

AGENDA ITEM



Committee and date

Southern Planning Committee

25th November 2025

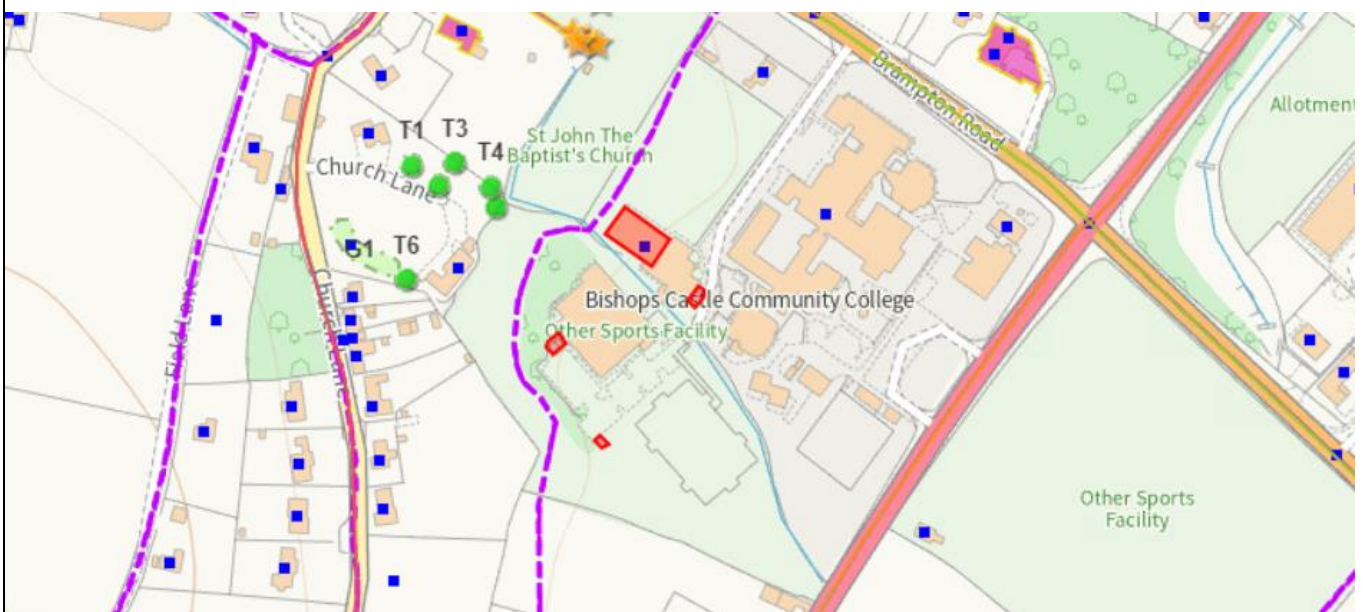
Development Management Report

Responsible Officer: Tim Collard, Service Director - Legal, Governance and Planning

Summary of Application

<u>Application Number:</u> 25/03271/FUL	<u>Parish:</u>	Bishops Castle
<u>Proposal:</u> The replacement of roof weathering to swimming pool roof and provision of new insulated render system to the external walls of the swimming pool. Provision of external air source heat pumps and provision of new electrical sub-station		
<u>Site Address:</u> SpArC Bishop Castle Leisure Centre Brampton Road Bishops Castle Shropshire SY9 5AY		
<u>Applicant:</u> Shropshire Council		
<u>Case Officer:</u> Alison Tichford	<u>email:</u> alison.tichford@shropshire.gov.uk	

Grid Ref: 332363 - 288289



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application proposes the replacement of the roof weathering (and the addition of solar panels) to the swimming pool roof of the SpArC Bishop's Castle Leisure Centre and the provision of a new insulated render system to the external walls of the swimming pool. The application also includes the provision of two new external air source heat pumps and a new electrical sub-station on existing hard standing areas.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The leisure facility is located on Shropshire Council land to the south west of the town adjacent the Community College. A public footpath runs across the site to the north of the leisure building and swimming pool, and there is some further open space south of the nearest residential dwelling, Haining Croft, to the north-west, and the Conservation Area and various designated and non-designated heritage assets more generally to the north, where a band of tree cover provides effective screening from the leisure buildings. The site falls within the Clun Watershed area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The works proposed relate to Shropshire Council property but concerns non-statutory functions of the Council (leisure) and the Scheme of Delegation requires that such applications are considered by Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comment

- 4.1.1 SC Public Protection have no objection to the proposed works and are satisfied that a hit and miss fencing compound will offer sufficient residual noise mitigation, following the provision of additional information including an acoustic report.
- 4.1.2 SC Flood and Water Management and SC Ecology have no objection to the proposed works.
- 4.1.3 Shropshire Fire and Rescue Service have provided a standard response with regard to consideration of their "Fire Safety Guidance for Commercial and Domestic Planning Applications".

4.2 Public Comments

- 4.2.1 A site notice has been posted as required. No public comments have been received with regard to this application.

5.0 THE MAIN ISSUES

- 5.1 Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Residential Amenity
Biodiversity

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The development boundary for Bishop's Castle runs through the middle of the leisure facility with the swimming pool within the town and the sports facility just outside.
- 6.1.2 CS3 indicates that market towns and other key centres should maintain and enhance their roles in providing facilities and services to their rural hinterlands, while specifically Bishop's Castle should have development that balances environmental constraints with meeting local needs..
- 6.1.3 CS5 and MD11 support leisure development proposals in the countryside which relate to required community uses and infrastructure
- 6.1.4 CS8 (and CS16) indicate that existing facilities, services and amenities that contribute to the quality of life of residents and visitors will be protected and enhanced while encouraging infrastructure that mitigates and adapts to climate change.
- 6.1.5 The proposed works will offer improved insulation to the swimming pool building and cleaner energy to the leisure facility and thereby enable improved sustainability to the provision of leisure facilities to the residents of Bishop's Castle and neighbouring rural areas and is acceptable in principle.

