



Committee and date

Central Planning Committee

21 May 2015

## Development Management Report

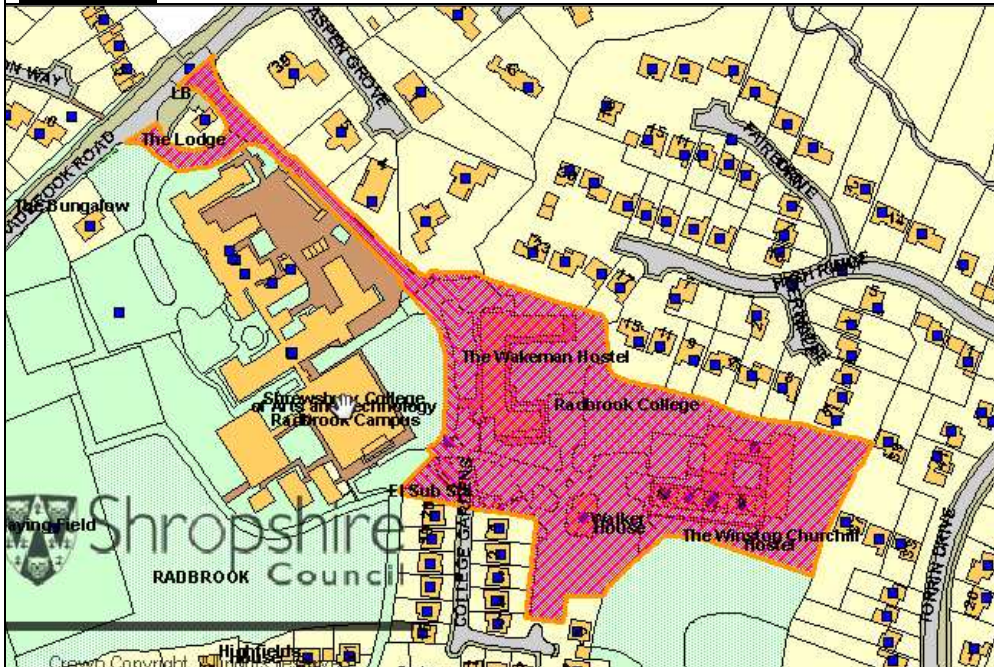
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 15/00490/OUT	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Outline application (access for approval) for residential development with demolition of existing buildings		
<b>Site Address:</b> Radbrook Campus College Gardens Shrewsbury Shropshire		
<b>Applicant:</b> Shropshire Council		
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 347540 - 311683



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure the relevant affordable housing contribution at the reserved matters stage and a financial contribution towards learning & skills.**

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 This application relates to outline permission for residential development with demolition of some existing buildings to include means of access. The application has been submitted following pre-application consultation with the Council and a public consultation event.

### **2.0 SITE LOCATION/DESCRIPTION**

2.1 The proposed development site is part of the former site of Radbrook College previously in Educational use. This application relates to the land owned by Shropshire Council which is the smaller part of the former college site adjacent to and accessed via the larger part of the Radbrook site to the West which is owned by the Radbrook Foundation. A separate application has been submitted concurrently with this application.

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

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the application is made by the Council in relation to land owned by the Council which is not in line with statutory functions.

### **4.0 Community Representations**

#### **4.1 - Consultee Comments**

##### **4.1.1 SC Highways DC**

Recommendation:

The highway authority raises no objection to the granting of consent.

Key Issues:

Proposed change of use and impact upon traffic movements.

Proposed site access arrangements and transport options.

Background:

Two separate planning applications have been submitted for the residential development of the wider Radbrook College site due to the existing land ownership, however the respective applicants' have worked collaboratively to provide an access strategy to suit the wider site and the transport assessments provided reflects this combined approach. We understand that if the proposed development is granted planning consent then the owners will look to market the wider site as a single entity. Consequently we make these combined comments with respect to both applications numbered 15/00490/OUT (Shropshire Council) and 15/00491/OUT (Radbrook Foundation) respectively.

We were invited to early discussions with the applicants' over the proposed redevelopment of this site. It was agreed early on with the applicant that the existing use of the site generates (or has the potential to, considering the most recent reduced site occupation) a significant number of vehicle movements, however a transport assessment would be required to quantify and compare the existing use versus the proposed use in order to establish whether any further modelling work of the network would be required. The site access arrangements were also discussed and one of the main issues raised was the need to provide a suitable pedestrian crossing point over the A488 to the existing footway network located on the north-west side of Radbrook Road. There have been long-standing requests made to the local highway authority by the college for a crossing at this location, but unfortunately due to the topography and adjacent tree line this has not been feasible within the existing road layout. Therefore we requested that a revised site access layout be investigated to suit the residential use which incorporated a crossing point where possible, so a mini roundabout with a central refuge/splitter island was suggested. Therefore we are pleased to see this has been taken forwards by the applicant.

We understand that a proposed mini-roundabout junction is also supported by the existing residents of College Gardens and we support their views that this junction type will assist access to this site by controlling speeds along Radbrook Road and balancing out priorities at the junction. The proposed junction layout is accepted in principle, but is subject to approval of the engineering details at the reserved matters stage if the application is approved.

We have reviewed the supplied transport assessment(s) which has been based around surveys of the existing traffic movements at the site. Unfortunately the surveys were carried out during the past academic year when many of the existing courses had been relocated to the London Road campus. However the surveys are linked to a known occupation of the site so the transport planner has been able to factor up the results based around the known 'normal' occupation from previous academic years to offer an estimate of the traffic movements from the site. A trip rate estimate has been provided for the proposed residential use which has been derived from the TRICS database and has been validated against the survey of College Gardens carried out by the applicant, so a robust estimate of the number of vehicle trips has been used for comparison against the existing surveyed

movements. The results of the assessment demonstrate that the proposed residential use would generate a modest increase in vehicular trips in comparison to the actual surveyed vehicle movements. However when the surveyed movements are factored up for the 'normal' site occupation, the number of vehicular movements to and from the site exceeds the proposed residential use by some margin. Therefore from a transportation perspective it could be considered that the proposed residential use offers an improvement over the existing established use at the site even when considering that the movement patterns will differ between the two uses. We therefore agree with the assessment that no off-site local network modelling work is required.

As an urban site within the suburbs of Shrewsbury, the site benefits from good existing sustainable travel options and nearby facilities. However the addition of some fairly minor connections to the existing network is required. The proposed refuge crossing point mentioned above will provide a walking link to the existing network allowing people to walk towards the town centre and to destinations to the north of the town such as the hospital. The crossing will also allow people to conveniently access the existing bus routes along Radbrook Road, where stops are currently located immediately adjacent to the site. The site masterplan also makes reference to the construction of a link between the development and Spakham Close; this would provide an excellent link with the existing walking and cycle network along Bank Farm Rd and therefore the nearby schools and Radbrook Local centre. Due to the potential sustainable transport benefits this link will bring to the site, we have therefore requested a condition for this piece of fairly minor infrastructure (on application 15/00491/OUIT only). We confirm that the existing footways off Sparkham Close are highway maintainable at public expense and the open space here is registered to and maintained by Shrewsbury Town Council.

#### 4.1.2 **SC Waste Management**

It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. Recommends that the developer look at the guidance that waste management have produced, which gives examples of best practice. Some cul-de-sac's on the current masterplan have no turning area for refuse vehicles to turn meaning residents would have to present bins at the end of the road.

#### 4.1.3 **SC Drainage**

The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

#### 4.1.4 SC Conservation (Historic Environment)

##### Background to Recommendation:

Further to pre-application discussions and site meetings held last year, this application for outline permission for residential development of the former Radbrook College lands has now been submitted. The property was first developed in 1898 with the construction of the principal building on this site, the Shropshire Technical School for Girls, completed in 1902, along with a Lodge building contemporary to the principal structure at the entrance to the site at Radbrook Road. These buildings are not designated heritage assets (not statutorily listed) however we identified at our pre-application meetings that we consider these buildings to have a strong degree of local heritage value in terms of their architectural, historic, social and visual interest and we strongly recommended that these buildings be retained and sensitively adapted to a new use. Pevsner describes the main building, designed by C. R. Dalglish of Wellington, as having a 'nearly symmetrical three storey front, of red brick (and) gabled. Central stone colonnade of paired Doric columns. Semicircular tops to the gables and three pretty skyline lanterns enliven the otherwise too-masculine severity'. A third building, identified as Barnfield House on the 1902 Ordnance Survey Archival Maps, and now known as Walker House, remains on the site to the east of the main building, and due to its age and group value with the other original buildings, is also of some historic interest. We also met at an early stage with representatives from the Radbrook Culinary Museum formerly housed in the main building; this group holds many valuable archives relating to the property, its former use and former students, and they have indicated a strong desire to see the original buildings on the site retained as part of any redeveloped considered here.

