



Committee and date

Central Planning Committee

8 October 2015

Development Management Report

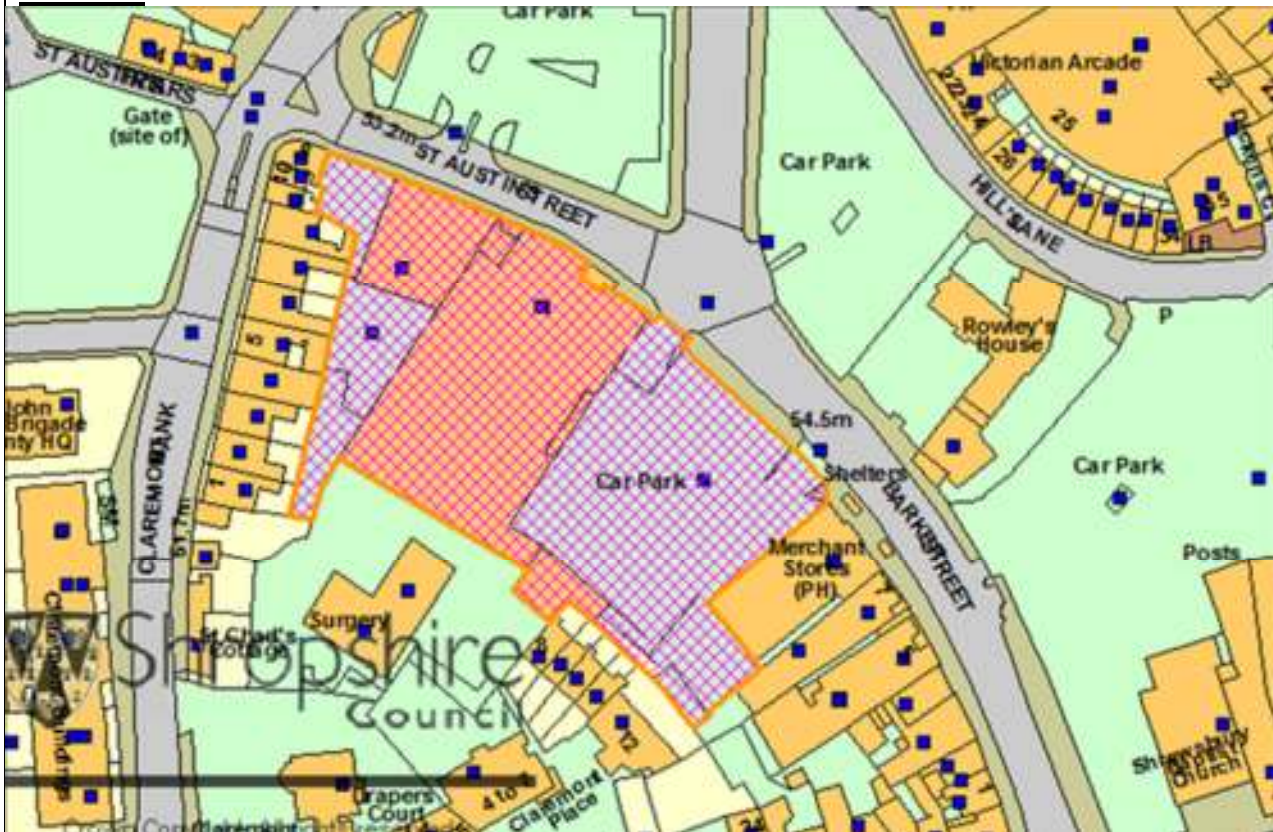
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 15/03580/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of three (4-storey) blocks of student accommodation; one (3-storey) block of management and post-graduate accommodation; new/altered vehicular access; cycle parks; and ancillary works		
Site Address: Land At Barker Street Shrewsbury Shropshire		
Applicant: Morris Guildhouse Student Partnership		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 348899 - 312605



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Contact: Tim Rogers (01743) 258773

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

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of three (4-storey) blocks of student accommodation, one (3-storey) block of management and post-graduate accommodation, cycle parking and bin storage areas, landscaping and new vehicular access.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site faces St Austins Street and Barkers Street within the 'Town Centre Special Character Area' which makes up part of the larger Shrewsbury Conservation Area. It consists of a 20th Century building on the site of a former tannery previously occupied by Shrewsbury Sixth Form College that has permission to be demolished and the vacant land either side. To the West of the site is 8 Claremont Bank which is a listed building and to the East is a Public House (Vodka Source Bar) that is unlisted. To the front of the East part of the site currently used as a carpark is a row of Liquidambar trees adjacent the pavement.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposal does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it is an application on land partly owned by the Council and is not in line with statutory functions.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Historic England

Summary

Historic England supports the principle of bringing this activity into the historic town centre, and does not object to the form and scale of this proposal. However some further refinement of architectural design is required.