6.2 Siting, scale and design of structure

- 6.2.1 The roofing will be replaced with a bituminous felt weathering of similar appearance to the existing but with additional insulation, and a new solar hot water array will be installed.
- 6.2.2 The existing clay facing brickwork to the swimming pool will be replaced with a cement render of similar colour to the surrounding buildings and which will offer improved thermal performance to the existing building envelope.
- 6.2.3 The two air source heat pumps will be provided with hit and miss fencing compounds appropriate to their function, while the new electricity substation is of standard design and will not require a fencing compound. These will be viewed within the overall context of the site and its facilities and will not be prominent.
- 6.2.4 The installation of the new solar thermal water heaters to the roof of the swimming pool has not been included within the proposed works but the applicant's agent has indicated that it falls within the criteria of Class J of Schedule 2, Part 14 of the General Permitted Development Order 2015 and is therefore considered as permitted development.

- 6.2.5 There are adequate access and facilities for the fire services as necessary, and the proposed works will not increase flood risk

6.3 Visual impact and landscaping

- 6.3.1 There will be little alteration to the appearance of the site or individual buildings and the site is well screened from the Conservation Area so there will be no impact in heritage terms.

- 6.3.2 The introduction of the new substation and ASHPs as well as the fencing compounds will be seen in the context of the existing hard landscaping and will not be prominent.

6.4 Local and Residential Amenity

- 6.4.1 The applicants have submitted an environmental noise impact assessment which concludes that the total aggregate environmental noise impact arising from the operation of the proposed plant, results in a “low” noise impact at the worst affected noise sensitive receptors and meets the noise criteria for the college and playing fields as set out in “Acoustics of Schools: a design guide (AOS).

- 6.4.2 The ASHP units analysed were low noise units with a sound pressure level of 42dB(A) at 10m, where standard noise ASHPs were previously analysed and did not meet the noise criteria.

- 6.4.3 There is a distance of approx 45m between the ASHP to the south west and the nearest residential properties, and approx 80m between the eastern most ASHP and the nearest residential property to the north east.

- 6.4.4 Public protection consultees are satisfied that the proposed hit and miss fencing compounds will offer sufficient mitigation for any residual noise, where the report indicates that at receptor locations, the noise will be below the representational lowest 10% of average noise.

6.5 Biodiversity

- 6.5.1 SC Ecology consultees have not identified any potential effect pathway by which the proposed project might impact upon the River Clun SAC and have recommended informative advice only. The development does not impact a priority habitat and affects less than 25 square metres of on-site habitat and is therefore exempt from Biodiversity Net Gain (BNG) requirements.

7.0 CONCLUSION

The proposed works are appropriate to the existing buildings and will maintain and enable the continuing and improved sustainable functioning of a leisure facility without detrimental impact on local visual amenity, residential amenity, drainage, or biodiversity in accordance with policies CS3, CS5, CS6, CS8, CS16, CS17, CS18, MD2, MD11, MD12 and MD13 subject to conditions requiring implementation in accordance with the submitted details. Recommend permission is granted subject to the conditions in appendix 1.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

12/02153/ADV Erect and display two non-illuminated fascia signs GRANT 28th June 2012
15/05293/FUL Installation of a 50kWp roof mounted Solar PV Array GRANT 4th February 2016
16/00537/FUL Provision of a self contained bio mass boiler GRANT 3rd June 2016
25/03271/FUL The replacement of roof weathering to swimming pool roof and provision of new insulated render system to the external walls of the swimming pool. Provision of external air source heat pumps and provision of new electrical sub-station PCO
SS/1/7368/P/ Erection of an extension to include new squash courts, reception and alterations to swimming pool changing rooms PERCON 12th December 1996
SS/1/7899/P/ Erection of an extension to include new squash courts, fitness suite and reception and alterations to the swimming pool changing rooms. PERCON 3rd July 1997

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SpArC Bishop Castle Leisure
Centre

SS/1981/40/P/ Erection of a single storey mobile classroom. NOOBJ 14th July 1981
SS/1974/841/P/ Demountable Classroom. UNKNOW 9th September 1999
SS/1974/841/P/CC Demountable Classroom. UNKNOW 6th June 1974
SS/1974/850/P/CC Demountable Classrooms. NOOBJ 28th June 1974
SS/1988/34/P/CC Extension and alterations. PERCON 22nd July 1988
SS/1984/55/P/CC Erection of a permanent extension and provision of an additional demountable classroom. NOOBJ 14th September 1984
SS/1977/54/P/CC Erection of mobile classroom and agricultural workshop. NOOBJ 12th January 1977

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T1X8X6TDKFW00>

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 David Walker

Local Member

Cllr Ruth Houghton

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.

3. The external materials and their colour shall be provided strictly in accordance with the details indicated in the submitted application form and on the approved plans.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the area in accordance with Local Plan policies CS5, CS6, CS17, MD2, MD12 and MD13.

4. The new substation, air source heat pumps and hit and miss fencing compounds to enclose the air source heat pumps shall be provided on site strictly in accordance with the approved details and drawings and retained in perpetuity of the development.

Reason: To ensure there is no unacceptable noise impact on nearby properties and that the new equipment is appropriate to its operational context in accordance with Local Plan policy CS6.