##### Principles of Scheme:

As requested early in discussions about this site, a Heritage Statement has been prepared by Andrew Joseph Associates which identifies the heritage value of the buildings noted above. The proposal as submitted retains the main three storey section of the original school building as well as the lodge, with later extensions to the rear and modern extensions to the east removed from the proposal. In principle this is supported however it is preferable that the original single storey westerly wing running parallel with Radbrook Road is also retained as its removal could compromise the setting of the building as currently viewed from Radbrook Road. Should this wing be removed this would need to be dealt with very carefully, and all areas where original or early wings are to be demolished would need to be made good with like materials if this is agreed.

The main retained building is proposed to accommodate 13 flats according to the plans submitted. As there are features of interest within the building including the main stairs, stained glass and decorative plasterwork along with features of interest within the former principal's flat at the south end of the main building, we will need to see the proposed layout and finish of the apartments to assess whether it is sensitive to the original building. The conversion to residential needs to be completed to a high standard of detail with good quality materials and finishes; this

is also the case for the Lodge House. With respect to Walker House any extension to it would need to fully harmonise with the existing building in terms of details and materials.

We would also comment that this impressive building and the existing amenity areas on the site should act as the key features of this site and inform the development around it. The provision of adequate amenity space and the retention of all major trees are important to the setting of the heritage buildings and should set the tone for the entire development; as submitted there is a relatively high density of new buildings on the site which may compromise this setting. The new dwellings on these lands should be designed to a high standard of detail, materials and finishes that reflect the area and harmonise well with the nearby built form.

Both the Tree Team and Ecology Team should be consulted in terms of impacts on trees and amenity and any ecological matters that may be relevant and important on this site.

Recommendation:

We are pleased to see the retention of the main section of the original school building, the lodge and Walker House, but would recommend consideration of retention of the northerly wing which is part of the original school building and which forms current views into the site from Radbrook Road. We would raise some concern over the density and layout of the new buildings in terms of providing sufficient amenity area as part of the setting of the existing heritage buildings.

Additional comments:

Having visited the site again (23 April 2015) and viewed the end wing and single storey and two storey section that terminates the wing proposed to be removed generally agrees that this wing really has no significant merit compared to the principal building identified as being retained. Provided the full length of that principal building as shown on the plans is assured to be kept is satisfied with the applicant's approach. If then a future purchaser does wish to retain more of the building for reuse that would be fine too. The new buildings to the rear should however be of a higher quality of design and incorporate materials and some design features that tie them in well with the existing building being retained.

#### 4.1.5 **SC Trees**

There are a number of trees on this site and an Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified 147 individual and groups of trees which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree

and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The application is for outline planning permission and the AIA indicates that if the site is accessed and developed in accordance with the submitted indicative masterplan there would be a loss of 57 trees, 18 of which are for reasons of their condition and should be removed irrespective of the development. The remainder are category C trees which would be removed to facilitate the development. The loss of these specimens would not significantly impact on the amenity of the area and would be acceptable providing that new landscape planting was provided as part of the scheme and that the amount to tree planting was commensurate with the loss. The AIA also notes that a further 6 trees, all category B will be impacted by the development as proposed. These are listed as T4, T28, T40, T42, T75 & T76 although it is noted that T27 appears to be a cat B tree affected not T28. From consideration of the plans it would also appear that an additional cat B tree, (T1 oak at the front of the site) would also be impacted by the development as a result of the construction of the round-about and new crossings and foot paths. The loss of the category B trees would have a moderate impact on the amenity of the area, although this could reasonably be mitigated through a new landscape planting scheme.

It is considered that, in its current format the proposed development would have a low ' moderate impact on the arboricultural features of the local area, this would reduce to insignificant in the longer term providing a suitable landscape planting scheme was prepared and implemented.

No objection is raised to the application at this stage. The final layout must take account of the tree constraints identified in the AIA and make provision to accommodate all retained trees within the site design. The final site layout submitted as Reserved Matters, must be supported with an updated version of the AIA and assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012. Landscape planting proposals must also be provided.

#### 4.1.6 SC Ecologist

The following supporting documents have been submitted:

- ❑ Ecological Survey – Radbrook Campus by Red Kit Network Ltd dated January 2015
- ❑ Bat Survey Summary by Treetec July 2014
- ❑ Feedback on ecology comments by Red Kite dated 12<sup>th</sup> April 2015
- ❑ Great Crested Newt HSI Red Kite May 2015
- ❑ Outline Bat Mitigation Strategy by Red Kite dated May 2015
- ❑ Preliminary Bat Roost Assessment by Red Kit dated May 2015

Bats

Red Kite visited Walker House (on the Shropshire Council application site) in early May 2015 and still considers there is low (but not no) potential for bat roosts. The internal roof void that was accessible contained no evidence of bats or potential roost locations. The T91 group of trees have been subject to an aerial inspection, which found low potential for bats.

Red Kite advise that an EPS licence from Natural England would be necessary for conversion of the main campus building (on the Radbrook Foundation site) but from the information submitted a licence would not be required for the 15/00490/OUT application.

The Bat Mitigation Strategy (May 2015) gives the strategy to be adopted towards bat survey and mitigation as part of the Reserved Matters. Adequate survey information is considered to have been collected to inform this outline planning application. Recommends a condition and informative.

Newts

Updated Habitat Suitability Index scores have been provided by Red Kite (May 2015). The HSI scores are not given hence I have inserted the figures into the Natural England GCN Method Statement spreadsheet.

Having viewed these ponds recently I have changed the figures for fowl, fish and pond count. Being temporary water bodies none of the ponds are likely to support fish. A conservative estimate of ponds within 1km without major barriers such as main roads or rivers of 3 has been adopted.

Pond ref	1	2	3
SI1 - Location	1	1	1
SI2 - Pond area	0.05	0.05	0.05
SI3 - Pond drying	0.1	0.1	0.1
SI4 - Water quality	0.01	0.67	0.01
SI4 - Shade	0.25	0.6	0.25
SI6 - Fowl	1	0.67	1
SI7 - Fish	1	1	1
SI8 - Ponds	0.55	0.55	0.55
SI9 - Terr'l habitat	0.67	0.67	0.67
SI10 - Macrophytes	0.3	0.3	0.3
HSI	0.26	0.41	0.26

The results indicate suitability for great crested newts of all the considered ponds of 'poor'. I therefore concur that no presence/absence surveys are necessary. Recommends an informative.

### Nesting birds

Red Kite report that there is a colony of swifts nesting on the main campus building. It is recommended that a mitigation plan for swifts considering the detailed restoration proposals should be conditioned. The trees, scrub and hedgerow are all bird nesting habitat and therefore it is recommended these are only removed outside of the bird breeding season. Recommends an informative. The recommended Landscape and Habitat Management Plan should include measures to retain and enhance bird nesting habitats.

### Environmental Networks

The application site contains existing areas of open space, particularly the woodland in the southern part of the Radbrook Foundation site that should be retained and enhanced. With new residential development these areas will be subject to much increased recreational use. As Red Kite advise, proactive management of the woodland and scrub areas will be able to diversify the species and vegetation structure of these areas. This will require the integrated landscape and habitat management plan recommended by Red Kite. Recommends a condition.

### Badgers

Although there were no badger setts present on or close to the application site, animals may cross the site. Recommends an informative.

### Reptiles

The habitat on site was considered to be sub-optimal for reptiles in spring/summer 2014. Red Kite advise that a reassessment of this potential should be carried out for the reserved matters application if this is 2016 onwards.

#### **4.1.7 SC Affordable Houses**

If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team before an application is submitted.

#### **4.1.8 SC Learning & Skills**

Shropshire Council Learning and Skills reports that the local schools are at capacity

and forecast to remain that way for the foreseeable future. It is therefore essential that the developers of this and any new housing in this area of town contribute towards the consequential cost of any additional places/facilities considered necessary at those schools.

## 4.2 - Public Comments

4.2.1 **Shrewsbury Town Council** - Members did not object to the principle of developing this site but would like to see community open space incorporated into the design.

4.2.2 **West Mercia Constabulary** - There are opportunities to design out crime and /or the fear of crime and to promote community safety. The applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Section 17 of the Crime and Disorder Act 1998 which clearly states:

It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area.

