehicle access to the site would be from the existing access point. The proposed development would result in additional residents and an additional member of staff. One of the reasons for refusal of the previous application was that details had not been provided as to the parking requirements for the development. It was not therefore possible to establish that the layout and parking provision was appropriate. The current application is supported by a Transport Statement. This advises that the proposed development would result in a maximum of 1 to 2 additional vehicles spread across the working day. The proposal would increase the number of car parking spaces by five, from eight to thirteen. It is therefore accepted that there will be a betterment in terms of parking provision over the current situation.

6.5.2

In terms of refuse collections and servicing, swept path analysis drawings have been provided and these demonstrate that the layout provides satisfactory manoeuvring space for such vehicles. No objections have been raised by the Council's highways officer. It is considered that the proposal does not raise any significant highway safety or amenity issues. A planning condition can be imposed to require that a Demolition and Construction Management Plan is submitted and approved prior to commencement.

6.6 Drainage considerations

6.6.1 Core Strategy policy CS18 requires that development incorporates sustainable water management measures to reduce flood risk; to avoid an adverse impact on water quality and quantity; and provide opportunities to enhance biodiversity. The submitted Flood Risk Assessment and Drainage Strategy proposes that surface water would be drained via existing connections. SuDS features proposed would include geocellular storage tanks and flow control chambers. Foul water would be managed utilising existing connections. The Council's Drainage team have confirmed that the drainage layout plans are acceptable, but has suggested an amendment to ensure that surface water does not flow onto the public highway. This can be agreed as part of a planning condition.

7.0 Planning balance and conclusion

7.1 The proposed replacement building would improve the standard of accommodation for residents and staff of the care home, whilst also increasing its capacity. It is considered that the concerns raised in relation to the previous application, in relation to design, scale, appearance, parking, trees and landscaping, and open space, have been satisfactorily addressed with the current revised scheme.

7.2 One of the reasons for refusal of the previous scheme was that it was not considered that the benefits of the proposal were sufficient to outweigh the harm that would be caused to the non-designated heritage asset. Paragraph 209 of the NPPF requires that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. SAMDev Plan

policy MD13 states that proposals which are likely to have an adverse effect on the significance of a non-designated heritage asset will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect.

7.3

The current proposal would result in the complete loss of the heritage significance of the former villa. However the submitted Heritage Statement assesses this heritage significance as low and the Council's Conservation Officer does not disagree with this. The proposal to replace this with a new building would provide significant benefits to residents and staff, by providing a purpose-built facility for the care of young adults, whilst also increasing the number of beds. The improvements would include more communal facilities, better proportioned rooms, and ensuite bathrooms. Other benefits include improved energy efficiency and insulation.

7.4

The revised application has addressed negative elements of the previous refused proposal. Whilst the loss of the building is unfortunate, officers now consider that the benefits of the scheme overall outweigh the harm that would arise from the loss of the non-designated heritage asset, particularly given its limited level of heritage significance. Therefore, on balance, it is considered that the proposal is acceptable in relation to Development Plan policy and other considerations, and it is recommended that planning permission is granted subject to conditions.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - 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.

Both of these risks need to be balanced against the risk of not proceeding to

determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **FINANCIAL IMPLICATIONS**

- 9.1 There are likely financial implications of the decision and/or imposition of conditions if 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 planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPP/10/01140 Erection of a 4 bedroom single storey extension, conversion of dayroom to two bedrooms, extension to dayroom and additional six bedrooms REC

13/00795/FUL Erection of single storey and two storey extensions including part demolition and reconfiguration of existing building to create additional beds to the younger persons unit from 23 beds to 27 beds with en-suites GRANT 17th May 2013

16/03943/VAR Variation of condition 1 attached to 13/00795/FUL dated 17/05/2013 to allow a further three years for construction to commence.

Condition Number(s): Condition 1

Conditions(s) Removal:

Adjusted to give a further 3 years to construct.

Adjust to give 3 years from date of new permission. NPW 19th September 2016

16/04669/FUL Erection of single storey and two storey extensions and reconfiguration of existing building to create a total of 29 bedrooms with en-suites; to include some demolition GRANT 27th January 2017

18/02005/FUL Erection of a single storey extension and associated internal alterations. GRANT 11th July 2018

21/01030/FUL Re submission of approved scheme (16/04669/FUL - Erection of single storey and two storey extensions and reconfiguration of existing building to create a total of 29 bedrooms with en-suites; to include some demolition) GRANT 22nd October 2021

23/00765/FUL Proposed demolition of existing care home wing and proposed new build care home wing REFUSE 23rd June 2023

23/03972/FUL Proposed demolition of existing care home wing and proposed new build care home wing (resubmission) PDE

SA/86/0898 Alterations and additions to provide additional accommodation for the elderly with connecting link to main building and the provision of car park and driveway PERCON 20th November 1986

SA/76/0125 Use land for residential development surrounding Bicton Heath House. WDN 5th October 1979

SA/85/0133 Alterations and additions to provide additional accommodation for the elderly with connecting link to main building and the provision of driveway and car park. REFUSE 4th April 1985

SA/85/0013 Erection of a mono-pitched roof entrance porch and provision of a chimney on warden's accommodation. PERCON 21st February 1985

SA/84/1064 Alterations and additions to provide additional accommodation for the elderly with connecting link to main building and the provision of driveway and car park (in accordance with amended plans received 8/1/85). REFUSE 31st January 1985

SA/83/0555 Alterations and additions to change the use of existing outbuildings into staff accommodation providing a 2 storey pitched roof private garage with additional bedrooms above including provision of dormer windows, change the use of existing stable block into

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private garage with new access drive from existing gateway and the erection of a pitched roof front entrance porch and a flat roof rear ablution block. PERCON 26th July 1983

SA/83/0039 Change the use of house into residential home for the elderly and change the use of garage buildings into staff accommodation. PERCON 1st March 1983

SA/88/1071 Erection of an extension to provide enclosed external staircase. PERCON 28th October 1988

SA/88/0207 Proposed first floor extension to provide additional accommodation for the elderly. REFUSE 2nd June 1988

SA/98/0856 Renewal for temporary permission for staff room and garden store as dated 3/9/97 ref: 96/0688/310/95. PERCON 28th October 1998

SA/78/0770 Erection of dwellings, formation of vehicular and pedestrian accesses and laying of associated roads and sewers GRANT 16th October 1980

SA/96/1151 Erection of a single storey extension to provide 5 additional bedrooms, toilets, sitting room, office accommodation and an occupational therapy unit. REFUSE 21st May 1997

SA/96/0688 Siting of buildings to be used as staff rest room and garden store (Retrospective). REFUSE 2nd October 1996

SA/96/0689 Siting of a mobile home for use as rest room for residents (retrospective). REFUSE 11th September 1996

SA/95/1081 Erection of extensions to provide conservatory and bathroom and internal alterations to convert garage into bedroom accommodation. Retrospective (amended description). PERCON 4th January 1996

SA/95/1080 Siting of a mobile home for use as a rest room for residents. (Retrospective). REFUSE 13th December 1995

SA/00/1101 Renewal of temporary planning permission no. 98/856/310/95, granted 27/10/98, to allow the siting of buildings to be used as staff rest room and garden store for a further period of 3 years. PERCON 11th December 2000

SA/78/1031 Laying of foul and storm water sewers PERCON 1st May 1979

SA/07/1480/F Siting of two timber buildings as staff room and store (retrospective) REFUSE 6th December 2007

Appeal

97/00240/REF Siting of buildings to be used as staff rest room and garden store (Retrospective). ALLOW 5th September 1997

Appeal

97/00250/REF Erection of a single storey extension to provide 5 additional bedrooms, toilets, sitting room, office accommodation and an occupational therapy unit. ALLOW 3rd December 1997

Appeal

86/00452/REF Alterations and additions to provide additional accommodation for the elderly with connecting link to main building and the provision of driveway and car park. PARTAD 24th March 1986

Appeal

96/00595/REF Siting of a mobile home for use as rest room for residents (retrospective). WTHDRN 19th June 1997

Appeal

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88/00665/REF Proposed first floor extension to provide additional accommodation for the elderly. DISMIS 31st March 1989

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S00IAPTDJXV00>

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 Chris Schofield

Local Member

Cllr Alex Wagner

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. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

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

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

5. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls 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.

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

6. No development hereby permitted shall commence until a method statement for the building work has been submitted and approved in writing by the local planning authority. The submitted statement should include details of the foundation design and installation method. The development hereby permitted shall be undertaken in accordance with the approved method statement.

Reason: To protect existing trees from damage during and after construction works.

7. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

8. Prior to the commencement of the development a suitably qualified tree specialist shall be appointed to undertake supervision and monitoring of the tree protection works at pre-commencement stage and throughout the construction period as outlined in the method statement and submit to the local planning authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

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

9. No development approved by this permission shall commence until a photographic survey (Level 1,2,3,4 (Specify as appropriate) survey, as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice') of the interior/ exterior of the buildings has been submitted to and approved in writing by the Local Planning Authority.

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

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

10. No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning

authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and time scales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

11. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 6 swift bricks. Swift bricks should be positioned: 1) Out of direct sunlight; 2) At the highest possible position in the building's wall; 3) In clusters of at least three; 4) 50 to 100cm apart; 5) Not directly above windows; 6) With a clear flightpath to the entrance; and 7) North or east/west aspects preferred. (See <https://www.swift-conservation.org/Leaflet%20-%20Swift%20Nest%20Bricks%20-%20installation%20%26%20suppliers-small.pdf>)
- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific).
- A minimum of 1 artificial nests of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

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

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

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

13. The windows in the western elevation, shown on drawing no. XX-XX-EL-3100 rev. P02 as 'windows to be obscured' shall be permanently formed as a fixed light and glazed with obscure glass with a transparency level of no less than 3, and shall thereafter be retained for the lifetime of the development. Other than as shown on this drawing, no further windows or other openings shall be formed above ground floor level in that elevation.
Reason: To preserve the amenity and privacy of adjoining properties.

Informatives

1. 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 or from the Local Planning Authority. The fee required is £145 per request, and £43 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.

2. BATS INFORMATIVE

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

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, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

GENERAL SITE INFORMATIVE FOR WILDLIFE PROTECTION

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. 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 Natural Environment and Rural Communities Act 2006. 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

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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 great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

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).

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