Historic England Advice

This proposal affects the character of the Shrewsbury town centre conservation area, and the settings of several listed historic buildings, notably the Grade I listed Rowleys House. It is a major site at the heart of the historic town centre, and an opportunity to repair a townscape seriously damaged during the twentieth century. The planning legislation and its policy, guidance and advice documents all require that special attention should be paid to 'preserving or enhancing the character or appearance' of conservation areas (para 72.2 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Having carefully assessed the visual impact of the proposals, we are satisfied that the overall scale and disposition of the buildings and the spaces between them is appropriate, providing the street frontage is clearly defined and the street boundary between the blocks gives a strong linkage between them (although we do welcome some views through). We advise that this part of the design needs further work.

We are content with the overall decision to go for a contemporary interpretation of traditional construction, and welcome the architects' willingness to continue discussions on its refinement. We consider that the street frontages have the right balance of formality and variety, but the central block would benefit from further work on its elevational detail. Perhaps there is the opportunity here for a public art commission within the central feature? The cornice and parapet design for all the blocks appears appropriate in overall proportions, but could also benefit from further work on detail design, with perhaps consideration given to the cornice being at the bottom of the parapet, which then becomes an allusion to a classical blocking course? We are a little sceptical about the 'brise soleil' feature on the flank elevations, whilst noting the architects' expressed wish to give the buildings some informality to reflect the lives of the students within. If these features are justified, might it be better for them to appear as textile banners in bright colours, with the formality of the buildings as a foil?

Recommendation

We recommend that a further iteration of the design process, taking into account the points we raise above, should take place before planning permission for this project is granted. I am very willing to join with you and others in discussing these matters with the applicants and their architects.

Additional comments: On receipt of revised plans Historic England informally advised that they still have elevational design issues to raise on the latest iteration of the scheme although they have no objection to the overall scale and form of the development. They suggest it may be better for further design input from HE to be through informal advice over the discharge of conditions, rather than holding up the planning process by a formal re-notification and subsequent design changes at this stage.

4.1.2 **SC Conservation**

Background to Recommendation:

The site is within Shrewsbury Conservation Area and is one of a number of vacant blocks in the town centre. The site was once a Tannery and is bordered by a number of listed buildings. The most significant being Rowley's House and St Chads.

The proposals have been the subject of pre application discussions with development management and historic environment over a number of weeks.

Principles of Scheme:

The proposals have been developed from an analysis of the historic context which

has created a rationale of three distinct blocks. Whilst this rationale was contrary to expectations it is accepted that the architect's analysis supported the layout of the three accommodation blocks. Although the defined street frontage is undeveloped the permeable layout is considered to be a positive element to the urban streetscape.

Recommendation:

In principle it is considered the proposals will enhance the character of the conservation area, however, critical aspects of the design have not reached an acceptable conclusion. These being the overall design of the street frontages of the blocks, the stair/entrance tower feature, the roof cornice and the boundary linkage. These will be conditioned.

Further conditions should include:

Materials

Brick bonding and pointing

Walling details

Window and door details

4.1.3 **SC Archaeology**

Background to Recommendation

The proposed development site lies within the historic core of Shrewsbury, as defined within the Shrewsbury Urban Archaeological Database, and within Shrewsbury Deposit Zone XVI –The Claremont terraced gradient. The available evidence indicates that the site was utilised for domestic occupation from the Saxon period onwards and that frontage was fully developed by at least the 16th century, with backyards that became increasingly built-up across the course of the 17th - 19th centuries. A substantial part of the site was subsequently redeveloped as a tannery (HER PRN 06748) during the mid-19th century, which was subsequently used for warehousing in the 20th century. The frontage of the site is understood to have been extensively cellared and was redeveloped in the second half of the 20th century. However, an evaluation on the existing surface car park area in 2002 produced evidence of a truncated medieval pit, whilst an evaluation at the western end of the site in 2005 revealed Anglo-Saxon features and deposits. The applicant has commissioned a further site evaluation, which was carried out in August 2015 and provided further evidence of truncated medieval or early-post medieval pits, one of which may have been used for tanning, towards the rear of the surface car park. It also indicated that remains of the 19th century tannery survive beneath the floor of the standing former sixth form building. It also fully recorded the last standing remains of the tannery building, which now forms the west wall of the latter structure. As such, the archaeological potential of the development site is deemed to be high to very high.

Recommendation

The following advice relates specifically to the archaeological interest of the proposed development site. The applicant has commissioned both an archaeological Desk Based Assessment and a field evaluation, both by Clwyd-

Powys Archaeological Trust, the reports for which satisfy the requirements set out in Paragraph 128 of the NPPF and Policy MD13 of the emergent SAMDev component of the Shropshire Local Plan. In view of the above, and relation to Paragraph 141 of the NPPF and Policy MD13 of the emergent SAMDev, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. We remain in discussions with the Applicant's archaeological contractors regarding the exact requirements and specification for this work but in summary it will comprise full excavation where both the archaeological potential and impact of the proposed development will be greatest, together with a watching brief elsewhere.

4.1.4 **SC Highways**

From a highway aspect the highway authority have no objection to the development in land use terms and as shown on the submitted detailed drawings, which includes a new vehicular and cycle access together with carrying out improvement/widening to the footway across the site road frontage. Secure and covered cycle parking is included within the curtilage of the site. The application submission is now supported by a Travel Plan Statement (TPS) which sets out the student travel implications of the development, its relationship with the main University building and whilst there are a number of assumptions contained within the document, the highway authority is satisfied that it considers the key issues as far as it is able to at this stage.

As a town centre location, the site is highly sustainable with good access to sustainable modes of transport. The fact that the accommodation provides no student on-site parking in itself dissuades student car usage. Public car parking however is available in close proximity of the site. The TPS raises issues concerning the 'dropping off' and 'picking up' of students and this can be dealt within the TPS as it evolves and is brought into use upon the student accommodation being first brought into use. As with any Travel Plan, it is a 'living' document that evolves over time in order to address travel issues and changing patterns of travel.

An area highlighted in the TPS is the relationship between the new accommodation and the University building and in particular the footway infrastructure across the Welsh Bridge. The document acknowledges the width of footways available over the bridge and the effect/impact this can have on pedestrian movement given an increase in footfall movement across the bridge. The document however concludes that no intervention is necessary as part of this development and further consideration and assessment will need to be undertaken as and when student accommodation increases in the town. This would also be in light of student travel patterns being developed over time to better assess travel issues that arise and how they could be addressed or mitigated. The highway authority is content with this approach.

4.1.5 **SC Ecology**

Nesting birds

Where possible, plants providing berries and nectar should be incorporated into the

planting schemes, including the green wall. Existing scrub and dense climbers provide some nesting habitat for common bird species, including house sparrow which is of conservation concern. Provision of bird nest boxes on the rear walls and/or back retaining wall should be considered and provision of a scheme for this conditioned.

Other impacts

The River Severn passes c.180m north of the site and is protected from pollution and other impacts under various Acts. Care will be needed over drainage from the site; in addition to current land drainage arrangements, disused drainage routes may still be in place.

4.1.6 **SC Trees**

There are a number of significant trees on this site and, although fairly young, these trees are established and growing well and now reaching the point when they start to make a contribution to amenity. In the long term they have the potential to become very significant elements of the local landscape and make a substantial contribution to the urban forest resource. These trees are in a part of town where there is relatively low tree cover and where it is difficult and expensive to plant new trees.

An Arboricultural Impact Assessment has been produced for this site. The AIA recognises the importance of retaining trees in this area, but also that it would be impractical to incorporate the existing specimens into the design in their current locations. The AIA proposes to move the trees, temporarily storing them offsite and then replanting them in new location. This would be supplemented by additional planting.

The proposal would appear to offer a practical solution to the problem of retaining and enhancing maturing tree cover on the site. The AIA provides a method statement detailing the proposed operations.

No objection is raised to this application however it is recommended that any grant of planning permission be subject to a tree protection condition.

4.1.7 **SC Public protection**

Noise and air quality

In relation to noise it is noted that windows into bedroom areas have been located so as not to overlook the street. As a result I do not have any concerns about noise carrying into bedrooms at night from road noise or night time venues with the exception of windows which will face the vodka source bar. I would advise that glazing along this facade is considered and upgraded to glass which achieves a better internal noise environment where this is possible.

With regard to air quality it is noted that greening will be introduced in many areas. This is envisaged to have a benefit to air quality in the area. It is noted that flat roofs are to be used on the student accommodation. I would recommend that

thought is given to green roof ideas in order to help trap water, insulate the building, establish habitat for wildlife and impact on air quality in the air stream passing over the roofs.

It is noted that heating and hot water to the buildings will be provided by electricity. Should any gas boilers be present I would recommend that ultra low NOx boilers are used and that they discharge at roof height to ensure no impact on local air quality.

Having considered the noise report I am satisfied that there is not likely to be a significant detrimental impact on the amenity of the area and do not expect the internal amenity of the residential premises proposed to be impacted by noise. The report goes on to state that it does not expect an impact on the area in terms of external plant and equipment. Given the fact that plant and equipment is not expected to have a significant detrimental impact and taking into consideration the fact that walls to the north facade of the plot will be greened removing a reflective surface for noise and adding an absorbing surface I do not consider it necessary to condition this element however would advise the applicant to position external plant and equipment with care and use appropriate equipment. Should a noise impact be reported in future this can be investigated and improvements sought should an issue be identified through the serving and enforcement of legal notice should this be necessary.