4.2.2 23 letters of objection and 3 representations have been received summarised as follows:

- ❑ Concerned about landslip due to land being higher than properties in Perivale Close and High Ridge Way.
- ❑ Due to being on higher ground careful consideration needs to be given to any new properties built close to boundaries with existing properties and should be single story where the land is considerably higher.
- ❑ The ground between Walker House and College gardens indicated to become a car park is one metre higher and needs to be adequately screened to protect privacy
- ❑ Concerned about drainage from one of the ponds near to land in Perivale Close.
- ❑ Concerned drainage will affect properties in High Ridge Way

- ☐ Consideration is needed to ensure the proposed position of the mini roundabout has a safe sight path from both directions and to ensure that the proposal is a practical option for the larger vehicles which will need to use it to service the site.
- ☐ Highway safety due to increased traffic at the proposed mini roundabout
- ☐ Existing footpath access through College Gardens to the Radbrook Centre and Torrin Drive is not a public right of way and is under private ownership and maintained at the expense of the residents of College Gardens.
- ☐ Serious consideration should be put to the standard of apartments to be developed within the main Radbrook College building and Walker House
- ☐ Loss of trees and impact on wildlife
- ☐ The proposed number of houses appears much higher than indicated at the public consultation event.
- ☐ The density is too high and out of character with both the old and new development in the surrounding area.
- ☐ The A488 should not be included in the calculations regarding the size of the site and the density of development.
- ☐ The Masterplan claims a density ranging from 24 - 30 dpha across the 2 sites of 5.78ha but if only the buildable area of 4.2ha (excluding open space and woodland) is used then the actual figures for the current plan are 35 dpha for 147 houses and 39 dpha for 165 houses.
- ☐ In comparison the Darwin's Walk (Barratt) site to the west of Hanwood Road has a gross area (including all open spaces/woodland etc) of 5.9ha and the 118 houses on this development represents a density of 20 dpha. If the same dpha figure is applied to the gross area of the combined Radbrook sites (5.5 ha) then the total number of houses would be 110.
- ☐ 110 should be the target number to enable the development to sensitively respect the local environment, character and setting of the area. A lower density scheme would minimise the impact of the development and retain the sense of openness valued by local residents.

- ☐ The Council has a responsibility to promote health and a healthy environment through the built environment and the quality of building design, ease of access for disabled people and out- door space considerations e.g. gardens and communal places should be the touch stone principles for this development.
- ☐ Suggests that the following objects in the College’s ‘memorial garden’ area should be safeguarded during the construction period and relocated in an area adjacent to the redeveloped College building:

- a memorial stone bearing plaques with details of former principals;
- 2 garden benches dedicated to former staff;
- a flowering cherry tree with a dedication

## 5.0 THE MAIN ISSUES

Principle of development

Highways/Access/Footpath

Scale, appearance and layout

Impact on residential amenity

Trees, landscaping and open space

Ecology

Drainage

Developer contributions / AHC / CIL / Infrastructure

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 The site is situated in an established residential area within the urban development boundary of Shrewsbury. It is close to essential services and facilities that can be accessed by foot or by cycle and the Town Centre is also readily accessible by public transport. The location of the development therefore accords with the NPPFs presumption in favour of sustainable development and the Shropshire LDF Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. In addition it represents development of a predominantly brownfield site making optimum use of previously developed land which is supported by the NPPF.

### 6.2 Highways/Access/Footpath

- 6.2.1 The proposal includes access onto the A488 (Radbrook Road) by means of a proposed mini roundabout with a central refuge/splitter island. Highways have confirmed that this junction type will assist access to this site by controlling speeds along Radbrook Road and balancing out priorities at the junction and will provide a suitable pedestrian crossing point over the A488 to the existing footway network located on the north-west side of Radbrook Road. Some residents have commented that visibility might not be good at the proposed access and that the mini-roundabout is not suitable for larger vehicles. However Highways have no objections to the proposed access subject to the approval of the engineering details at the reserved matters stage if this outline application is approved.
- 6.2.3 Concern has been raised about the increased traffic at the junction due to the new development and a Transport Assessment has been submitted to quantify and compare the existing use versus the proposed use. Highways have reviewed the transport assessment and have confirmed that the results of the assessment demonstrate that the proposed residential use would generate a modest increase in vehicular trips in comparison to the actual (present day) surveyed vehicle movements. However when the surveyed movements are factored up for the 'normal' site occupation (when the site was in full use as a college) the number of vehicular movements to and from the site exceeds the proposed residential use by some margin. Therefore the proposed residential use offers an improvement over the existing established use at the site even when considering that the movement patterns will differ between the two uses.
- 6.2.2 Some residents have commented that the proposed layout does not provide adequate footpath links from the site to Torrin Drive and the Radbrook Centre and future residents would inevitably use the existing footpath through College Gardens which is not a public right of way and is under private ownership and maintained at the expense of the residents of College Gardens. Layout (which would include the provision of footpath links) is a matter reserved for later approval and would be finalised at this stage. However the indicative layout does indicate that a footpath link could be provided to link up with the existing footpath to Torrin Drive without needing to access College Gardens. A condition can be imposed which requires any reserved matters application to include a footpath/cycleway up to the South East corner of the boundary of the application site adjacent to Walker House.

### 6.3 **Scale, appearance and layout**

- 6.3.1 The siting, layout scale and appearance are all reserved for later approval but an indicative layout (Masterplan) has been submitted that covers both sites. For the Shropshire Council site the indicative layout indicates that all of the existing buildings will be demolished other than Walker House that is indicated to be converted to 7 flats, and that 30 new dwellings will be erected comprising a mix of detached and semi-detached properties. The Radbrook Foundation site indicates 96 new dwellings and retention of the Lodge House and conversion of the main college building to provide 13 flats following demolition of all other buildings. The Conservation Officer originally commented that it would be preferable for the original single storey westerly wing running parallel with Radbrook Road to be

retained as its removal could compromise the setting of the building as currently viewed from Radbrook Road. However the Conservation Officer has visited the site again and having viewed the end wing and single storey and two storey section that terminates the wing proposed to be removed has confirmed that it has no significant merit compared to the principal building identified as being retained. The layout plan including buildings to be demolished is indicative but a condition can be imposed to state that the outline consent does not give consent for the demolition of Walker House, the Principal College building and Lodge House.

6.3.2 The Conservation Officer has commented that a high density of new buildings might compromise the setting of the heritage buildings to be retained and some local residents have raised concern about the density of the development and that the number of houses is too high and not in keeping with the layout and density of housing in the locality. This proposal is outline only and does not include layout but if it is considered appropriate members could impose a condition regarding the maximum number of dwellings or the density per hectare across both sites. The indicative layout indicates a total of 147 units including 127 dwellings and 20 flats and open space provision of approximately 1.4ha, which exceeds the policy requirement of 1.14hectares. It is considered that the indicative layout demonstrates that the site can satisfactorily accommodate the number of new dwellings indicated without the site appearing cramped and over developed and that adequate open space provision can be provided and that satisfactory distances and a sense of openness can be maintained around the buildings to be retained. The agent has confirmed that the indicative layout provides for around 37m face to face from the front of the old school building to the new houses opposite and a row of trees in the green space retained in front. The setting to the north will be largely unchanged and the indicative layout indicates 20m from the southern gable to the nearest house and the same to the rear where the wings are to be removed which will open up the rear area where a new road is indicated which will be landscaped. The Lodge House setting will change little and will be enhanced with a larger garden following the removal of the existing access road. The space around Walker House is also generous and existing green space and trees are indicated to be retained in front.

6.3.3 With regards to specific issues raised by the residents of College Gardens which state that the density is too high and that that there should only be 110 units across both sites, comparable to the Barratt development at Hanwood Road (Darwins Walk) which measures 20 dpha gross and 29 dpha net the agent has provided the following comprehensive response:

- *The amount of dwellings illustrated is 147 units on 5.78 ha gross/4.38 ha net = 25 dpha gross/33.5 dpha net with up to 165 dwellings applied for giving a maximum of 28.5 dpha gross/37.6 net. This is higher than the Barratt scheme (although not significantly), however the site is reusing brownfield land within the settlement boundary rather than building on a greenfield site on the edge of the town. The Barratt DAS (page 4) makes the point: "As an edge of settlement location, this DPH level offers lower than average development density. This is intended to provide a gradual*

- transition between the existing urban grain and the agricultural land beyond the proposal site.” This reinforces the fact that the Barratt density is lower than average due to the location and site character. This should not apply to the Radbrook site since it is more urban in character and location. Furthermore the NPPF (para 58) provides an obligation to “optimise the potential of the site to accommodate development”. If the density was reduced the potential of the site would not be optimised.*
- *Numerical density is a crude measure in any case and doesn't take account of house types and design. The Barratt site is composed entirely of single family houses. The Radbrook site has retained heritage buildings which will be converted to flats. This will raise the density figure as there are more units on a compact footprint than if the area was single family houses. There are also terraced houses shown close to the old school for character reasons which again raises the numerical density. The arrangement of the remainder of the houses on the site however is mainly single family house not dissimilar in form to the Barratt scheme in any case.*
  - *There is still a sense of openness on the site and the amenity space shown is above the policy standard.*
  - *The lower density houses are shown adjacent to existing houses and with sufficient separation to avoid any harmful impact on amenity.*
  - *The layout is in any case illustrative and will be reserved to ensure there is no harmful impact.*
  - *The point made about the increase in density from the consultation event doesn't tell the whole story. The submitted masterplan shows Walker House converted to 7 flats rather than just one house on the consultation plan. This is due to removing the two houses adjacent to take account of residents' concerns and instead converting Walker House to flats and making use of the area adjacent as parking for the converted flats. There are also about 5 more houses shown due to greater efficiencies in the layout however these have little or no impact on adjacent residents, who are not College Gardens residents in any case. The Masterplan is broadly similar to the consultation event with the changes made in response to residents' concerns. In terms of buildings adjacent to College Gardens the removal of the two units next to Walker House should be an improvement, otherwise it is largely unchanged.*

It is agreed with the agent that the density of development indicated on the illustrative Masterplan is appropriate for this site. However the exact layout and the number of dwellings and density of development will not be determined until the reserved matters stage.

#### 6.4 Impact on residential amenity

6.4.1 The new build dwellings have the potential to impact on existing residents due to being in close proximity to existing dwellings and therefore appearing overbearing and obtrusive or resulting in overlooking and a loss of privacy. This is of particular concern with regards to buildings proposed to be built close to boundaries that are on higher ground (the rear of properties in High Ridge Way, Perivale Close and Aspen Grove for example). Indeed the Masterplan indicates 'Care with scale and positioning of houses to minimise impact on neighbours' in relation to the development close to the boundary with High Ridge Way and Perivale Close properties. The exact scale, design and location of the buildings will not be determined until the Reserved Matters stage but it is considered that the indicative layout illustrates that the site can be developed with the number of dwellings indicated whilst providing generous open space and adequate separation distances between existing and proposed dwellings.

## 6.5 Trees, Landscaping and open space

6.5.1 Landscaping is a matter reserved for later approval but the proposed indicative layout indicates adequate landscaped open space across both sites for the number of dwellings proposed. The open space proposed is natural and semi-natural open space and at the pre-application stage it was identified that recreational space and equipped play areas would not be required on site as there are 3 play areas within a 10 minute walk of the site. A condition will be imposed to ensure that a detailed landscaping scheme to include a landscape and habitat management plan is submitted as part of the first application for reserved matters.

6.5.2 An arboricultural report and tree survey plans have been submitted which indicates that across both sites up to 57 trees would be removed. The trees have been assessed in accordance with the British Standard Classification and given an overall grading (A, B, C or U) with U being the lowest category that indicates trees which should be removed for reasons of sound arboricultural management. The tree officer has reviewed the information and agrees with the categorisation of the trees. The indicative layout indicates the loss of 18 category U trees, 33 category C trees and 6 category B trees. The tree officer has confirmed that the loss of the category C trees is acceptable and would not significantly impact on the amenity of the area and would be acceptable providing that new landscape planting was provided as part of the scheme and that the amount of tree planting was commensurate with the loss. The tree officer has also confirmed that the loss of 6 category B trees would have a moderate impact on the amenity of the area but that this could reasonably be mitigated through a new landscape planting scheme. No category A trees are proposed to be removed. The exact number of trees to be removed will not be determined until the Reserved matters stage but it is considered that in its current format the proposed development would have a low to moderate impact on the arboricultural features of the local area which would reduce to insignificant in the longer term providing a suitable landscape planting scheme was prepared and implemented. There is no objection to the proposal on the grounds of the loss of trees subject to a condition being imposed to ensure that the final site layout submitted at the Reserved Matters stage is supported with a

detailed landscaping proposal and an updated version of the AIA and tree protection measures demonstrating that any retained trees can be protected.

## 6.6 Ecology

6.6.1 Ecology have reviewed all the submitted information and have confirmed that no additional survey work is required at this stage. There is low potential for bat roosts on the Shropshire Council site and the Bat Mitigation Strategy (May 2015) gives the strategy to be adopted towards bat survey and mitigation as part of the Reserved Matters application but an EPS licence will not be required. The ponds on and within 1000m of the site are considered poor for suitability for great crested newts. There is potential for the site to be used by badgers, birds and reptiles and the informatives and conditions suggested by the ecologist (including landscaping) will ensure their protection and ecological enhancement of the site.

## 6.7 Drainage

6.7.1 Some residents have raised concern about the difference in ground levels and the proximity of ponds to boundaries and how this development and surface water drainage might affect their properties. A FRA and Drainage Strategy and Foul Water and Utilities statement have been submitted that indicates that foul water drainage from the developed site will discharge, via a gravity or pumped main connection, directly to the existing sewerage network within the site area, subject to formal approval from Severn Trent Water and that surface water drainage will be to soakaways and include attenuation ponds. As this is an outline application an exact drainage strategy cannot be proposed at this stage and the Councils drainage officer has commented that detailed surface water drainage information can be submitted at the reserved matters stage and recommends appropriate conditions to be imposed. Full drainage details will in any case be considered as part of an application for Building Regulation approval.

## 6.8 Developer contributions / AHC / CIL / Infrastructure

6.8.1 The proposal is outline only but due to the likely number of dwellings affordable housing will be provided on site and the amount will be determined by the target rate at the time of the submission of an application for Reserved matters. This will be secured by a S106 in accordance with CS11 and the Housing SPD. At the current rate of 20% a development of 37 houses (on this Shropshire Council site) would include 7 affordable homes on site and the balance as a financial contribution. The proposal will also be liable for a CIL payment towards infrastructure but due to the amount of floor area of the buildings to be demolished (which might be CIL deductible) the CIL contribution will be low. Education have identified that there is a shortage of both primary and secondary school places in the area and therefore an additional developer contribution towards education is being sought to be secured by a S106.

## 7.0 CONCLUSION

7.1 Residential development of this site is acceptable in principle being located in a sustainable location within the urban development boundary for Shrewsbury and would make good use of a brownfield site. Layout, scale, appearance and landscaping (including the provision of open space, footpath links and the protection of trees to be retained) are reserved for later approval but it is considered that an acceptable and appropriately designed development could be achieved that would have no significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and appearance of the locality and the setting of buildings to be retained. It is considered that a satisfactory means of access can be provided and the proposal would have no adverse highway or ecological implications subject to conditions being imposed. Appropriate affordable housing provision and additional developer contributions towards education can be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS1, CS2, CS6, CS11, and CS17 and the aims and provisions of 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 six weeks after the grounds to make the claim first arose.

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

### 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS1, CS2, CS6, CS11 and CS17

## 11. Additional Information

List of Background Papers: File 15/00490/OUT
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Keith Roberts
Appendices APPENDIX 1 – Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the siting, design and external appearance of the development and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. This permission does not purport to grant consent for the layout shown on the deposited Illustrative Masterplan IM-01 REV H submitted with this application and does not give consent for the demolition of existing buildings.

Reason: To enable the Local Planning Authority to consider the siting of the development and the buildings to be retained when the reserved matters are submitted.

5. As part of the Reserved Matters a landscape and habitat management plan shall be submitted to and approved by the local planning authority. The plan 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) Planting plans, including wildlife habitat and features (e.g. hibernacula)
- g) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- h) 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)

- i) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
  - j) Implementation timetables
  - k) 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);
  - l) Personnel responsible for implementation of the plan;
  - m) 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.

6. As part of the Reserved Matters a Final Bat Mitigation Strategy shall be submitted, which must comply with the principals set out in the Outline Bat Mitigation Strategy by Red Kite dated May 2015, including submission of a revised Preliminary Bat Roost Assessment, lighting, landscaping and artificial bat roosts.

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

7. As part of the first application for reserved matters the submitted site layout plan shall be supported by an updated Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan prepared in accordance with BS 5837 (2012) assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012. Thereafter the development shall be carried out strictly in accordance with the recommendations within these reports.

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.

8. As part of the Reserved Matters the layout plan shall include the provision of a footpath/cycleway up to the boundary of the application site to the South East of Walker House to enable a footway/cycleway link be provided between the proposed development site and the existing footpath to Torrin Drive. The approved footway/cycleway shall be constructed and made available for public use prior to the first occupation of the dwellings hereby approved.

Reason: to provide a convenient link to the existing walking and cycle network and to encourage more sustainable trips to and from the development.

9. As part of the first submission for approval of Reserved Matters details of the proposed SuDS including full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways and information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility for future maintenance shall be submitted for approval. The approved scheme shall be fully implemented prior to the first occupation of the dwellings hereby approved and maintained for the lifetime of the development in accordance with the approved details.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to ensure that the drainage system remains in good working order throughout its lifetime.

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

10. 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.

11. Prior to their construction details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water shall be submitted to, and approved in writing 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.

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

12. The proposed mini-roundabout junction with the site access road and the A488 Radbrook Road shall be fully implemented in accordance with the approved design and opened to the public prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety.