



Committee and date

Central Planning Committee

11 December 2014

## Development Management Report

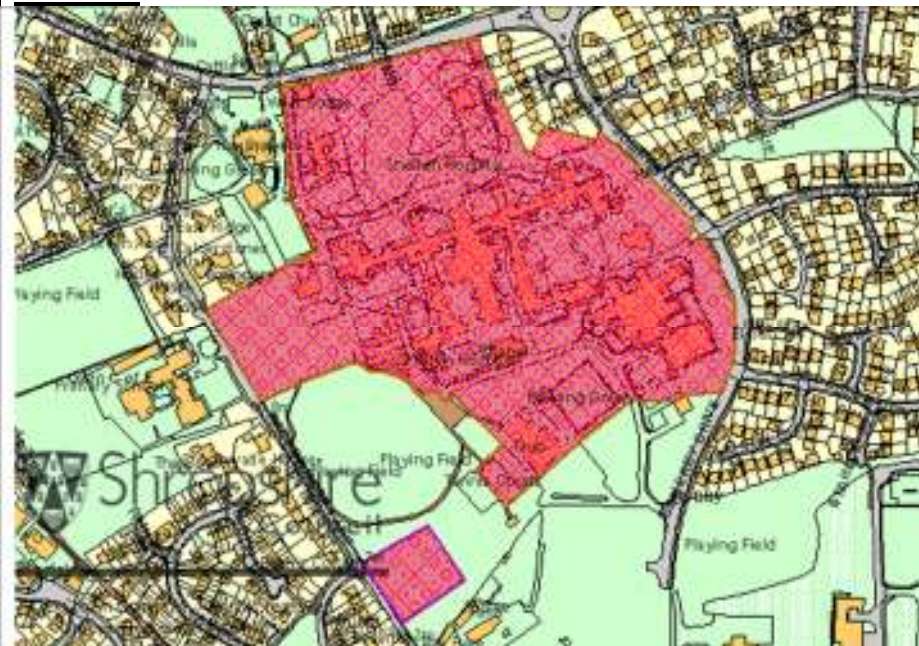
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 14/02402/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Conversion of former hospital building(s) and outbuildings into 158 apartments and houses to include some demolition; formation of parking areas, courtyards and community gardens; erection of 82 dwellings with associated garages and parking; provision of new vehicular access and alterations to existing vehicular access; provision of new bowling green, associated works and pavilion; to include the felling of some trees, erection of protective netting adjacent to cricket pitch (Amended description)		
<b>Site Address:</b> Former Shelton Hospital Somerby Drive Shrewsbury Shropshire SY3 8DN		
<b>Applicant:</b> Shropshire Homes Ltd And NHS Foundation Trust		
<b>Case Officer:</b> Andrew Gittins	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 346060 - 313044



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**Recommendation: Grant Officers delegated powers approve planning permission subject to the Conditions set out in Appendix 1 and a Section 106 legal agreement to secure:**

- **Contribution towards education infrastructure.**
- **On-site affordable housing.**
- **Contribution to provide, and agreement with Shropshire Council to let a contract for the construction of the replacement bowling green and lighting on a like-for-like basis prior to commencement of development on existing bowling green or cessation of right to use existing vehicular access and car park.**
- **Contribution to cover cost of relocating the cricket square up to 12 metres further south to mitigate impact of siting new / converted dwellings adjacent to boundary.**
- **Agreement with applicant to provide like-for-like replacement bowling hut with addition of toilet facilities in accordance with the timetable for the replacement bowling green.**
- **Transfer of cricket ground to Shropshire Council, who will in turn transfer this on a long-term lease to Shelton Cricket Club.**

**Subject to the draft decision being forwarded to the National Planning Casework Unit in light of Sport England's objection.**

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 For the conversion of the former hospital buildings and outbuildings into 158 apartments; formation of parking areas, courtyards and community gardens; the erection of 82 dwellings with associated garages and parking; provision for new vehicular access and alterations to existing vehicular access; provision of new bowling green, lighting and hut, to include the felling of selected trees.

1.2 The application is an urban development project with a site area more than 0.5 ha and therefore constitutes Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. However, with regard to Schedule 3 of the Regulations together with the advice set out in the NPPG EIA it is considered that development would not have significant environmental impacts for the purposes of these Regulations and that an EIA is not required. A copy of this determination is available on the planning file.

1.3 The development will consist of 82 new build and 158 conversions consisting of the following house / apartment size and tenure:

#### **New Build Open Market**

- 4 bed dwellings 39 no.
  - 3 bed dwellings 23 no.
  - 2 bed dwellings 11 no.
  - 1 bed dwelling 1 no.
- Total                      74 no.**

**Conversion Open Market**

- 4 bed conversion 2 no.
  - 3 bed conversion 16 no.
  - 2 bed conversion 74 no.
  - 1 bed conversion 58 no.
- Total                    150 no.**

**Affordable New Build**

- 2 bed dwellings 6 no.
  - 3 bed dwellings 2 no.
- Total                    8 no.**

**Affordable Conversions**

- 1 bed conversion 4 no.
  - 2 bed conversion 4 no.
- Total                    8 no.**

**2.0     SITE LOCATION/DESCRIPTION**

- 2.1**     Shelton Hospital is a Grade II listed building situated adjacent to Welshpool Road, Somerby Way, and Racecourse Lane on the outskirts of Shrewsbury to the west of the Town Centre. The former hospital building is currently and has been vacant for a number of years following relocation to a new purpose built facility at The Redwood Centre situated to the south of the application site. The grounds associated with the former hospital accommodate a bowling green, junior football and cricket pitches leased to Shropshire Council and used by SAHA Bowling and Junior Football Club and Shelton Cricket Club. Access to the informal car park, which is a roughly surfaced former netball / tennis court is via, and gifted by The Redwood Centre.
- 2.2**     For planning policy purposes the site is located within the Shrewsbury Urban Area where the principle of new residential development either through conversion or new build is acceptable.

**3.0     REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1**     The proposal is a complex major application which in the view of the Service Manager with responsibility for Development Management in consultation with the committee chairman and vice chairman considers should be determined by the relevant Planning Committee.

**4.0     Community Representations****4.1     Consultee Comments****4.1.1   English Heritage (2<sup>nd</sup> July 2014): No objection**

Thank you for your letter of 9 June 2014 notifying us of the application for planning permission relating to the above site. We do not wish to comment in detail, but offer the following general observations.

### **English Heritage Advice**

English Heritage has been fully involved in pre-application discussion on this major project.

We are in principle content with the proposals, subject to your Council imposing conditions requiring your prior agreement of architectural and landscape details, materials and finishes, and the submission of an archivally appropriate record of the existing buildings to the County Historic Environment Record. Our only major regret is that it has not been possible to retain the original kitchen of the refectory, a potentially impressive space currently obscured.

### **Recommendation**

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

#### **4.1.2 SC Archaeology (26<sup>th</sup> June 2014): No objection**

Background to Recommendation:

The proposed developed includes a mid-19th century asylum building, together with an attendant chapel and the remains of the original ornamental grounds. The core of the main building is of 1843-5 by George Gilbert Scott and WB Moffat, with extensions of 1848 by Thomas Haycock, 1854-6 and 1883-4 (Listed Graded II ' National Heritage List ref. 1270532). The chapel was built c1854-6, again possibly by Thomas Haycock (Listed Graded II ' National Heritage List ref. 1255091). Further additions and new buildings were added to the site between 1890 and the 1990s.

RECOMMENDATION:

The Conservation Officer for the central area will comment upon the proposed demolition and conversion of the former hospital buildings, including any need for further building recording. These comments are therefore restricted to matters relating to the archaeological interest of the proposed development site.

A copy of the Conservation Plan of August 2009 by Capita Lovejoy, and a Statement on building recording and historical analysis of May 2014 by Nick Tavener Archaeological Services, have been submitted as part of the application. These provide a satisfactory level of information about the archaeological interest of the site in relation to Paragraph 128 of the NPPF. Capita Lovejoy conclude that there is generally moderate or moderate to high archaeological potential for pre-19th century remains to be present on the proposed development site. However, their analysis is primarily based on the proximity of known heritage assets with archaeological interest that are recorded on the Historic Environment Record and does not take account of the extensive development and landscaping that has occurred across the proposed development site since the mid-19th century. When the latter is taken into consideration, it can be concluded that there is only low ' very low potential for pre-

19th century archaeological features and deposits to be present. As a consequence, I have no further comments to make regarding archaeological matters.

**4.1.3 Highways Agency (30<sup>th</sup> October 2014): No objection following dialogue with the Applicant's Transport Consultant who provided additional information relating to the traffic impact on the Strategic Road Network.**

**4.1.4 SC Trees (31st October 2014): No objection subject to conditions.**

I have undertaken a site visit and considered the revised layout SH-P-01 Rev. N and can confirm that the amended positions of plots 10 & 11 satisfactorily address concerns raised about the proximity of trees to the houses adjacent to racecourse lane.

The removal of trees 324 and 545 is supported by arboricultural assessment and is reasonable and prudent management of the tree stock. The loss of amenity associated with the removal of these 2 additional trees will be mitigated through the extensive replanting scheme proposed.

**4.1.5 SC Ecology (2<sup>nd</sup> Dec 2014): No objection subject to the attachment of conditions / informative(s) and completion of tests 1 and 2 on the European Protected Species 3 test matrix and inclusion of the finished matrix as an addendum to the report.**

I have read the above application and the supporting documents including the;

- Ecological Assessment conducted by Star Ecology (May 2014)
- Bat Survey conducted by Star Ecology (August 2014)
- Bat Mitigation, Compensation and Enhancement conducted by Star Ecology (September 2014)
- Breeding Bird Compensation & Enhancement Scheme conducted by Star Ecology (September 2014)
- Great Crested Newt Survey/Assessment conducted by Star Ecology (August 2014)
- Ecology Newt Habitat Areas and Existing Surface areas for Ecology (October 2014)
- RAMs for Great Crested Newts provided by Star Ecology (19<sup>th</sup> November 2014)
- Works associated with the creation of a new bowling green RAMs provided by Star Ecology (19<sup>th</sup> November 2014)
- Installation of a pedestrian crossing RAMs provided by Star Ecology (19<sup>th</sup> November 2014)

The habitats on site consist of amenity grassland, scattered trees, species poor hedge, fences, walls, buildings, and bare ground/hard-standing. The site has value for gcn, bats, badgers, hedgehogs, and nesting birds.

Star Ecology has conducted a thorough ecological assessment and phase 2 ecological surveys in order to provide sufficient ecological information so that biodiversity can be protected and enhanced if the proposed development was to proceed.

The proposed application is for the demolition/conversion of existing buildings as well as new houses, gardens and parking. Works will occur under an eps license for newts and bats. Providing the conditions and informatives as listed below are considered appropriate, are on the decision notice and are appropriately enforced, then SC Ecology is satisfied that the favourable conservation status of bats and gcn in their natural range will be maintained.

Star Ecology has concluded that work to buildings with evidence of bats will need to occur under an EPS mitigation license from Natural England. Mitigation/enhancements for bats have been included within The Bat Mitigation, Compensation and Enhancement report conducted by Star Ecology 2013. In summary the mitigation will include;

Roost retention/modification. Purpose made openings to/from existing roosting opportunities will be provided within locations of: Building1 roof space 11-32- 40, Building 8 roof space 5-7, and building 13 roof space 3. The modification of the roof space will involve specific bat friendly roof underlining, and installing a purpose built bat roost feature within each roof apace.

New bat roosting opportunity within roof spaces of existing buildings. By creating purpose made openings to/from roosting opportunity within the locations of: Building 1: roof space 9-10-14-34-36-42-50. Furthermore, purpose-made potential bat roosting features will be installed within each of the roof spaces.

New bat roosting features to be installed a total of 11 purpose made bat roosting features, namely 4 bat lofts (5.10m L, 5.00m W, 2.25m H) with hopper style and gable wall-plate crevice access, and 7 schwegler 1fr bat tubes.

Mitigation measures also include; an alternative, species suitable, bat roost being made available prior to works commencing on site, pre commencement check for bats by a licensed ecologist, one way bat excluders to be used where appropriate, suitable roofing membrane, and controlled lighting. From the proposed plans additional hedgerow planting can be seen around the perimeter of the site – currently this is marked as 100% privet and is of low ecological value. An appropriate landscaping condition should be on the decision notice which includes a mix of local, native species, as listed in the ecological assessment report.

I have provided a European Protected Species 3 tests matrix for bats. The planning officer will need to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

### **Great Crested Newts**

Results from the great crested newt assessments are shown in the table below. There is a medium population of great crested newts within 45m of the site.

Dr Sue Swales and Nicola Stone conducted a site visit on 12<sup>th</sup> November 2014 accompanied by Dr Ross Jones and Andrew Marsden.

Following this site meeting Reasonable Avoidance Method Statements have been provided for works within 250m of the proposed development site. The 'Proposed newt surface area plan-whole site' drawing title SH-P-SAECO-I dated 24<sup>th</sup> October, shows areas proposed/retained for newt mitigation. From the site meeting it was agreed that areas close to Racecourse Lane, indicated as newt habitat will not be included within the property boundaries. Newt habitat/mitigation areas as identified in the site plan, 'Proposed Surface Area Plan for Ecology – Area Behind Plas Meddyg' dated 24<sup>th</sup> October, shall not be included within property boundaries.

Drawing number 'SH-P-01 Proposed Site Layout Rev. O - superseded' dated 20<sup>th</sup> November details the proposed landscaping plan. None of the species listed are native/common locally. A 100% privet hedge is indicated on the site plans. The ecological assessment report states that Native species of local variety are preferred and ideally a minimum of 4 species should be planted (example species have been listed within the Star Ecology report). The Planning Case Officer has confirmed that the applicant has agreed to update the landscaping scheme to use native species. In order to enhance the site for biodiversity a species rich, native species (of local variety), shall replace the 100% privet hedge.

The proposed development will occur under an EPS licence for great crested newts and the mitigation will include; newt exclusion fencing, 60 newt trapping nights in suitable trapping temperature, specific newt friendly kerbs/drainage, creation of at least 14 hibernaculas, and post development monitoring of pond 1 (if access permission is granted).

GCN terrestrial habitat will be maintained within close proximity to the Racecourse Lane boundary. A hedgerow shall be planted around the perimeter of the site. Area 1, marked blue on plan dated 19 November 2014 title 'SH-P-RL Retained Land Following Cricket Pitch Transfer' shall be managed for GCN and this should be secured under a planning condition. 14 Hibernaculas will be constructed and maintained for the lifetime of the development. The GCN amended newt fence plan dated 20<sup>th</sup> November 2014, 'SH-P-NF REV B', shows the newt fencing does not include the areas being retained and enhanced for newt mitigation. This is important as it allows newts to use these areas during the time of the development.

I have provided a European Protected Species 3 tests matrix. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

The suggested conditions and informative(s) should be on the decision notice.

**Nesting birds**

The site currently provides habitat suitable for nesting birds. Work to remove bird boxes from trees, if deemed essential, should be in line with Ecological Assessment conducted by Star Ecology (May 2014).

The suggested condition and informative should be on the decision notice.

**Badgers**

No evidence of badger was found within the proposed development site boundary. The suggested informative should be on the decision notice.

**Hedgehogs**

Hedgehogs may forage within the proposed development site boundary. Star Ecology has provided hedgehog reasonable avoidance measures and mitigation within the Ecological Assessment report (May 2014). Recommendations within this report shall be conditioned and adhered to. Habitat creation in the form of hibernation/summer breeding nest boxes should be provided on site, and all gates should be raised a minimum of 100mm to allow for wildlife to pass under them. The suggested condition and informatives should be on the decision notice in order to protect wildlife on site.

- 4.1.6 SC Learning and Skills (2<sup>nd</sup> Dec 2014): Contributions to education infrastructure are normally identified through the LA's pupil yield calculator. However, it is recognised that there are specific circumstances affecting this particular application, and the LA therefore accepts the contribution offered based on the developer's own methodology.**
- 4.1.7 SC Highways: (29<sup>th</sup> Oct 2014): The highway authority raises no objection to the granting of consent.**

**Background**

The development proposals have been subject to extensive discussions between the local highway authority and the applicant/their agent's in order to deal with highway and access matters throughout the design process. This has led to a number of changes throughout the consideration of the application. Through the consultation process we have made requests for changes to the applicant in response to consultation responses from local residents and interested parties.

Excusing the sports facilities two points of vehicular access are proposed to the site, one taken directly off Welshpool Road and a second access off Somerby Drive with the latter serving the majority of units proposed. The applicant has been required to provide a Transport Assessment which investigates the potential impact of the development on the surrounding road network. The local highway authority accept the submitted assessment, which in our opinion represents a robust appraisal of the potential traffic impact. The findings of the assessment show that on effect of the development on the local road network would not result in any of the junctions tested exceeding their theoretical capacity both in the year of opening (2019) and at the end of the plan period (2026). This means that the traffic from this development should not result in any notable delay or queuing on the local road network.



The developer has not been required by us to test the impact of the development on the proposed changes to the road layout in this locality, which are proposed under the Shrewsbury West SUE as this is not yet committed development (although the Churncote site has recently been resolved by committee, but a decision notice is yet to be issued). However, these changes would substantially reduce traffic flows on Welshpool Road due to the proposed diversion of 'through traffic' to the Oxon Link Road so the traffic situation should improve locally. The main point of impact as a result of these changes on the local road network will be at the Welshpool Road/Holyhead Road traffic signal junction, where the bias of traffic flows will shift from Welshpool Rd to Holyhead Rd. This will be fully explored under as part of the development of the Oxon Link Road scheme, but is expected not to result in any additional congestion.

The proposed 'T' junctions with the existing highway at Welshpool Road (forming a cross-roads with Shelton Gardens) and Somerby Drive are considered to provide appropriate forms of access for the number of units served. Initially the junction at Welshpool Road was proposed to be a mini-roundabout, but this was met with concern from the existing residents of the area so the design reverted to a simple T-junction.

The proposed sports facility car park access has been set out in accordance with our requirements for appropriate visibility splays onto Racecourse Lane. Whilst this should provide a safe form of vehicular access to the sports facilities, as has been expressed to the applicant on a number of occasions we are of the opinion that a more sensible option would be for the access to be taken from the proposed site roads in order to utilise the existing parking hard-standing.

The proposed pedestrian access from the site to Racecourse Lane is an important addition to the site layout as this will provide a convenient link to Oxon Primary School and to the footpath leading to the Pensfold local centre. This link will also provide an opportunity for some residents of Redwood Park to avoid the existing public footpath route across the sports fields, where Racecourse Lane to the north up to the school lacks a footway.

Discussions are currently taking place regarding the impact on Racecourse Lane from the various developments in the west of Shrewsbury, as traffic on the lane is likely to increase if no action is taken. The local highway authority are advocating that the lane is severed to through traffic as this is the only feasible way to remove 'rat-running' traffic. However considering the context of this development in isolation, the impacts to through traffic are likely to only be marginal. A public meeting is currently being planned to discuss the future management of Racecourse Lane.

#### **4.1.8 SC Conservation (30<sup>th</sup> June 2014): No objection subject to conditions**

At the pre-application stage I provided the following short summary of designated and non-designated heritage assets on this extensive property as follows: The former Shelton Hospital, now disused, was designed by George Gilbert Scott and W. B. Moffat and built in 1843 of brick with stone dressings as a county asylum serving both Shropshire and Montgomery, originally built to house 60 persons but extended with side and rear wings in 1848 and 1884. The building is Grade II listed. The

separate Chapel building directly to the south is also Grade II listed and dates from about 1854. Other 19th Century buildings on the site including the former outbuildings and the Medical Superintendent's house would all be considered as curtilage listed. Our circa 1900 Ordnance Survey mapping layer illustrates the attractive original formal layout of the gardens and site access drives to the front of the hospital.

Our Team has been involved in pre-application discussions on this major proposal from an early stage, along with English Heritage, and have commented on the proposal as it has evolved in terms of the overall layout and siting of new buildings on the site, improvements to the formal entrance and landscaping and selective demolition of certain sections of the principle building, with the main aim being to protect the character and setting of the listed and curtilage listed buildings while allowing for their adaptive reuse.

#### Principles of Scheme:

In terms of the historic environment, the proposal needs to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including the Historic Environment Planning Practice Guide published by English Heritage and the National Planning Policy Framework.

Overall the scheme has evolved so that both our Team and English Heritage are in principle content with the proposal as detailed in this formal application. As we commented at the pre-application stage, the entire scheme is expected to have a high standard of design and excellent quality of materials, and conditions should now be imposed so that all architectural and landscape details and materials and finishes for both the existing buildings and the new buildings will be agreed prior to commencement of any relevant works.

#### Detail:

We have previously noted that it was agreed that the full height of the chimneys to the front elevation of the main building will be reinstated, and further detail on this aspect of the proposal should be provided before commencement of the works.

Original and early windows should be retained and repaired on the listed and curtilage listed buildings where extant, and where required, appropriate new windows to match the originals should be reinstated to an approved detail in traditional materials on all of the listed and curtilage listed buildings on the site.

We have previously reviewed the Conservation Plan completed in 2009 and I have now reviewed the additional Statement on Building Recording and Historical Analysis prepared by Nick Tavener dated May 2014. These documents provide a satisfactory level of information at this stage however additional building recording in terms of survey and photographic record will be required since potentially interesting areas were concealed or locked at the time of the initial May 2014 report (the report notes that these additional areas will be surveyed when conditions permit). An appropriate condition in this regard needs to be included in the decision notice.

The Archaeology half of our Team have provided comments on archaeological assessment submitted as part of this application.

The Grade II listed Chapel is currently left out of the proposal and any proposed works to this building will need to be raised with the Conservation Officer and listed building consent may be required.

Some of the satellite dish locations indicated on the plans could be sited at more concealed locations and I am reluctant to agree to the locations shown on the plans. This element of the proposal should be conditioned for approval at a later date.

**RECOMMENDATION:**

At this formal stage we are in general agreement with the principle of reuse of the listed and curtilage listed buildings and overall redevelopment of the site as detailed in this proposal. The suggested conditions should be applied on the listed and curtilage listed buildings on the site (and new build where noted).

**4.1.9 SC Drainage (20<sup>th</sup> Aug 2014): No objection**

The outline drainage report and design is acceptable. Details in our drainage comments dated 11 June could be conditioned. In addition, the drainage design should take account of exceedance flow from the site via the footpath link to Racecourse Lane which coincides with an area of pluvial flooding on Racecourse Lane.

**4.1.10 SC Affordable Housing: Comments to be provided as Additional Representations.**

**4.1.11 SC Rights of Way (10<sup>th</sup> June 2014): No objection**

A short section of Footpath 39 (as diverted to accommodate the new Redwoods Centre) abuts the south eastern boundary of the site identified as correctly indicated on the block plan. The route will not be affected by the proposals.

**4.1.12 SC Waste Management (1<sup>st</sup> July 2014): No objection.** The development should seek to comply with the Supplementary Planning Guidance for architects and developers relating to domestic refuse and recycling collection and storage requirements.

**4.1.13 SC Public Protection (19<sup>th</sup> June 2014): No objection subject to conditions.**

As the site was previously used as a hospital there is the potential for contamination could have occurred. As a result a contaminated land condition is recommended.

In order to make the properties ready for electric vehicles, charging point installation isolation switches must be connected so that a vehicle may be charged in the garage or driveway. A condition is therefore proposed should this application be granted approval.

No burning shall take place on the site during site clearance and construction in order to protect the amenity of the area and the health of nearby residents.

A dust management plan shall be submitted for approval in writing prior to works commencing on site in order to protect the amenity of the area and the health of nearby residents.

It is recommended that the planning case officer places construction and demolition times of operation as a condition should this application be granted approval.

Any asbestos on site should be removed safely and with appropriately licensed operators and to a licensed waste disposal site.

#### **4.1.14 Sport England (further response following agent correspondence 4<sup>th</sup> July 2014): Maintain objection**

Thank you for the email and attached letter.

As we discussed earlier this week, we did look at all the detail contained with the application and have noted the potential benefits that could arise from improved parking to serve the sporting use of the site. However, we agreed that by relocating the bowling green and increasing parking onto the area of playing field, there would be a net quantitative reduction in the area of playing field and outdoor sport. This provides a conflict with our policy and the guidance contained in the NPPF.

With regard to the area of playing field suffering from dog fouling and issues of drainage, this is not a reason for developing the area. Many pitches suffer issues relating to quality and the identified issues could be rectified. The exception to which you refer covers areas of playing field which may be severely sloping or have other features which prevent a pitch being marked. In this case and notwithstanding the quality issues you have identified, the area has been marked out and used as a pitch and retains this ability so this exception is not applicable.

You have also drawn attention to exception E5 of our policy where the development is for a new sports facility and whereby it can be demonstrated that the sporting benefits outweigh the likely detriment caused by the resulting loss of playing field. The issue here is that there is already the bowling green in place on another part of the site, so no new provision is actually being created.

Regarding other benefits of the scheme of bringing the hospital site back into use and the provision of new homes, these are noted but are not part of our remit to consider.

To reiterate our discussion, the proposed development of the current bowling green and the subsequent relocation of the green onto the existing playing field is a fundamental issue for us. Without significant changes to the scheme as submitted which would retain the quantitative areas of playing field and bowling green, I don't feel we have an alternative to maintaining an objection to the proposals.

**Sport England (initial response 27<sup>th</sup> June 2014): Object**

Thank you for consulting Sport England on the above application.

The site includes an area of playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184). It is understood that the area of the site where it is proposed to construct the relocated Bowling Green incorporates a football pitch for junior teams.

Sport England has therefore considered the application in the light of its playing fields policy and Paragraph 74 of the National Planning Policy Framework (NPPF).

The aim of our policy is to ensure that there is an adequate supply of playing fields and good quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.

These specific circumstances are largely incorporated into the criteria for consideration within Par 74 of the NPPF. For clarity, the exceptions within our policy in brief are as follows;

E1 - A robust assessment of need has demonstrated that the site is surplus to requirements.

E2 - The proposed development affecting playing fields is ancillary to the use fo the site for sport and does not detrimentally impact on the current or future use of the site for sport.

E3 - The area of playing field affected by the development is incapable of being used for part of a pitch or associated run off area (due to significant natural gradient for example)

E4 - The playing field lost to development would be replaced in equivalent terms with regard to quantity, quality and accessibility

E5 - The proposed development is for an alternative sporting use, the benefits of which outweigh the likely sporting detriment caused by the loss of playing field.

Further information and a full copy of our policy are available on our website;

<http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/>

The proposed residential development would lead to the loss of the existing bowling green and ancillary clubhouse. The proposed replacement of this facility would result in the loss of a parcel of playing field. The application does not explore this impact

against the relevant policy considerations and without any further context or associated mitigation, Sport England object to the principle of a net reduction in sporting provision that would result from the development as proposed.

To overcome this concern, we would support the reconsideration of retaining the bowling green in its current position and subsequently avoid the extensive works associated with the construction of a new green. Alternatively, the green could be accommodated elsewhere on the site in a way that ensures the retention of the current quantitative area of external sporting provision. Should an agreed location for a relocated green be reached, it will be important that relevant planning conditions ensure that the phasing of the overall development results in the new facility being developed and fully operational prior to any works commencing on the existing facility.

In addition to addressing the fundamental issue of the net reduction of sporting provision as is currently proposed, we also consider that more detailed consideration needs to be given to the potential of adverse impacts of the development on the adjacent playing field, incorporating the cricket square and outfield. This is not explored within the application but it is important that any impacts which may prejudice the long term use of the playing field are identified and then addressed. We have consulted the National Governing Body for Cricket (ECB) to provide comments. Any received comments will follow this letter.

In addition to the above observations, we also note that the proposed residential use of the former hospital site is likely to generate an increased demand for sport and recreation provision. In addition to the protection of the existing facilities for current users, we therefore consider that the development should result in the betterment of this provision to meet increased need.

In summary, the proposed development would result in the loss of playing field provision. This loss is not considered to be consistent with any of the criteria in relevant policy considerations. We therefore object to the application in its current form.

We would be glad to discuss this and our other observations regarding this development and the relationship with the adjoining playing field.

If you would like any further information or advice please contact the undersigned at the address below.

**4.1.15 Shropshire Fire Service (3<sup>rd</sup> Oct 2014):** As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

## **4.2 Public Comments**

33 letters have been received from members of the public objecting on the following grounds:

- Loss of playing fields (SAHA Junior Football Pitch).
- Impact on viability of cricket pitch due to proximity of two new build and three conversions.
- Traffic and highway safety, with particular concern about the proposed mini-island on Welshpool Road (which has since been omitted) and traffic along Racecourse Lane which provides access to Oxon Primary School.
- Inadequate provision for pedestrians and cyclists.
- Existing parking problems in the area, particularly along Somerby Drive on approach to The Redwood Centre.
- Lack of capacity at Oxon Primary School.

**4.2.1 Shrewsbury Town Council (26<sup>th</sup> August 2014): Support general principle but concerns remain over layout and management of sporting and recreational space.**

That in light of the update and discussions the following amendments should be added to the Planning Portal: The Town Council remains supportive of the general principle of development of the Shelton Hospital site and is now satisfied with the amendments/additional information provided in relation to the following: • Replacement of the roundabout proposal with a T-junction • Proposals for pedestrian access including the fencing off of the footpath and materials for construction • Approach to the management of trees including the additional planting of 220 trees on site The Town Council however continues to be un-supportive of the scheme with regards to its approach to the layout and management of sporting and recreational space, particularly the following: • The likely impact of the development on the Cricket Club and its future relationship with new residents • The construction timescale of the Bowling Club. This arrangement should form part of the s106 agreement obliging a party to construct the Bowling Club within a specified timescale • Access/car parking should be paid for by s106 or CIL generated from the site.

**(7<sup>th</sup> July 2014):**

**Shrewsbury Town Council raises no objection to the development of the old Shelton Hospital but does object to the density and siting of the new properties within the grounds. Key issues of concern include:**

- There seems to be confusion as to who has suggested the installation of a roundabout linking the development site to Welshpool Road. Members question the necessity for such a piece of highways infrastructure particularly when there are existing access routes into the development site. Is this more for aesthetic reasons than practicalities for accessing/egressing the site?
- The existing site is regularly used as a safer route to school for children living on the Redwood Estate attending Oxon Primary School; whilst there is some suggestion of a pedestrian route through the site, it is not a direct route and poses other complications and potential compromises on public safety given its circuitous route around a cricket ground.
- There is a presumption that the game of cricket stops at the boundary of the site, but experiences not only on this site but other sites throughout the town suggests that the location of houses so close to the boundary of the site will pose significant

issues for not only the future owners of these properties but also the Cricket Club as well. Unless the developer is proposing high mesh fencing around the boundary area, toughened tiles on those elevations facing the cricket circle and toughened glazing, future neighbour/cricket user harmony will not be achieved.

- Whilst it is welcomed that the developer proposes to relocate the Bowling Green from its current location within the development site to land which is currently owned by the Department for Health and leased to Shropshire Council, the fact there are no plans to provide public accessibility (both vehicular and pedestrian including provision for the disabled) is wholly inappropriate. The issues of both vehicular and pedestrian accessibility also apply to the established cricket club, who have enjoyed the game of cricket on that site for a century. No vehicular access will mean that both clubs sustainability is questionable.

- Members also have concerns about the loss of some mature treestock which during the occupation by the Department for Health was managed and promoted as a tree walk. This also has significant implications for the local flora and fauna many of which thrive/live on such treestock

- Members question the relevance of a wildflower meadow and its adjacency to the Cricket Ground. Who will ultimately be responsible for its future maintenance?

- Given the number and complexity of issues, Members would like to invite both the Planning Authority Case Officer and the Highways Development Control Officer to their next meeting to discuss some of these issues.

#### **4.2.2 Shropshire Playing Fields Association (17<sup>th</sup> November 2014): Additional comments.**

On behalf of Shropshire Playing Fields Association Ideally the preferred option would be to support the reconsideration of retaining the bowling green in its current position and subsequently avoid the extensive works associated with the construction of a new green. Alternatively, the green could be accommodated elsewhere on the development site in a way that ensures the retention of the same quality and quantitative area of current bowling provision, whilst providing easy access for members by foot, cycle, motor vehicle or public transport. Taking account other considerations linked to this application there would seem to be one outstanding option that has not yet been fully considered by all stakeholder groups that might fit best all needs, albeit at the loss of four properties on the application. Option: To relocate the Bowling Green to the north end of the cricket pitch with access to the facility off Racecourse Lane almost opposite the Oxon Primary School Main Gate into an area that is an existing car park. A combined Cricket and Bowling pavilion could be located between the bowling green and cricket pitch allowing easy access to both from this existing Car Park. Advantages 1. The area would meet some of the developer's requirements for green open space as part of their development; the current plan does not provide a sufficient amount at the moment. 2. This area of land has always been used for sport and recreation purposes so should not have been put forward in the original package for residential use. 3. This area provides a natural buffer zone between the new houses and the cricket pitch overcoming the concerns of both the Cricket Club and new residents of injury occurring or structural damage being caused from stray cricket balls. 4. Access to the car park opposite the school will mean minimum disruption to local residents, whilst also providing the opportunity for the school to use the facility as a much needed pick up zone by parents, particularly as a proposed development to the rear of the school at Penfold is likely



to consume a large area of car park from that site. 5. This option would mean there being no need to lose additional open space from the existing sport pitches to provide essential car parking, roads etc 6. Cost to provide access to this site would be minimal as would be the cost of providing a car park surface as it is already in place. 7. The facility would fit well with all aspects of the existing and new development, providing improved amenities and facilities for the expanding area. 8. Due to the suitability of the site for a bowling group, it is likely to be an option that could be put into action very quickly, allowing the developer access to the current Bowling Green site much earlier than any other option so far offers to do. 9. The proposed new footpaths around the Cricket ground fit in well with this option allowing good easy access by foot or cycle and would be fully inclusive for those using wheelchairs and push chairs provided the footpath surface is of a suitable quality. 10. Access by public transport would be less than 150 metres away off the Welshpool Road where there is a bus stop going both into and out of town. 11. Emergency vehicles if required would have good easy access to the site as would any delivery vehicles. Should an agreed location for a relocated green be reached, we believe it is of crucial importance in any agreement that relevant planning conditions ensure that the phasing of the overall development results in the new facility being developed and fully operational prior to any works commencing on the existing facility. We strongly believe that in addition to the protection of the existing facilities for current users, that the development should result in the betterment of provision to meet the increased need that is likely, as a result of cumulative developments within a 2 mile radius of the site bringing some 1500 additional homes to the area. We believe this additional demand for bowls and all sports should be clearly reflected in an updated robust local needs assessment document being prepared specifically for the West side of Shrewsbury as required by national planning policy guidelines. We hope you will consider fully the thoughts and options we have put forward so that a satisfactory outcome can be derived for all stakeholders involved.

**(20<sup>th</sup> June 2014): Object on the following grounds:**

Open space, sport and recreation facilities.

The site under threat from new development is a piece of land to the South of the main ex-hospital site which forms part of the old hospital's sports grounds. The part of the site being considered for development has historically housed a traditional bowling green and small club house, a large social club with indoor recreational facilities, a large car park area with access from Somerby Drive and a large area of open space used by local rail enthusiasts to house a miniature railway track, with medium sized store shed in the corner of the site.

In recent years some of this open space has been allowed to become run down by the owners, the social club removed, leaving open space accessible to in the main residents of the Bowbrook and Redwood area, staff and patients of the new Redwood hospital, recreational dog walkers, children walking to school and members of the bowling club, whilst providing an access route to the adjacent cricket pitch, sport pitches, cricket nets and community youth meeting point.

In addition a separate area of open space forming an extension to the nearby Cricket pitch is also being put forward for development, formerly a bowling green this land has more recently been used to train young footballers from the local neighbourhood

who are members of the locally run SAHA Junior Football Club of which Joe Hart current England goalkeeper was a player in his junior days.

Significant to this development is the adjacent open space that is not being put forward for development. This is currently being sub-leased by Shelton Cricket Club from Shropshire Council, who are currently leasing it from the landowners South Staffordshire and Shrewsbury NHS Foundation trust, but who may become freehold owners as part of the deal in the near future which in addition to the cricket pitch also includes a small cricket pavilion, grounds store, hard court sports surface, originally purpose built to provide a separate tennis and a separate netball court, now used for cricket nets and a community youth shelter. In addition an adjoining piece of land to this one is already owned by Shropshire Council and is used predominantly as a soccer pitch and training pitch, but is also well used by the local community for walking dogs and other informal recreational activities.

Shropshire Council and Shrewsbury Town Council in collaboration with Shelton PFA have discussed with the developers where best the Bowling Green should be relocated with the suggested option being where previously there was a junior football pitch, with a sports club pavilion being provided next to the bowling club with access being proposed from Racecourse Lane, this option does not however sit well with many residents and users of Racecourse Lane.

This vehicular and pedestrian access is a key issue and at present the option being proposed is that access to these sport pitches will be from Racecourse lane close to the point where the current footpath comes out, in addition, a car-park would be needed, our concern is that this would require further loss to the sports pitch area, and dependant on what is agreed with regard provision of a driveway may result in further loss of sport pitch area.

Suggestions to access the sports pitches from the Redwood side through the new proposed development by residents would offer an obvious solution to the problem of unnecessary loss of sport pitch space. So far no arrangement or proposals have been put forward to compensate the community for the loss of the remaining open space as outlined in figure 1 amounting to a minimum loss of approximately 6,180 square metres as shown in figure 1. We believe that this should have been agreed jointly and collaboratively between community, developers and the local planning authority by this stage in a transparent and accountable manner, in line with NPPF: Para 71 which says;

Local planning authorities should take a positive and collaborative approach to enable development to be brought forward under a Community Right to Build Order, including working with communities to identify and resolve key issues before applications are submitted.

We also believe that in line with NPPF; Paragraph 73 needs to be adhered to as this development affords considerable opportunity to introduce new sports and activities to this site through careful design and planning: Para 73 states:

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

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or (no evidence of this being done yet)
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or (no evidence of this being done yet)
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

It would seem reasonable that paragraph 75 of NPPF should be scrutinised more, given the strategic location of the open space in linking up key parts of the community for employment, education and social benefits, making every effort not to conflict unnecessarily with the needs of the sports ground users.

NPPF 75. Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

In our opinion more attention needs to be given to connecting footpaths and cycleways linking the local school and hospitals with the residential area, the present footpath cuts through the middle of the sports pitches and would have a considerable detrimental effect on the new bowling green if the current option is agreed.

It is our belief that this footpath needs to be re-directed around all four sides of the cricket pitch, with developers providing a high quality, off road footpath suitable for off road cycling and pedestrian walking which will provide considerable benefits to the local community, improving linkages between all existing and new proposed residential areas and hospital facilities enabling young children and adults to access school and work safely. As well as providing direct access to the sports ground itself.

The most suitable vehicular access would be from the redwood side of the site following the existing road past the Chapel to where the existing Cricket pavilion stands, enabling additional car parking opportunities to be provided without additional loss to the existing grass pitch area, whilst appeasing the considerable concerns of local residents already anxious about the serious threat to safety that currently exists along Racecourse Lane.

#### Sports pitch protection

Shropshire Playing Fields Association note the proposed transfer of land from the department of health to Shropshire Council and would recommend that when this transfer occurs that the whole of the sports pitch area becomes a designated World War I commemorative field protected site, so that the site is protected for generations to come from any possibility of development.

#### Community right to bid.

Additional consideration could at some point be given in the near future of Shropshire Council and Shelton PFA considering the advantages of Shelton PFA under the localism act bidding for the right to buy the grounds, which would pass the responsibility for maintenance and management to them but afford them greater

opportunities of accessing grants and having greater control of design and programming aspects of the area.

The views given in this report are solely the views of Shropshire Playing Fields Association an independent charity with the principle purpose of protecting playing fields and promoting play and sports activities, the report is prepared in good faith to help advise local stakeholders on possible ways forward but SPFA take no responsibility for final decisions taken on this matter which at the end of the day will rest with the local planning authority, Shropshire Council.

#### **4.2.3 Racecourse Lane Residents Association (2<sup>nd</sup> Dec 2014): Object on the following grounds:**

- Density and Layout / Effect on Listed Building and its Setting  
Large number of houses proposed in grounds is overbearing by means of density, layout and appearance, detrimental to the listed building, is in excess of what is required to constitute enabling development and the number and type are not fit well with the type of housing suggested in SMHA.
- Biodiversity / Tree Loss / Hedgerow removal  
The proposal will result in the felling of 90 trees, some of which are TPO'd and there is little information about the proposed replacement trees.
- Biodiversity – wildlife  
The site supports a variety of wildlife including Protected Species such as bats and newts and there is no evidence of surveys of the numerous mature trees. The site supports more wildlife than the recorded in the surveys such as hedgehogs and foxes, which should be protected during construction and hedgerow removal. The site also supports birdlife and the proposed mitigation for both birds and newts is inadequate.
- Layout and density / Loss of open space and recreation areas  
The development will have a detrimental impact on the health and well being of the local community, will change the scenery and setting of the listed building and result in loss of open / recreation space and additional traffic along Racecourse Lane.
- Access to sports pitches  
The development will remove access to the sports pitches leaving them landlocked. The developers unwillingness to provide access from within their site has led to the financial cost to the local authority.
- Duty of Council to pass a safe site / health and safety concerns  
The erection of two dwellings on the old bowling green, and conversion of former estate buildings, both adjacent to the cricket pitch is not considered to provide appropriate mitigation to ensure the safety of residents and prevent any conflict with the use of the cricket ground. The protective fencing is out of keeping with the character of the listed building and maintains the institutional feel.
- Traffic issues  
Development will bring additional traffic and result in several new access points, including one off Racecourse Lane which will change the character of the lane through removal of mature hedgerow which has ecological value.

There are concerns about pedestrian safety due to the proximity of the location of the pedestrian crossing to the lay-by.

**4.2.4 Head of Strategy for Club & Community Programmes for Shropshire Cricket Board (9<sup>th</sup> Sept 2014):** I am objecting to the plans as it will affect access to Shelton CCs playing facilities dramatically with no vehicle access direct to their changing provision. I am even more concerned that the plans show 4 houses to be built on what was to my knowledge the old bowling green directly behind the bowlers arm from the old hospital end of the site. Each and every week the ball is hit in this area often for 6 and also during practice evenings when more of the ground around the site is used for practice. My concerns are that young people and property will get hurt and or damaged and future interests of both potential residents and the future of the cricket club will be at risk due to the points I raise. There are possible solutions on site that could be pursued which could reduce this risk, such as the slight relocation of the cricket square away from the principle dwellings and also the development of the current pavilion/changing area which is not really suitable for sustainable use for modern families and will become if less so with access reduced. The property developer should develop this with the club as both will be valuable assets to the area and increase the opportunities for sales as the facility would be an asset to residents enhancing the environment and not a concern.

**4.2.5 Head Teacher Oxon C of E Primary School (22<sup>nd</sup> Oct 2014):** would like the planners to be aware that a significant number of children currently travel to school from the Redwood Park Estate making use of the public right of way adjacent to the cricket pitch. We understand that the right of way will remain open and will continue to be used by many of these families. We also note that some are likely to make use of the new proposed path that ends close to the front of school. Those families will presumably be joined by some of the children living in the houses on the new development in the Shelton Hospital grounds. All of these children will need to cross Racecourse Lane. With this in mind, we would request that a high quality, safe, crossing be put in place. A zebra crossing would seem appropriate with a high quality waiting area cut into the bank; consideration of a pelican crossing has also been suggested. We would wish to have further discussions with officers about final plans that provide a high quality and safe crossing point for the children.

## **5.0 THE MAIN ISSUES**

- **Principle of development**
- **Siting, scale and design of new dwellings / Conversion of listed building**
- **Vehicular and Pedestrian Access / Impact on surrounding highway network**
- **Impact on long term use of adjacent cricket ground**
- **Net reduction in playing fields (as a result of relocation of bowling green onto junior football pitch)**
- **Developer Contributions (Education Infrastructure)**

### **Others matters**

- **Ecology**
- **Trees**
- **Drainage**

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

**6.1.1** Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight.

**6.1.2** In Policy CS1, The Core Strategy indicates a strategic approach to the provision of residential development in Shropshire, with Shrewsbury as the focus for approximately 25% of Shropshire's residential development over the plan period 2006 to 2026. Market towns and other key centres will be the focus for approximately 40% of residential development during this period and rural areas will accommodate the remaining 35% primarily in settlements identified as Community Hubs and Community Clusters. Outside of these areas, development will primarily be for economic diversification and to meet the needs of local communities for affordable housing.

**6.1.3** The site is located in the Shrewsbury urban area where the principle of new residential development is considered acceptable under Core Strategy Policy CS2 (Shrewsbury Development Strategy). CS2 states that Shrewsbury will provide the primary focus for development for Shropshire providing approximately 25% of its additional housing for the period 2000 – 2026 (approximately 6,500 dwellings or 325 dwellings per annum).

**6.1.4** The application site is within the Shelton / Bicton Heath area of Shrewsbury, on the outskirts of the town centre with good transport links and local facilities. It is considered a sustainable location for new residential development and therefore the development of the site for residential use would be acceptable in principle under Policy CS2 of the Core Strategy.

**6.1.5** The principle of residential development on the site is therefore considered acceptable, however, any development must also be subject to wide range of considerations, as part of which, the suitability of the site for development and any potential effects or impacts upon adjacent land users and the wider community will be considered.

**6.1.6** This application will also be considered against Policies CS6, CS9, CS11, CS17 and CS18 of the Core Strategy and other material consideration contained within the NPPF.

**6.1.7** Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, be safe and accessible to all and involve sustainable design and construction principles.

- 6.1.8** Policy CS9 'Infrastructure Contributions' requires development that provides additional dwellings to help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location. This development will make appropriate contributions towards education infrastructure secured by a s106 legal agreement in addition to a separate Community Infrastructure Levy payment.
- 6.1.9** Policy CS11 requires all new open market housing to provide an appropriate contribution towards the provision of local needs affordable housing. This development will provide on-site affordable units as outlined in the Section 1.3 above which will be secured through an s106 legal agreement.
- 6.1.10** The existing building is Grade II listed and the proposal will need to meet policy CS17: Environmental Networks, which seeks to protect and enhance the historic environment.
- 6.1.11** Policy CS18 requires all developments to integrate sustainable water management measures to reduce flood risk.
- 6.2 Siting, scale and design of new dwellings / Conversion of listed building**
- 6.2.1** Shelton Hospital and the Chapel are both within the application site boundary and are to be retained for residential conversion and future possible community use respectively. Local Authorities have a statutory duty under S66 and S72 of the Planning (Listed Building and Conservation Areas) Act 1990 to ensure that development preserves the setting of listed buildings. Paragraphs 131-134 of the NPPF requires the decision-taker to consider whether there is "less than substantial harm". If there has been less than substantial harm then that harm should be weighed against the public benefits of the proposal, which include the re-use and long term retention of a grade II listed building, a significant boost to local housing supply, contributions towards local infrastructure and the transfer of the cricket pitch to Shelton Cricket Club to enable grant applications for replacement, fit-for-purpose club house and other facilities.
- 6.2.2** The scheme was subject to a pre-application enquiry which involved consultation with Shropshire Council's Historic Environment Officer and English Heritage who have both been consulted on the full and listed building applications. Both acknowledge that there is less than significant harm by confirming that they have no objection subject to the attachment of conditions requiring the submission of details. This response is on the basis that the conversion is considered capable of protecting the fabric of the listed building whilst the new build dwellings will protect the setting of the listed building in accordance with the requirements of CS6, CS17 and the Historic Environment Planning Practice Guide published by English Heritage and the National Planning Policy Framework.
- 6.3 Vehicular and Pedestrian Access / Impact on surrounding highway network**
- 6.3.1** The application proposes three separate access points onto the surrounding highway network, with the residential element of the scheme accessed off Welshpool Road to the north and Somerby Drive to the east, with the bowling green, hut and cricket club car park accessed off Racecourse Lane to the west.

**6.3.2** The application has been accompanied by a Transport Assessment (TA) together with off-site improvement works to the surrounding highway including a priority junction off Welshpool Road to the north, together with widening works and provision of footpath to Racecourse Lane to the west as outlined by the Shropshire Council Highways Development Control Officer's comments. Following consideration of the TA and the proposed off-site works neither the HA or Shropshire Council's Highways Officer have any objection to the scheme subject to the attachment of conditions.

**6.4 - Net reduction of recreation space (as a result of relocation of bowling green onto junior football pitch)**

**- Impact on long term use of adjacent cricket ground**

**6.4.1** The scheme involves the relocation of SAHA Bowling Green which is located on land owned by the NHS Foundation Trust and leased to Shropshire Council to an area owned by Shropshire Council and used by SAHA Football Club as a junior football pitch. This has led to an objection from Sport England who are a statutory consultee whose comments should be given considerable weight in the decision-making process, with any departure from these views requiring compelling reasons. Officers acknowledge that whilst there is a net loss of playing fields, the scheme provides improved facilities in terms of a like-for-like replacement bowling green, hut, lighting and circulation space with the addition of a dedicated access and car park. Shropshire Council will effectively lose some land for recreational purposes as a consequence of siting the bowling green on land within their ownership from additional land previously leased to them. However, there will be a net gain in Council managed recreation land as the Foundation will transfer ownership of the cricket ground to SC which will in turn be transferred to Shelton Cricket Club. This will enable the cricket club to apply for funding for improved changing room, club house and netting facilities and this should be weighted positively in the consideration. Officers do therefore give consideration weight to Sport England's objection but consider that the transfer of the cricket pitch to the Council and in turn the Cricket Club, with the associated potential benefits, when considered alongside the other material benefits of the scheme, which include bringing a vacant listed building back into an alternative viable use and significantly boosting housing supply, outweigh the harm caused by the re-siting of the bowling green and the loss of part of the junior football pitch.

The Town Council has expressed concerns about accessing the existing bowling green during construction of the proposed development and accessing the replacement bowling for maintenance purposes. However the s106 agreement will retain access to the existing green until the replacement green is available for use for the 2017 season, which will be accessed via an access and car park off Racecourse Lane which Shropshire Council will provide. As such the s106 is considered capable of overcoming part of the Town Council's concerns.

**6.5.1** The Town Council's other concern, which is shared with other parties including Sport England, Shelton Cricket Club and Shropshire Cricket Board relates to the approach to the layout and management of sporting and recreational space, particularly the likely impact of the development on the Cricket Club and its future relationship with new residents. Officers are aware of a High Court judgement which overturned a decision by a local authority to grant permission for alterations and additions to a residential property which was only 36 metres from the cricket square which would be further reduced following the extension. As outlined below it is considered that



there are significant material differences between the two applications, namely the distance between the cricket square and the adjoining properties.

**6.5.2** The frontages of the proposed two new build houses (Plots 15 and 16) will be sited 5 metres from the north-western boundary of the cricket pitch, separated by the private driveway and protected by a hoop top fence to a minimum height of 3 metres on top of the embankment or a new boundary wall creating a minimum overall height of 5 metres. Meanwhile the private domestic curtilages of converted properties (E36, 49 – 56) will be sited immediately adjacent to the northern boundary edge and will include windows in previously blank elevations; which the developer has confirmed will be formed with toughened glass. This protective fencing in front of the two new build dwellings, which will also have toughened glass, will be sited a minimum of 60 metres from the centre of the pitch. It should be noted that there is no minimum pitch size even for 1<sup>st</sup> Class (County) cricket only Test pitches, which is 64 metres from the straight boundary at both ends of the pitch (measured from the centre which means that in this respect the distance is only 4 metres short of Test pitch size. Meanwhile the Test pitch requirements for the shortest square leg boundary is 59.4 metres, with this development preserving a 57 metre separation. The s106 will also seek a contribution to cover the cost of moving the square a further 12 metres south further increasing the distances. Officers therefore consider that the distances, together with the proposed fencing and embankment are sufficient to prevent a potential conflict between the use of the cricket pitch and the dwellings and Officers consider that the development will not have a significant or demonstrable adverse impact on the long-term viable use of the cricket pitch. Furthermore, the benefit of the land transfer to the cricket club must be taken into consideration in the overall planning balance.

## **6.6 Developer Contributions (Education Infrastructure)**

**6.6.1** A Cabinet Paper dated 30<sup>th</sup> July 2014 agreed that essential infrastructure requirements identified during the Development Management process can be allocated CIL monies in view of the importance of addressing direct impacts from the development. Information provided by the Local Education Authority indicates that the provision of additional educational infrastructure in south-western Shrewsbury is a priority going forward as developments take place. In this instance the use of CIL money for education provision would be in accordance with the cabinet resolution which will supplement the contribution towards local school places sought by Shropshire Council. These contributions will be secured by a Section 106 Legal Agreement.

## **6.7 Other Matters**

### **6.7.1 Ecology**

The application has been submitted with Ecology Surveys which have been assessed by the Council's Ecologist. The report confirms that there is a medium population of great crested newts within 45m of the site. The proposed development will occur under an EPS mitigation licence for great crested newts and the mitigation will include; newt exclusion fencing, 60 newt trapping nights in suitable trapping temperature, specific newt friendly kerbs/drainage, creation of at least 8 hibernaculas, and post development monitoring of pond 1 a architectural plan has been submitted detailing areas retained for GCN enhancement, which shows a net

increase of GCN habitat and the creation of a new pond within the development boundary. Accordingly the Planning Ecologist has no objection subject to the attachment of conditions and informative(s). As such it is considered that the development will protect statutory protected species whilst offering enhancement opportunities in the form of bat and bird nests in accordance with the requirements of CS6 and CS17.

### **6.7.2 Trees**

The application has been considered by the Council's Natural Environment (Trees) Officer whose comments have been provided in full above. The Tree Officer has concluded that the proposed development will impact on some existing site trees, the most significant specimens are preserved and the contribution to the amenity of the site that the trees provide will be enhanced through the protection of the most significant arboricultural features and assets and through new landscape planting, which in turn will bring age diversity. Accordingly the Tree Officer has no objection in principle following a modification to the layout of Plots 9-12 to provide better separation between the trees and the dwellings and associated amenity space and has suggested conditions in respect of tree protection and landscaping. As such it is considered that the development will retain and protect natural features which contribute towards the environmental and visual amenity of the area in accordance with the requirements of CS6 and CS17.

### **6.7.3 Drainage**

The application proposes connection to the mains foul water sewer and the use of oversized pipes for surface water drainage. Additional plans and details were submitted on the 19<sup>th</sup> August 2014, which have been assessed by the Council's Drainage Engineer who has no objection subject to the attachment of a condition requiring the submission of details of surface water drainage prior to the commencement of any work to ensure that the development integrates the measures for sustainable water management to reduce flood risk in accordance with the requirements of CS18.

## **7.0 CONCLUSION**

**7.1** The principle of residential development by new build and conversion in this location within the Shrewsbury Urban Area is supported by Core Strategy Policies C1 and CS2. The proposal is considered to protect, restore, conserve and enhance the natural, built and historic environment taking into account the local context and character of the listed building and the surrounding area. The development includes the requisite amenity open space and recreation space and the benefits of bringing a large, vacant listed building back into use, the provision of affordable housing and land transfer of the cricket pitch allowing the cricket club to apply for grants to improve their facilities are considered to outweigh the harm caused by the net loss of playing field. Notwithstanding this any resolution to approve will be subject to referral to the National Planning Casework Unit. Furthermore, the proposed protective fencing along the northern boundary of the cricket pitch together with a contribution to cover the cost of moving the cricket square 12 metres further south and away from the proposed dwellings is considered to sufficiently mitigate any impact from the siting of the residential dwellings either by new build or conversion adjacent to this boundary.

As such the proposal is considered to comply with Core Strategy Policies CS6, CS9, CS11, CS18 and the other planning considerations contained within the NPPF.

## **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 three months after the grounds to make the claim first arose.

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

### **8.2 Human Rights**

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

### **8.3 Equalities**

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

## **9.0 Financial Implications**

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature

of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:  
NPPF and NPPG

Core Strategy and Saved Policies:

**CORE STRATEGY**

- CS1 – Strategic Approach
- CS2 – Shrewsbury Development Strategy
- CS6 – Sustainable Design and Development Principles
- CS9 – Infrastructure Contributions
- CS11 – Type and Affordability of Housing
- CS17 – Environmental Networks
- CS18 – Sustainable Water Management

**SUPPLEMENTARY PLANNING DOCUMENTS**

Type and Affordability of Housing  
Sustainable Design (Part 1)

RELEVANT PLANNING HISTORY:

<b>List of Background Papers</b> (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
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<b>Local Member</b> Cllr Peter Adams
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<b>Appendices</b> APPENDIX 1 – Conditions APPENDIX 2 – European Protected Species Test Matrix
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## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

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

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

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

3. No burning shall take place on the site during site clearance and construction.

Reason: to protect the amenity of the area and the health of nearby residents.

4. Work shall be carried out strictly in accordance with the Bat Mitigation, Compensation and Enhancement Report Document conducted by Star Ecology (September 2014) and as shown on the bat mitigation plan dated 15th September 2014 attached as an appendix to this planning permission.

Reason: To mitigate and enhance the development site for the protection of Bats, a European Protected Species.

5. All works within 250m of 'Pond 1' shall be carried out strictly in accordance with the Reasonable Avoidance Measures for Great Crested Newts provided by Star Ecology (19th November 2014) attached as an appendix to this planning permission. Works associated with the creation of the new bowling green shall be carried out strictly in accordance with Works associated with the creation of a new bowling green RAMs provided by Star Ecology (19th November 2014). Works associated with the Installation of a pedestrian crossing shall be carried out strictly in accordance with the RAMs for the Installation of a pedestrian crossing RAMs provided by Star Ecology (19th November 2014).

Reason: To ensure the protection of Great Crested Newts, a European Protected Species

6. Works within 250m of pond 1, as identified within Great Crested Newt Survey/Assessment conducted by Star Ecology (August 2014) shall not in any circumstances commence unless the local planning authority has been provided with either:

a) A licence by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or

b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specific activity/development will require a license.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species

7. Demolition or construction works shall not take place outside 7.30am - 6pm Monday to Friday and 8am - 1pm on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to maintain the amenities of the area.

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

8. A dust management plan shall be submitted for approval in writing prior to works commencing on site.

Reason: to protect the amenity of the area and the health of nearby residents.

9. No development, modification, demolition or site clearance procedures that effect building 1, building 8, and building 13, as listed within Bat Mitigation, Compensation and Enhancement conducted by Star Ecology (September 2014), shall commence until a European Protected Species (EPS) Mitigation Licence with respect to Bats has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of Bats, a European Protected Species.

10. a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by competent person and be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the

requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

11. No development shall take place until a scheme of surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

12. No built development of the new houses shall commence until samples of all external materials including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details. The samples required shall include the erection of a sample panel of brickwork, including mortar, of at least 1 metre square, on site for the approval of the Local Planning Authority.

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

13. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction

- A scheme for recycling/disposing of waste resulting from demolition and construction works

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

15. Visibility Splays of a depth of 2.4 metres and a length of 43 metres from the centre point of the junction of the access roads with the public highway shall be provided before the commencement of the development, and these splays shall thereafter be kept free of any obstacles or obstructions.

Reason: To ensure the provision of adequate visibility in the interests of highway safety.

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

16. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The landscape plan shall be carried out as approved and retained thereafter.

Reason: To ensure the long term maintenance of the amenity greenspace.

17. Prior to occupation, a 'lighting design strategy for biodiversity' for the proposed development site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To protect bats which are a European protected species.

18. There shall be no work to, or immediately adjacent to the existing bowling green which prevents its use or prevents access prior to the submission to and approval in writing by the Local Planning Authority confirmation from the appointed contractor and the National Crown Green Bowling Association that the works to provide the replacement bowling have been undertaken to the agreed specification.



Reason: To ensure that the replacement bowling green is of a like-for-like standard to the existing.

19. A scheme of landscaping shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the first dwelling. These works shall be carried out as approved. The submitted scheme shall include:
- a) Means of enclosure, including all security and other fencing
  - b) Hard surfacing materials
  - c) Minor artefacts and structures (e.g. lighting)
  - d) Planting plans, including wildlife habitat and features (e.g. newt hibernacula, newt terrestrial habitat, hedgehog nest boxes, bird boxes, bat boxes)
  - e) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
  - f) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).
  - g) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
  - h) Implementation timetables

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

20. The proposed pedestrian access and associated raised table crossing on Racecourse Lane shall be implemented in accordance with the approved design prior to the first occupation of the dwellings located in the adjacent phase of the development.

Reason: To ensure the development is provided with a safe and convenient means of walking access to the nearby local amenities.

21. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The habitat management shall include the proposed newt habitat retention/mitigation zones as shown on site plan - 'Ecology: proposed surface area plan-whole site' drawing title SH-P-SAEKO-I dated 24th October. Newt habitat/mitigation as identified in the site plan, 'Proposed Surface Area Plan for Ecology - Area Behind Plas Meddyg' dated 24th October, shall not be included within property boundaries. The management plan for these zones shall include:
- a) Description and evaluation of the features to be managed;
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
  - g) Personnel responsible for implementation of the plan;
  - h) Monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

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

22. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until the expiration of 5 years from the date of completion of the last of the new build dwellings.
- a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.
- b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement has been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.
- c) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a detailed method statement providing details of tree protection measures to be implemented during the installation of the no dig roadways has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.
- d) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail 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.
- e) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision

of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

## APPENDIX 2

### EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

14/02402/FUL

Former Shelton Hospital

Somerby Drive

Shrewsbury

Shropshire

SY3 8DN

Conversion of former hospital building(s) and outbuildings into 158 apartments and houses to include some demolition; formation of parking areas, courtyards and community gardens; erection of 82 dwellings with associated garages and parking; provision of new vehicular access and alterations to existing vehicular access; provision of new bowling green, associated works and pavilion; to include the felling of some trees, erection of protective netting adjacent to cricket pitch (Amended description)

Date of consideration of three tests:

2<sup>nd</sup> December 2014

Consideration of three tests carried out by:

Nicola Stone – Assistant Biodiversity Officer

[Nicola.stone@shropshire.gov.uk](mailto:Nicola.stone@shropshire.gov.uk)

01743-252556

**1 Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?**

The development will include the renovation and alternative viable reuse of a vacant listed building and will therefore secure the future of this heritage asset. The development will also boost local housing supply to the effect of 240 units and represents a sustainable form of development reusing an existing building, in a highly sustainable location.

**2 Is there ‘no satisfactory alternative’?**

The application includes the conversion of an existing building therefore there is no satisfactory alternative or sequentially preferable site.

**3 Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?**

A medium population of great crested newts (Max count 45) has been recorded within 45m of the proposed development site.

A detailed method statement and mitigation has been submitted in support of this application. Development will need to be conducted under a gcn eps derogation license form Natural England. The following mitigation/enhancements have been recommended; amphibian fencing, appropriate trapping and newt translocation, creation of 14 hibernacula, creation and retention of good quality terrestrial habitat for gcn outside of domestic gardens, creation of a native species hedge.

The proposed development will not be detrimental to the maintenance of the population of Great Crested Newts at a favourable conservation status within their natural range provided that the conditions detailed in the response from Nicola Stone to Andrew Gittins (dated 2<sup>nd</sup> November 2014) are on the decision notice and are appropriately enforced.

The following conditions and informatives should be on the decision notice.

1. All works within 250m of 'Pond 1' shall be carried out strictly in accordance with the *Reasonable Avoidance Measures for Great Crested Newts provided by Star Ecology (19<sup>th</sup> November 2014)* attached as an appendix to this planning permission. Works associated with the creation of the new bowling green shall be carried out strictly in accordance with *Works associated with the creation of a new bowling green RAMs provided by Star Ecology (19<sup>th</sup> November 2014)*. Works associated with the Installation of a pedestrian crossing shall be carried out strictly in accordance with the *RAMs for the Installation of a pedestrian crossing RAMs provided by Star Ecology (19<sup>th</sup> November 2014)*.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species

2. Works within 250m of pond 1, as identified within Great Crested Newt Survey/Assessment conducted by Star Ecology (August 2014) shall not in any circumstances commence unless the local planning authority has been provided with either:
  - a) A licence by Natural England pursuant to regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
  - b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specific activity/development will require a license.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species

3. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The habitat management shall include the proposed newt habitat retention/mitigation zones as shown on site plan – 'Ecology: proposed surface area plan-whole site' drawing title SH-P-SAEKO-I dated 24<sup>th</sup> October. Newt habitat/mitigation as identified in the site plan, 'Proposed Surface Area Plan for Ecology – Area Behind Plas Meddyg' dated 24<sup>th</sup> October, shall not be included within property boundaries. The management plan for these zones shall include:

- a) Description and evaluation of the features to be managed;
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
  - g) Personnel responsible for implementation of the plan;
  - h) Monitoring and remedial/contingencies measures triggered by monitoring.
- The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.  
Reason: To protect features of recognised nature conservation importance.

1. A scheme of landscaping shall be submitted to and approved in writing by the local planning authority. These works shall be carried out as approved. The submitted scheme shall include:

- a) Means of enclosure, including all security and other fencing
- b) Hard surfacing materials
- c) Minor artefacts and structures (e.g. lighting)
- d) Planting plans, including wildlife habitat and features (e.g. newt hibernacula, newt terrestrial habitat, hedgehog nest boxes, bird boxes, bat boxes)
- e) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- f) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).
- g) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- h) Implementation timetables

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

### **Informative**

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

### **Bats**

Roosting Brown Long-eared, Common Pipistrelle, and Soprano Pipistrelle have been recorded using buildings on site.

Detailed mitigation measures have been provided in support of this application which include; an alternative, species suitable, bat roost being

made available prior to works commencing on site, pre commencement check for bats by a licensed ecologist, one way bat excluders to be used where appropriate, suitable roofing membrane, and controlled lighting.

The proposed development will not be detrimental to the maintenance of the population of Bats at a favourable conservation status within their natural range provided that the conditions detailed in the response from Nicola Stone to Andrew Gittins (dated 2<sup>nd</sup> December 2014) are on the decision notice and are appropriately enforced.

The following conditions should be on the decision notice:

1. No development, modification, demolition or site clearance procedures that effect building 1, building 8, and building 13, as listed within Bat Mitigation, Compensation and Enhancement conducted by Star Ecology (September 2014), shall commence until a European Protected Species (EPS) Mitigation Licence with respect to Bats has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of Bats, a European Protected Species.

2. Work shall be carried out strictly in accordance with the Bat Mitigation, Compensation and Enhancement Report Document conducted by Star Ecology (September 2014) and as shown on the bat mitigation plan dated 15<sup>th</sup> September 2014 attached as an appendix to this planning permission.
- Reason: To mitigate and enhance the development site for the protection of Bats, a European Protected Species.

3. Prior to occupation, a 'lighting design strategy for biodiversity' for the proposed development site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

#### **Informative**

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

### **Guidance for filling in the EPS form**

The three tests detailed below must be satisfied in all cases where a European Protected Species may be affected and where derogation under Article 16 of the EC Habitats Directive 1992 would be required – i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary; since no offence is likely to be committed, it is not appropriate to consider the three tests.

Test 1 'overriding public interest' and test 2 'no satisfactory alternative' should be addressed by Shropshire Council planning team. Test 3 'favourable conservation status' should be addressed by Shropshire Council Ecologists with guidance from Natural England.

**1 Is the purpose of the development/damaging activity for '*Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*'?**

NB in order to meet this test, the purpose of preserving public health or public safety must also be shown to constitute a reason of overriding public interest. You would need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public.

If an unstable structure ( e.g. buildings, trees) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.

If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992), projects that are entirely in the interest of companies or individuals would generally not be considered covered.

**2 Is there no satisfactory alternative?**

An assessment of alternatives needs to be provided. If there are any viable alternatives which would not have an impact on a European Protected species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) are there any other solutions, and c) will the alternative solutions resolve the problem or specific question in (a)?



**3 Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?**

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if it has a detrimental effect on the conservation status or the attainment of favourable conservation status for a species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected. Compensation measures do not replace or marginalise any of the three tests, all three tests must still be satisfied.