Contaminated land

I have reviewed the Ground Investigation Report for Land at St Austin's Street, Shrewsbury, ref. T/125/1642/GIR dated August 2015.

I am satisfied with the level of investigation and assessment to date in respect of potential risks to human health but the report recognises that the investigation was limited to areas of the site where access was available and therefore following demolition of the existing on-site structures further investigation is proposed (section 12.1). Accordingly, if planning permission is granted for this development it is considered appropriate to attach a contaminated land condition but obviously demolition works will need to be carried out to allow access to previously inaccessible areas.

4.1.8 **SC Drainage**

The Drainage Strategy report is technically acceptable and suggests conditions regarding additional details to be submitted.

4.2 **- Public Comments**

- 4.2.1 All adjoining properties have been individually notified, a site notice displayed and an advert placed in the press. In addition a one-day public consultation exhibition was held at Rowley's House prior to the submission of the application and there have also been articles published in the press. The agent has provided the following summary of the consultation responses that they received to the public exhibition prior to submission of the application:

Public Benefits

Whilst a small percentage of visitors were concerned with the integration of students within Shrewsbury, the majority embraced the opportunities and business the scheme will introduce for both the town centre and its residents. Below are some quotes taken from the Public consultation feedback forms :

- “What Shrewsbury needs”
- “A Splendid Scheme”
- “Fantastic opportunity for Shrewsbury businesses and to be a University Town”

Proposed Design and Layout

90 % provided positive comments on the design and layout of the scheme

6% provided comments on the use of the space

4% provided negative comments on the design and layout of the scheme

The project was welcomed and the common points have been summarised below:

- “This will greatly improve this part of our town centre architecturally”
- “Plans look great and look to blend in well with the surrounding area”
- “impressive plans and good use of space”
- “Interesting how its follows the fan lines, looking forward to having a better view than just a big roof”
- “the overall look will be vastly improved”
- “Proposed buildings provide a complimentary modern design”
- “Good look for Shrewsbury town centre, will help regenerate the ‘west end’ of Shrewsbury”

8 letters have been received in response to the planning application publicity summarised as follows:

Design and appearance

- ② The three blocks are one storey too high and will dominate the area. Nearly all residential buildings in the town centre are three storeys high and only a few non-residential buildings are four storeys
- ② The overbearing nature of the development might be mitigated by altering the surface of the brick facades on the street simply by rustivating the ground floor which is a classic feature of brick-faced facades.
- ② The addition of the steel decoration to the sides of the blocks is an unnecessary adjunct and expense.
- ② The construction of three, four storey 'slabs' placed formally, end-on to the street bears little or no relation to the existing street scene and this arrangement, if built, will certainly have detrimental repercussions on the

surrounding area centred on Rowley's House.

- ② None of the elevations are an adequate response to the context. The overall scale of the 4 storeys is reasonable for this part of the town but the flat roof dull appearance of the buildings is completely alien in this location.
- ② If this development is allowed to proceed as submitted it will definitely blight this part of the historic town.
- ② The elevations on to Barker Street are so clearly typical of lazy 1960's designs with unfortunate proportions and should be redesigned to offer a much better response to their context.
- ② It is important to have a lively street scene with appropriate vertical proportions and materials that echo the context. The design can be contemporary but it does need to have attractive proportions and a better understanding of the scale of the neighbouring older buildings.
- ② The general massing and form of the three blocks is perhaps a sensible way of maximising development on the site, but it is essential that the buildings should make a positive contribution to the street.

Use

- ② Identification is needed for each block, each floor and each room so that students can find which room is theirs after a night out. It could be colour-coding, it could be names and it could be fitted with electronic pads.
- ② Where are the laundry facilities and where will refuse be stored in each block.
- ② How will the buildings be kept warm in the winter or ventilated in the summer. The flat roof could be covered in solar panels to go some way to making the buildings eco-friendly.
- ② The provision of cycle storage is out of proportion given the location within the TC and Rowleys House and the Guildhall in Frankwell being within walking distance. It would be open and accessible to anyone and a grand target for thieves.

Impact on residential amenity

- ② The proposed siting of 12 'Rubbish Bins' [albeit housed in brick construction] adjacent to the East retaining wall of properties in Claremont Bank could result in noise, smell and unhygienic consequences.
- ② Loss of privacy as a consequence of a new four storey building (Block A Side A Elevation).with a total of 36 windows of which 18 will look directly into the properties of Claremont Bank. The windows on block A could be angled to face the street.

- ❑ Noise and disturbance from the new residents originating from windows facing the office and residential properties of Claremont Bank to the West and properties to the South in Claremont Place. The windows could be obscure glazed, non-openable and have fan light ventilation.
- ❑ The proposal will also result in noise and disturbance to local residents due to the influx of over 200 'high spirited students'

Trees and landscaping

- ❑ The proposal advocates the loss of important trees (line of Liquidambar trees) and they have not been evaluated. The application should have an arboricultural assessment to include justification as to why it is not feasible to design this scheme to incorporate these already established trees and to allow for future growth.
- ❑ The landscape design masterplan shows 2 groups of 3 fastigate trees being planted on the roadside, but these cannot attain any significance because of the lack of space.
- ❑ The planting of a 'Semi-Mature Plane Tree' adjacent to the East facing retaining wall at rear of No's 6 and 7 Claremont Bank will result in the loss of light and the root system will undermine/damage the East retaining Walls of these properties.
- ❑ Whilst aware of the need for security within the student area the design quite deliberately seeks to divide town from gown and it is a pity that shared public areas were not integrated into the main street frontage.

Consultation/democratic process

- ❑ There has been limited opportunity for the public to comment on this scheme.
- ❑ Shropshire Council as sponsors of the university centre cannot be impartial in their decision.
- ❑ Morris Company will profit substantially from this scheme but the council will miss out as student accommodation is not liable to council tax.

4.2.2 Shrewsbury Civic Society

The amount of time allowed for public consultation has been inadequate, given the scale of the development and the site's significance within the Conservation Area of our historic town centre.

The buildings will be part of the town's Conservation Area for years to come and their visual impact must be regarded as critical and hope that elected Members will consider the longer-term significance of the Tannery site development, given its

substantial scale and hugely sensitive location.

Whilst welcoming the university and student accommodation within the town centre has significant reservations about design aspects of the scheme summarised as follows:

- ❑ The radial siting of the accommodation blocks hardly reflects the history of past buildings and adds nothing to the present streetscape.
- ❑ The gaps between the blocks undermine the more recent history of an active street frontage.
- ❑ The requirement for an unusually high level of security has been over-interpreted to suggest a gated site. There is no attempt to provide street-facing shops or public use buildings that could provide both a buffer and a sense of integrated community.
- ❑ The flat roofs will create a horizontality that is foreign to this part of the town.
- ❑ The cornices should be plainer and smaller in depth.
- ❑ A dislike of the mock-pulleys and their canopies and the bizarre coloured panels (“brise soleils”) strung along the side elevations.
- ❑ Re-consider the front curtilage, by using a judicious mix of walls and railings, as well as “setting back” the planting for the “gaps” to engage pedestrians, rather than exclude them.

Suggests that the impact may be ameliorated by the following:

- ❑ reducing and simplifying the cornices;
- ❑ eliminating the unnecessary “mock loading bays” and steelwork;
- ❑ eliminating the brise soleil panels altogether,
- ❑ softening the central block’s central street face panel reducing its image as a cinema entry,
- ❑ keeping railings between the blocks thin and elegant
- ❑ considering the inclusion of panels/ceramics that tell some local stories, even if this includes indents between the blocks.

4.2.3 Shrewsbury Town Council:

Whilst the Town Council supports this application, it is felt that any development should preserve and enhance an area within the Conservation Area. Members would like to see the brick work in the new development match that of the existing buildings in the vicinity and whilst they are happy with the flat roofs which will not block the view for residents living behind, they would support the idea of an urban garden utilising the space for the benefit of the neighbourhood.

5.0 THE MAIN ISSUES

Principle of development
Impact on the character and appearance of the Conservation area and the setting of nearby listed buildings.
Impact on residential amenity
Archaeology
Highways/Access
Ecology
Trees and landscaping
Contaminated land

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 This application relates to the erection of buildings to provide student halls of residence which are classed as large HMOs. This is a Sui Generis use providing residential accommodation in association with the arrival of 'University Centre Shrewsbury', a division of Chester University that is expected to see a larger intake of students in September 2016.

6.1.2 The proposal accords with the principles of the NPPF representing sustainable development on a previously developed site in this Town Centre location. It also complies with Core Strategy Policies CS2 identifying Shrewsbury as the primary location for residential development. CS2 also supports development which promotes, protects and enhances the vitality and viability of Shrewsbury town centre. The university is expected to bring significant economic benefits to Shrewsbury and in particular the town centre economy.

6.1.3 The site is situated within a busy part of the Town Centre where there are predominantly retail or bar/restaurant premises and is close to both the bus and train station. It will be within easy walking distance of the administrative building (Rowleys House) and the main teaching areas which are located in the Guildhall at Frankwell. It is therefore considered that the proposal represents sustainable development and is acceptable in principle.

6.2 Impact on the character and appearance of the Conservation area and the setting of nearby listed buildings.

6.2.1 The proposed site is situated within the Shrewsbury Conservation Area and special regard has to be given to the desirability of preserving the setting of nearby listed buildings and preserving or enhancing the character and appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.2.2 The proposal has been submitted following pre-application advice from both Historic England and the Council's Principal Conservation and Design officer. The proposal has been amended following receipt of comments from both statutory consultees and the public to take account of some of the issues raised. The revised drawings indicate a revised cornice design that has also been reduced in

size, omission of the Brise Soleil panels and a revised front entrance to the buildings. The central surround to the entrance to block B has been revised to stone to soften the elevation, the metal spandrels have also been reduced, with glazing in between each spandrel and the canopy has also been simplified and reduced in size. The proposed railings between the buildings have been designed to follow a minimalist approach and to help create a sense of permeability into the site; however the areas between the buildings still have to remain secure and not accessible to the public.

- 6.2.3 The rationale and justification for the proposed flat roofed four storey blocks of accommodation end on to the street is fully outlined in the submitted Design and Access statement which includes a comprehensive set of studies researched into the site and its surrounding context. These studies explain the design and thought process to how the proposal has been developed from an analysis of the historic and existing urban context. Whilst this rationale was contrary to the initial expectations of both Historic England and Conservation it is considered that the architect's analysis supports the radial layout of the three accommodation blocks and this approach has been accepted by both Historic England and Conservation. The gaps between the proposed student blocks emulate the site's historic pattern and provide permeability through the site as well as preserving site lines and views towards St Chads Church. Preliminary studies researched into roof typologies nearby and a series of design development studies for roof variations have been explored and discussed at meetings prior to submission and the flat roof option for all three buildings was the preferred option. Classical proportions throughout all of the elevations was requested and supported by Conservation and Historic England and this is reflected in the sectional heights, spacing and window proportions.
- 6.2.4 There is no objection to the scale, mass, orientation and layout of the proposed three blocks of four storey accommodation. However there is still concern from both statutory consultees and members of the public (that have commented on the proposal) that the design for the street facing elevations and the detailing and materials needs further work and is not acceptable in its current form.
- 6.2.3 The proposal also includes a pitched roof three storey building that will adjoin the listed 8 Claremont Bank. It is considered that the scale, design and appearance of this part of the proposal are appropriate and would not adversely impact on the setting of the adjacent listed building. It is considered to be an improvement on the building that has already been removed from this part of the site and that this aspect of the proposal will enhance the street scene and this part of Shrewsbury Conservation area.
- 6.2.4 It is considered that the scale, massing and layout of the proposal as a whole is acceptable and it is recommended that planning permission is granted subject to a condition excluding the street facing elevation from the permission and requiring the following details to be submitted for later approval:
- The design, materials and finishes and colour scheme for the lift core elements that project above the roofline;
 - The profile, design, materials and finish of the cornice treatments to include 1:5 scale sections – these shall be designed so as to reduce the bulk of the cornice

and apparent mass of the structure;

- The fenestration disposition, proportion and materials and finishes for all windows to include 1:5 scale elevations and sections – this shall have regard to the context of this historic town centre location and give consideration to varying the treatment to each block;
- 1:5 scale details of all lintels and cills and brickwork to include colour, bond mortar mix and joint finish;
- Details of projecting string courses and materials, finishes and design of the ground floor elements for each block to consider rustication in brick/stone or render to the ground floor.
- 1:20 details of the boundary treatment between each block to illustrate continuity to the street frontage and an integrated landscape design

The imposition of such a condition will enable the ground work to start on a proposed development that has significant time constraints.

- 6.2.5 The Conservation officer has commented that although the defined street frontage is undeveloped (and that critical aspects of the design have not reached an acceptable conclusion) the permeable radial layout is considered to be a positive element to the urban streetscape and that in principle the proposals will enhance the character of the conservation area. It is considered that the scale and form of the proposal is acceptable and that subject to satisfactory design and detailing that will be subject to later approval the proposed development would have no adverse impact on the setting of nearby listed buildings and would enhance the character and appearance of the Conservation Area.

6.3 **Impact on residential amenity**

6.3.1 Overlooking & loss of privacy:

An overlooking study was included within the Design and Access Statement to assess the views between windows of the rear of existing properties in Claremont Bank and Claremont Place and the windows in the proposed development. A further study has also been submitted for those windows where there is a distance of less than 18 metres between windows serving habitable rooms, (18 metres is considered to be an acceptable distance for windows that directly face each other). There are only 7 existing windows serving habitable rooms where the distance is less than 18 metres from windows in the proposed development (2 in Claremont Place and 5 in Claremont bank). The distances range from 15.67m up to 17.97 m but these are all impacted by indirect views as the windows will all be at an oblique angle and not directly face each other. It is therefore considered that the proposal would not result in significant unacceptable levels of overlooking and loss of privacy.

6.3.2 Noise:

Concern has been raised about noise from 'high spirited students' or noise that might be heard from open windows. A noise report has been submitted which includes an internal noise assessment and notes that internal noise will be higher when windows are open and this would also be true for noise perceived outside the

building. All student bedrooms are provided with a means of background ventilation negating the requirement for the windows to be opened and windows will be provided with opening restrictors. The buildings will be subject to a management regime that would moderate anti-social behaviour including the playing of loud music and there will be clauses included in tenancy agreements to manage student behaviour. In addition it cannot be presumed that the use of the building as a HMSO would result in noise and activity significantly different to that of any other residential use of the proposed building. The site is situated within a busy part of town centre where external ambient noise levels are already high and it is not considered that the occupation and use of the buildings by students would add significantly to the noise and activity that already exists in the area. Public Protection has confirmed that having considered the submitted noise report they are satisfied that there is not likely to be a significant detrimental impact on the amenity of the area.

6.3.3 Bin storage:

A supplementary report has been submitted that outlines that the bin stores have been positioned to provide the best access for the refuse collection vehicles and to minimise the disruption for both the existing residents and the student halls. The bin stores will be housed in a brick wall structure and will be managed by the management company for the buildings who will ensure that they are adequately cleaned and free from vermin. It is therefore considered that provided they are properly maintained the proposed bin stores will not result in significant noise or disturbance or unacceptable odours. Refuse will not be stored within the buildings other than within individual bins in student rooms and the kitchen areas.

6.4 **Archaeology**

- 6.4.1 The desk based assessment and the field evaluations report supplied by Clwyd-Powys Archaeological Trust (CPAT) satisfies the requirements of P128 of the Framework and policy MD13 of the emergent SAMDev. The Councils Archaeologist has met with (CPAT) to discuss an archaeological mitigation strategy and has agreed the broad principles for the mitigation strategy and a Written Scheme of Investigation (WSI). The recommended condition will be imposed to secure the submission of a WSI prior to commencement of below ground work.

6.5 **Highways/Access**

- 6.5.1 The proposal includes no parking provision and this is consistent with saved local plan policy T13, which discourages the provision of new parking within the Shrewsbury 'river loop', and is acceptable in this town centre location with access to good public transport. It is also noted that students are unlikely to own cars and will be discouraged from bringing cars. There is public parking within close proximity of the site for use by visitors. A Travel Plan Statement (TPS) has been submitted that covers vehicular access during the 'dropping off' and 'picking up period' and highways have confirmed that the TPS is acceptable but that it is an evolving document and recommends a condition regarding this. The proposal includes more than adequate provision for the secure and covered storage of cycles and the other student buildings are all easily accessible on foot. It is

considered that the proposal would not result in any highway or pedestrian safety issues.

6.6 Ecology

6.6.1 An ecological survey was submitted with the application for the demolition of the Tannery which concluded that there are no bats present in the building and that the location is not attractive to foraging bats, which further decreases the likelihood of bats roosting in the building. There was no sign of any birds nesting in the building, on or in the walls, or on the roofs of the building to be demolished. A condition regarding precautionary methods of working was imposed on that permission. The planting scheme includes a green wall at the rear of the site and the provision of bird nest boxes on this retaining wall and/or on the rear walls of the accommodation blocks will provide further ecological enhancement of the site.

6.7 Trees and landscaping

6.7.1 A detailed landscaping proposal informed by an arboricultural report has been submitted. The value of the existing row of 6 trees and contribution to local amenity has been assessed and it is now proposed to remove the trees, temporarily storing them off site and then replanting them in their new location between the blocks adjacent to St Austins Street. Additional avenue tree planting is also proposed. The tree officer has no objection to the landscaping proposal and this solution to the problem of retaining and enhancing maturing tree cover on the site subject to the imposition of a tree protection and landscaping condition. In addition to tree and shrub planting the landscape proposals indicate that the retaining wall that surrounds the site will be transformed into a green wall. Other landscape features include seating areas between each block within flowerbeds which should create attractive outdoor social spaces for students. It is unfortunate that the public cannot share this space but the security and safety of students is paramount. The Plane tree originally proposed to be planted has been omitted from the proposal to address the concern of the residents in Claremont Bank. It is now considered that the landscaping masterplan is acceptable and the condition suggested in paragraph 6.2.4 above that will require details of the boundary treatment between each block to be submitted for later approval will help ensure continuity to the street frontage and an integrated landscape design.

6.8 Contaminated land

6.8.1 A Ground Investigation Report has been submitted and Public Protection is satisfied with the level of investigation and assessment in respect of potential risks to human health whilst recognising that the investigation was limited to areas of the site where access was available. Further investigation is required and demolition of the existing buildings will allow access to previously inaccessible areas and the contaminated land condition recommended by PP will be imposed.

6.9 Other matters

6.9.1 The proposed development will be subject to Building Regulations and also the Management of HMO Regulations and this will ensure that the standard and

maintenance of the accommodation is acceptable. Building Regulations approval would be required to satisfy the requisite fire safety, acoustic and sustainability standards (including insulation, heating and ventilation). The Management of HMO Regulations sets out various responsibilities which landlords should comply with, including the provision of safety measures (e.g. fire escapes, firefighting equipment), a duty to provide waste disposal facilities and essential services such as water, gas and electricity and a general duty to maintain the living accommodation to an adequate standard. Laundry facilities are to be provided in the three storey post graduate block that is for use by all students.

7.0 CONCLUSION

7.1 It is considered that the proposed development is acceptable in principle in this sustainable location within Shrewsbury Town Centre making efficient and effective use of this brownfield site. It is considered that the scale, massing and layout of the proposal is acceptable and that subject to satisfactory design and detailing (subject to later approval) the proposed development would have no adverse impact on the setting of nearby listed buildings and would enhance the character and appearance of the street scene and this part of the Conservation Area. It is considered that the proposal would have no significant adverse impact on residential and local amenity and would have no adverse highway safety, ecological or arboricultural implications. It is considered that the proposal therefore accords with the NPPF and Shropshire LDF policies CS2, CS6 and CS17.

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

Core Strategy and Saved Policies: CS2, CS6 and CS17

RELEVANT PLANNING HISTORY:

15/03009/FUL Demolition of former Shrewsbury Sixth Form College building known as The Tannery GRANT 14th September 2015

11. Additional Information

List of Background Papers: File 15/03580/FUL
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Andrew Bannerman
Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3.
 - 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 a competent person and 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.

4. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of

archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

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

5. Notwithstanding the submitted details the front (Barker Street & St Austins Street) elevations are not approved. The following design elements shall be submitted for approval prior to commencement of the relevant parts of the works:
- o The design, materials and finishes and colour scheme for the lift core elements that project above the roofline;
 - o The profile, design, materials and finish of the cornice treatments to include 1:5 scale sections - these shall be designed so as to reduce the bulk of the cornice and apparent mass of the structure;
 - o The fenestration disposition, proportion and materials and finishes for all windows to include 1:5 scale elevations and sections - this shall have regard to the context of this historic town centre location and give consideration to varying the treatment to each block;
 - o 1:5 scale details of all lintels and cills and brickwork to include colour, bond mortar mix and joint finish;
 - o Details of projecting string courses and materials, finishes and design of the ground floor elements for each block to consider rustication in brick/stone or render to the ground floor.
 - o 1:20 details of the boundary treatment between each block to illustrate continuity to the street frontage and an integrated landscape design;

Reason: To ensure a satisfactory appearance of the development in the interests of preserving and enhancing the character and appearance of the conservation area.

6. 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 expiration of 5 years from the date of occupation of the building for its permitted use.

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, and in complete accordance with Revision A of the submitted Arboricultural Impact Assessment and Method Statement dated September 2015, 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) All landscape planting to be undertaken in accordance with the detail provided in Revision A of the submitted Arboricultural Impact Assessment and Method Statement

dated September 2015 and Proposed Landscape Design Masterplan Drawing LA3411.1B

c) A responsible person will be 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.

7. Prior to completion of the buildings and the landscaping of the site (including hard surfacing) a contoured plan of the finished road levels should be provided together with confirmation that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. Exceedance flow paths should be provided to ensure that any such flows are managed on site.

Reason: The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

8. Prior to the first occupation of the development details of the proposed maintenance regime for the drainage system proposed, including details of who will take responsibility shall be submitted for approval.

Reason: To ensure that the drainage system remains in good working order throughout its lifetime.

9. Prior to the development hereby permitted being first brought into use, the vehicle and cycle and pedestrian entry access points, internal layout and cycle parking shall be completed fully in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety.

10. Prior to the development hereby permitted being first brought into use, a Travel Plan shall be implemented in accordance with a document to be first submitted to and agreed in writing by the Local Planning Authority; subsequently the Travel Plan will evolve via the roles and duties outlined for the Travel Plan Co-ordinator and in consultation with Shropshire Council. The Travel Plan shall remain in force for the lifetime of the development.

Reason: To promote sustainable travel in the interests of reducing carbon emissions and promoting health benefits.

11. A total of 3 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species and sparrow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds