

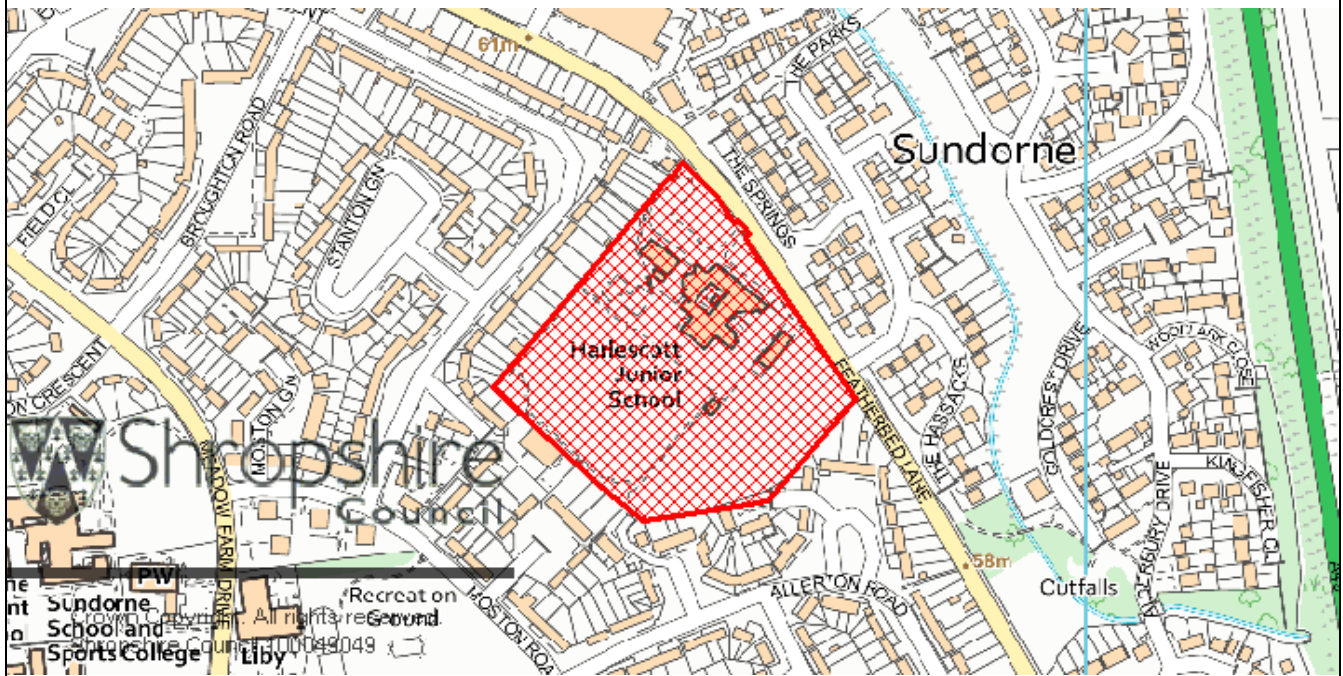
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 21/03223/VAR	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Variation of Condition 2 (approved plans) attached to planning permission 20/04289/FUL to allow amendments to site design and layout		
<b>Site Address:</b> Harlescott Junior School Featherbed Lane Harlescott Shrewsbury SY1 4QN		
<b>Applicant:</b> Property Services Group (PSG)		
<b>Case Officer:</b> Kelvin Hall	<b>email</b>	: kelvin.hall@shropshire.gov.uk

**Grid Ref:** 351747 - 315282



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2021 For reference purposes only. No further copies may be made.

**Updated Recommendation:** Grant planning permission for a variation of conditions of permission ref. 20/04289/FUL subject to the conditions set out in Appendix 1, with an additional condition that the tank is painted dark green, and to any modifications to these as

considered necessary by the Assistant Director.

## **1.0 PURPOSE OF REPORT**

1.1 This application was reported to the North Planning Committee at its meeting on 28<sup>th</sup> September 2021. The Committee Report is appended below. The officer recommendation was that planning permission should be granted for a variation of conditions of permission ref. 20/04289/FUL subject to the conditions set out in Appendix 1 of the Committee Report and to any modifications to these as considered necessary by the Assistant Director. At that meeting Members resolved as follows:  
*That consideration of the application be deferred to investigate if it would be feasible to sink the water tank into the ground.*

1.2 The applicant has submitted a report relating to this matter and this is discussed below.

## **2.0 BACKGROUND TO PROPOSAL**

2.1 Planning permission for classroom extensions and other building works at Harlescott School was granted in January 2021 (ref. 20/04289/FUL), and construction works are underway. The location of the plant compound, at a site towards the south-eastern side of the school grounds, was approved under this planning permission. The current application includes a proposal to modify the siting of the plant enclosure to increase its distance from the site boundary, and also provides detailed designs of the compound, including elevations, fencing and landscaping.

2.2 Proposed plant dimensions and compound layout: As explained in the 28<sup>th</sup> September Committee Report, the proposed sprinkler tank would be approximately 10 metres wide and 2.5 metres high, with a ladder structure exiting from the top by a further 1.2 metres. It would be surrounded by a 2.5 metres high security fence. The proposed air source heat pumps would be approximately 2.1 metres high and would be positioned adjacent to the tank and surrounded by a 3.2 metres high timber acoustic fence. A hedgerow would be planted around the perimeter of the plant compound. The plant compound is also proposed to be relocated further from the nearest houses to the south, from 16.5 metres away to 22 metres away.

## **3.0 APPLICANT'S TECHNICAL JUSTIFICATION**

3.1 Design justification: In response to the resolution of Members, the applicant has provided technical justification for the proposed design of the sprinkler tank. They have advised that there is no sprinkler tank which has been approved by the Loss Prevention Council, who are the legislation body for sprinkler tanks, that can be buried. It is therefore not feasible to bury the tank as it would not be covered under insurance regulations. The applicant has pointed out that even if these regulations were changed to allow the tank to be submerged then this would require maintenance inspections to be carried out from inside the tank, and any external corrosion would not be visible. The applicants advise that these inspections would also require specially trained operatives, and a procedure for working in a confined space. They state that this is dangerous and challenging, and its inclusion within the scheme design would not be in accordance with the CDM Regulations 2015, which require health and safety risks to be eliminated or reduced where reasonably possible. Burying the tank would also necessitate emptying of the tank, and pumping the water into the wastewater system.

The applicants have advised that burying a water tank is not the same as burying a

3.2 fuel tank, and notes that the hazards associated with installing a fuel tank above ground, particularly in public areas, outweighs the hazards associated with burying it. They consider that burying a fuel tank is one means of reducing risks, whereas the same risks are not relevant when considering water tanks.

3.3 Alternative options considered for plant compound: Members should note that the location of the plant compound has already been approved under the permission granted earlier this year for the school extensions. However the applicant has provided background on the alternative sites that were considered for the compound. The constraints on alternative sites include the following:

- The need to avoid loss of playing field in order to comply with Sport England policies
- The need to avoid impacting on hardstanding play area provision
- The need to avoid additional structures in close proximity of classrooms to maximise daylight
- The desirability of retaining the Forest School area of trees which has been developed as an important teaching resource and biodiversity habitat.

3.4 The applicant has advised that locating the plant compound on this part of the site has a number of benefits for the scheme as a whole, including ensuring that an acceptable vehicular access to the area can be gained which would be via the proposed car park, and ensuring that the site levels tie in to the approved drainage scheme which allows for gravity drainage and avoids the need for pumping.

#### **4.0 OFFICER APPRAISAL**

4.1 Members have requested that the feasibility of sinking the water tank into the ground is investigated. The information submitted by the applicant demonstrates that this would not be possible as it would not meet technical and insurance requirements.

4.2 As explained in the 28<sup>th</sup> September Committee Report, a silver-coloured sprinkler tank with a height of 5.5 metres high was originally installed at the plant compound. Following concerns raised by adjacent residents and the Local Member officers investigated and found that this did not have planning permission. Given the concerns raised over the height of the tank, the developers agreed to remove it. The current application proposes an alternative design, which has a much lower height, as a more acceptable alternative. At the Committee meeting Officers recommended that if permission is granted this should be subject to an additional condition that the tank is painted dark green to improve its appearance.

4.3 The 28<sup>th</sup> September Committee Report acknowledges that the plant compound would be visible from residential properties to the south. Officers acknowledge that the plant compound is situated on an area of land which has been raised up above pre-existing ground levels, by approximately 1.1 metres. However it should be noted that the compound would be approximately 22 metres away from the nearest properties, and it is considered that this constitutes an acceptable separation distance in view of the limited scale of the development. Therefore the previous conclusion of officers, as set out in 6.2.5 of the previous Committee Report, remains the same, as follows:

4.4 “It is considered that the design and siting of the plant compound as currently proposed represents an acceptable compromise between the need to ensure a safe school site and the need to ensure a satisfactory appearance, particularly in relation to the

proximity of the houses to the south. The plant site would be visible from properties to the south. However the scale of the plant, particularly the largest element which would be the sprinkler tank, has been minimised and it is considered that this and the landscaping proposed, as it establishes, would ensure that this element of the development would be acceptable in the context of the site and would not dominate the visual outlook from nearby properties.”

4.5 It is considered that the proposed design of the sprinkler tank and compound is acceptable and that this would not result in an unacceptable impact on the amenity of adjacent residential properties due to harm to living conditions.

## 5.0 CONCLUSION

5.1 It is considered that the applicant has provided a satisfactory explanation as to why it would not be feasible to sink the proposed sprinkler tank into the ground in order to reduce its visibility in the wider area. The conclusion and recommendation of officers remains as set out in para. 7.1 of the 28<sup>th</sup> September Committee Report. As such it is considered that the proposed modifications to the approved plans are acceptable and in line with Development Plan policy, and that as such planning permission can be granted subject to the conditions set out in Appendix 1 of the 28<sup>th</sup> September report with an additional condition that the tank is painted dark green.

### Original report to North Planning Committee meeting of 28<sup>th</sup> September 2021



Committee and date

Item

Public

## Development Management Report

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

### Summary of Application

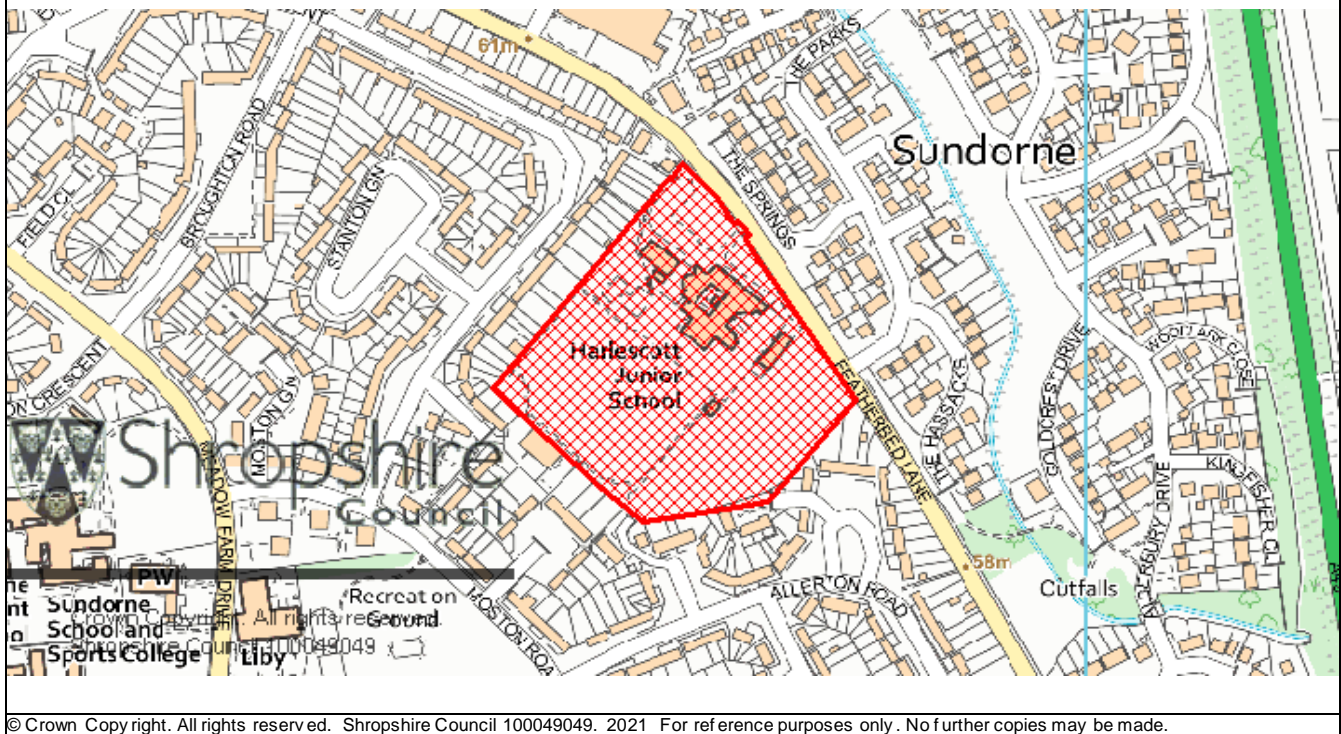
<b><u>Application Number:</u></b> 21/03223/VAR	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Variation of Condition 2 (approved plans) attached to planning permission 20/04289/FUL to allow amendments to site design and layout		
<b><u>Site Address:</u></b> Harlescott Junior School Featherbed Lane Harlescott Shrewsbury SY1 4QN		

**Applicant:** Property Services Group (PSG)

**Case Officer:** Kelvin Hall

**email** : kelvin.hall@shropshire.gov.uk

**Grid Ref:** 351747 - 315282



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2021 For reference purposes only. No further copies may be made.

**Recommendation:** Grant planning permission for a variation of conditions of permission ref. 20/04289/FUL subject to the conditions set out in Appendix 1 and to any modifications to these as considered necessary by the Assistant Director.

## 1.0 THE PROPOSAL

1.1 Planning permission for extensions to and new building at Harlescott School was granted in January 2021, and construction works are underway. The current application seeks to amend various elements of the permitted scheme, and also provides details of the proposed plant which would support the expansion of the school.

The application includes the following:

- 1.2
- Separation of the pedestrian entrance from the proposed new vehicle entrance off Featherbed Lane to ensure the retention of an oak tree;
  - Modifications to the layout of the north car park to include the addition of pedestrian walkways and crossing points, in order to improve safety;
  - Modifications to hardstanding areas and play area layouts;
  - Modifications to security fencing at the site;
  - Detailed designs of the plant compound, including the sprinkler tank and air source heat pumps; modification of the siting of the plant enclosure to increase distance from site boundary.

## 2.0 SITE LOCATION/DESCRIPTION

2.1 Harlescott Junior School is located to the south-west of Featherbed Lane, Shrewsbury.



It covers an area of approximately 3.7 hectares and includes a main teaching block which is part single- and part two-storey, and a smaller single-storey classroom block to the north-west. Vehicle access is direct from Featherbed Lane and there are also individual pedestrian accesses to the school. Boundary treatment includes a line of tree and hedgerow along the Featherbed Lane side of the site, and mesh fencing elsewhere. Surrounding land is in residential use. Construction works are underway to provide extensions to the school and a new building, with associated works, under a planning permission granted earlier this year. This permission also provides for a new vehicle access and separate egress from/to Featherbed Lane; reconfiguration and expansion of the car park and external play areas; provision of a drop-off facility; and cycle storage.

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

3.1 The Local Member has requested that the application is referred to Planning Committee and it has been agreed by the Planning Services Manager in consultation with the Committee Chairman that this is based on material planning reasons.

### 4.0 **Community Representations**

4.1 -Consultee Comments

4.1.1 **Shrewsbury Town Council** Whilst the Town Council does not object to this application per se, Members would like more clarification with regards to the size of the water tanks and a clear visualisation of them to enable the Committee to make a decision on this application.

4.1.2 **Sport England** No objection.

[Further to the initial consultation response below, following clarification from officers Sport England has acknowledged that they did not request that any conditions were imposed on the previous planning permission 20/04289/FUL.]

Sport England –Statutory Role and Policy: It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

*‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of: all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.’*

Sport England’s Playing Fields Policy and Guidance document can be viewed via the below link:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)

Background: Planning consent has previously been granted for the construction of a substantively similar development under application 20/04289/FUL. The approved application relates to proposed extensions to the school and associated works including access works, car parking etc. Initially Sport England raised objection due to the loss of playing field without mitigation to meet our Playing Fields Policy. Subsequently, agreement was reached to secure an off-site contribution of £34,000 towards playing field investment in line with the Shropshire Playing Pitch Strategy. Sport England's response also makes it clear that in order to meet Exception E4, two planning conditions be included to secure a community use agreement for the existing sports facilities and to secure implementation of the playing pitch on the existing playing field. Regrettably, these conditions were not imposed which is extremely disappointing.

The Proposal and Impact on Playing Field and Assessment in line with Playing field Policy/NPPF: This application seeks approval for certain minor amendments to the approved development, relating in the main to access arrangements and the proposed sprinkler tank facility. The amendments proposed would have a negligible impact on the playing field, and so Sport England does not wish to raise objection to this application.

Notwithstanding this, Sport England wishes to clarify with the Council the mechanism for securing the agreed £34,000 off-site contribution to address the loss of playing field. Can this be clarified please for the avoidance of doubt please? Sport England would wish to avoid a situation where this is not appropriately secured and the development takes place without such mitigation being provided.

Secondly, notwithstanding the previous decision, Sport England is strongly of the view that the following conditions should be imposed: the preparation of a community use agreement for approval; construction of playing pitch in line with Sport England's standards and methodologies.

Conclusions and Recommendation: Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception 4 of the above policy. The absence of an objection is subject to the above condition(s) being attached to the decision notice should the local planning authority be minded to approve the application:

Should the conditions above not be imposed on any planning consent, or the mitigation funds not be set aside Sport England would consider the proposal to not meet exception 4 of our playing fields policy, and we would therefore object to this application.

Should the local planning authority be minded to approve this application against the recommendation of Sport England; in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.

- 4.1.3 **SC Drainage** No objection. The Agent confirmed that there is no increase in impermeable area in the amended Proposed Site Plan and therefore the approved Drainage Layout in the discharge of the drainage condition 21/00562/DIS remained

the same.

#### 4.1.4 **SC Highways** Recommends conditions.

The revised access details are satisfactory and therefore would form part of the updated approved plans to accord with Condition 2 and 8, which were imposed upon 20/04289/FUL and are set out below. The actual highway crossing and engineering detail is already covered under a Section 184 Agreement. I would suggest therefore that Condition 2 remains as written on the basis that the approved plan numbers/revisions are updated. Condition 8 however could be redrafted as set out below.

8. The development hereby permitted shall not be first brought into use until the access and parking areas have been fully implemented in accordance with the approved plans. Reason: In the interests of highway and pedestrian safety.

#### 4.1.5 **SC Trees** Supports the application subject to the imposition of conditions to require that tree protection measures are put in place and that supervision and monitoring of the tree protection fencing is undertaken by an arboriculturalist.

#### 4.1.6 **SC Regulatory Services** No objection, subject to a condition. On review of the noise assessment in relation to plant, the assessment has been accepted as identifying the noise sensitive receptors, existing noise levels and proposed plant noise in accordance with BS4142:2019 and in identifying mitigation to reduce noise impact. The proposed mitigation suggest that attenuation of noise levels from plant will be achieved. The reports identifies an aim of -5dB below background, at NSR3 cannot be met, but resulting noise levels are anticipated to be the same as existing and not therefore subjectively above the background levels. As the ASHP model has not been identified as of date of report (Spring 2021), I would think it is sensible to have post completion noise survey to determine compliance with the reports aims, which if issues arise, may indicate need for further mitigation.

## 4.2. -Public Comments

### 4.2.1 The application has been advertised by site notice and in the local press. In addition 69 residential properties in the local area have been individually notified. Two public representations have been received.

- No calculations provided for the acoustic fence; low frequency noise from plant rooms is a common problem which can affect properties not just bordering the premises but a considerable distance away; application should be refused until such time as a noise survey is carried out covering all residential premises which may be affected, including those on Field Crescent, and detailed acoustical calculations are supplied to prove the efficiency of the proposed acoustic fence
- Concern over school planned size and a car park just by our fence; pollution from cars that will use new car part will impact on health as an asthmatic; life will be at risk; house was chosen as it is away from main and local roads; disappointing that plans have changed significantly since first plan was communicated with us

### 4.2.2 **Cllr Pardy – Local Member - Sundorne** Objects.

Relating to the water tank:



- The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity
- Effect of the development on the character of the neighbourhood
- Visual impact of the development

Bullet point one – The height of the surrounding acoustic fence is measured at 3.2 metres high (10.5ft), this is far higher than a domestic panel fence. The tank, including the ladder, is higher than the acoustic fence but measurements have not been given. Although there will be some plantation surrounding the fencing, it will take many years to reach the height required. The tank is sited a few metres from resident's homes and the visual impact of the development is not acceptable. I do not believe any person would find having a tank of this size is acceptable at the end of their garden, other systems could be used.

Bullet point two – the neighbourhood consists of a cul-de-sac which branches off housing that surround a green. The cul-de-sac consists of six bungalows which are inhabited by elderly and vulnerable people. The front of the bungalows overlooks the school field, other house's rear gardens face the school field. The sheer size and position of the tower effects the neighbourhood as well its industrial appearance. The tower is constructed of a reflective material and reflects sun rays into most of the homes. One resident who suffers seizures, claims to have had an episode due to sun rays being reflected into her home.

Bullet point three – I believe I have explained the effect of the visual impact in the previous two bullet points. One resident has told me that the view has caused her a great deal of stress and worry.

In addition:

There has been a discussion relating to an access gate being sited in Craig Close. If this is the case, there isn't any indication on the application documents, I also object to this development.

- The development would adversely affect highway safety or the convenience of road users.

Roads leading to Craig Close are narrow and congested with parked cars. Craig Close only has a parking area, which is accessed by a road which is about three car lengths in length. The parking area is used by residents of the Close and neighbouring residents. Using Craig Close for access to the school will cause chaos. Drivers will park in the Close causing difficulties for residents who wish to drive out or in, drivers will also cause problems around the Allerton Road green for reasons described earlier. The green is very likely to be damaged by people using it to park on and in addition refuse collection coincides with school opening time.

The dangers that will arise should this plan go ahead, will be many. The ingredients for this recipe of disaster include, very young children, the elderly, the vulnerable, poor and dangerous parking, refuse collection and a lack of space.

I request that this application goes to committee.

## **5.0 THE MAIN ISSUES**

- ### 5.1
- Principle of development

- Siting, design, scale and character
- Residential and local amenity considerations
- Highways and access considerations
- Ecology issues
- Drainage and flood risk considerations
- Other matters

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 Planning permission for extensions and other building works at Harlescott School was granted in January 2021 (ref. 20/04289/FUL), and construction works are underway. The current application seeks permission for alterations to the design and layout of elements of the permitted scheme. Whilst the approved plans showed the location of sprinklers and air source heat pumps detailed designs and elevations were not included in the application and therefore the current application seeks permission for these items of plant.

6.1.2 The permitted scheme would enable an increase in school places and was considered by officers to be in line with Development Plan policies which give support to the protection and enhancement of existing facilities and services, including policies CS2 (Shrewsbury – Development Strategy) and CS8 (Facilities, Services and Infrastructure Provision). The current proposal relates to changes to specific elements of the permitted school expansion and is acceptable in principle.

### **6.2 Siting, design, scale and character**

6.2.1 Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD12 require that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design, and that harm or loss is avoided. Policy CS6 also requires that local standards for sport and recreational facilities are achieved.

6.2.2 The current application does not propose any modifications to the design or scale of the school extensions. The proposed changes to ancillary elements of the permitted scheme are discussed below.

6.2.3 Plant enclosure: The approved plans showed the location of a plant enclosure at the southern side of the site, to include sprinklers and air source heat pumps, but detailed plans were not provided as part of the original application. The current application rectifies this. During construction works a sprinkler tank, approximately 5.5 metres high, was installed in the plant enclosure site. Concerns regarding the visual impact of this were received from both residents and the Local Member, Cllr Pardy. Following investigations by officers it was concluded that this structure did not have planning permission. The tank forms part of a sprinkler system and the Council's Property Services Group has confirmed that the provision of this system follows industry and government best practice guidance, and was selected in order to satisfy the Council's insurers. In order to address public and officer concerns over the scale of the tank the applicant has put forward an alternative design.

6.2.4 As currently proposed the sprinkler tank would be approximately 10 metres wide and 2.5 metres high, i.e. significantly shorter than the one that was installed, with the ladder structure exiting from the top by a further 1.2 metres. It would be surrounded by a 2.5

metres high security fence. The air source heat pumps would be approximately 2.1 metres high and would be positioned adjacent to the tank and surrounded by a 3.2 metres high timber acoustic fence. A hedgerow would be provided around the perimeter of the plant compound. The plant compound is also proposed to be relocated further from the nearest houses to the south, from 16.5 metres away to 22 metres away.

- 6.2.5 It is considered that the design and siting of the plant compound as currently proposed represents an acceptable compromise between the need to ensure a safe school site and the need to ensure a satisfactory appearance, particularly in relation to the proximity of the houses to the south. The plant site would be visible from properties to the south. However the scale of the plant, particularly the largest element which would be the sprinkler tank, has been minimised and it is considered that this and the landscaping proposed, as it establishes, would ensure that this element of the development would be acceptable in the context of the site and would not dominate the visual outlook from nearby properties.
- 6.2.6 It is acknowledged that the Town Council has requested clarification regarding the size of the tanks. However the application drawings show the siting of the compound, and the size of the plant in both plan and elevation form, and there is also a drawing which shows a visual representation of how the plant site would look from two different angles. It is therefore considered that sufficient information has been submitted.
- 6.2.7 Fencing: The application proposes modifications to the security fencing at the school. This includes increases in the height of some fencing to address comments made by the Secured by Design Crime Prevention Officer. This would include an increase in the height of one of the internal fences, from 2 metres to 2.4 metres high; and an increase in the height of the plant enclosure fence and acoustic fence, as referred to above. It is considered that there is sufficient justification for these and that their design is acceptable for this school site.
- 6.2.8 Impact on playing field provision: Issues relating to the impact on the amount of playing field at the school which were raised as part of the permitted extensions to the school have been addressed through a financial contribution to be used for off-site capital improvement works for local projects. The current application for layout changes does not raise significant issues in respect of playing field provision at the school, and Sport England has confirmed that they have no objection to the proposals. Following clarification with officers they have also confirmed that they did not recommend that any specific conditions should be imposed on the previous planning permission. It is considered that issues in respect of playing field provision have already been satisfactorily addressed.
- 6.2.9 Trees: The proposed revised access layout would ensure that an oak tree which is situated along the school frontage would be retained. An Arboricultural Impact Assessment has been submitted and this proposes that a construction exclusion zone would be maintained around the tree and that the adjacent roadways would be provided using a 'no-dig' construction method. The tree report also proposes a construction exclusion zone around another oak tree further to the north. These protection measures constitute a significant benefit, and the Council's tree officer supports the application subject to conditions, and these can be imposed on the planning permission.

### 6.3 **Residential and local amenity considerations**

6.3.1 Core Strategy policy CS6 states that development should safeguard residential and local amenity.

6.3.2 The application includes a noise report which assesses the noise impact of plant proposed at the site in relation to noise-sensitive receptors. This includes noise from the air source heat pumps which would be positioned to the side of the sprinkler tank. The assessment is based upon the plant enclosure being surrounded by a 3.2 metres high acoustic solid timber fence. The Council's Regulatory Services officer notes that the resulting noise levels are predicted to be the same as existing. Given that the noise report acknowledges that the specific model of the air source heat pump proposed was not known at the time of the assessment it is considered that it would be appropriate for a post-completion noise survey to be undertaken to confirm that the plant does conform to the noise objectives. A suitable condition can be imposed for this purpose. Subject to this it is considered that the potential for noise impacts from plant can be satisfactorily addressed.

### 6.4 **Highways and access considerations**

6.4.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity.

6.4.2 The current application proposes that the recently-approved pedestrian entrance from Featherbed Lane, which was to be constructed alongside the new vehicle entrance, is instead constructed a few metres to the south. This revised arrangement would allow for the retention of an oak tree which is situated along Featherbed Lane. A minor alteration to the position of the vehicle entrance is also proposed, to move it away from the tree. The Council's highways officer has confirmed that the revised access position is satisfactory, and conditions can be imposed to require that the access is completed prior to the school extensions being used.

### 6.5 **Ecology issues**

6.5.1 Core Strategy policy CS17 (Environmental Networks) seeks to protect and enhance the diversity, high quality and local character of the natural environment, and to avoid significant adverse impact on environmental assets. SAMDev Plan policy MD2 requires that development enhances, incorporates or restores natural assets.

6.5.2 The proposal would ensure that an existing veteran tree along the site frontage would be retained and this would have ecological benefit. There are no other significant ecological issues raised by the proposal. Conditions on the existing planning permission relating to ecology matters can be transferred to the new planning permission.

### 6.6 **Drainage and flood risk considerations**

6.6.1 Core Strategy policies CS18 and CS6 seek to reduce flood risk and protect groundwater resources. A drainage scheme has already been approved as part of the permitted layout. The proposed amendments would not result in an increase in the impermeable area of the site and the existing drainage design has been updated to reflect the proposed revised layout. The Council's drainage consultant has raised no issues on this matter.

## 6.7 **Other matters**

- 6.7.1 In his objection, the Local Member, Cllr Pardy has referred to a proposal to erect a pedestrian access gate within the existing school boundary fence which would provide access from Craig Close at the south-eastern side of the school. This does not form part of the current application and, depending on its height, the provision of such a gate is unlikely to require planning permission in any event.
- 6.7.2 One of the public objections refers to concern over the school planned size and the location of the car park. Those elements of the scheme have already been permitted, and the current application does not seek to change them. The size of the school would remain the same and the car park would not be altered.
- 6.7.3 The officer report relating to the application for the school extensions acknowledged that the location of the additional car park at the south-east side of the site may result in some noticeable disturbance to residents living adjacent. However officers considered that this would be restricted to limited times and would not have an unacceptable impact on the amenity of these residents.

## 7.0 **CONCLUSION**

- 7.1 Construction work is underway to extend Harlescott School in line with a planning permission which was granted earlier this year. The proposed modifications to the approved design and layout would ensure the retention of an oak tree at the site frontage, whilst maintaining an acceptable vehicle and pedestrian access. The design of the plant compound, for which full details were not included as part of the original planning application, has taken into consideration the outlook from nearby properties and, with the screening proposed, and would not have an unacceptable visual impact. Additionally concerns over the noise from the plant have been addressed through noise assessment and a planning condition can secure post-development monitoring. Conditions which were imposed on the existing planning permission can be added to the new consent in order to ensure a satisfactory development. Overall it is considered that the proposed modifications to the approved plans are acceptable and in line with Development Plan policy, and that as such planning permission can be granted subject to the conditions set out in Appendix 1.

## 8. Risk Assessment and Opportunities Appraisal

### Risk Management

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

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

challenge by way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

### 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.

### 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. Financial Implications

There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this application – in so far as they are material to the application. The weight to be given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and Saved Policies:

CS2 - Shrewsbury Development Strategy  
CS6 - Sustainable Design and Development Principles  
CS8 - Facilities, Services and Infrastructure Provision  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD2 - Sustainable Design  
MD8 - Infrastructure Provision



## MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

12/03129/VAR Variation of condition No.2 attached to planning permission CC2002/0024 dated 11th July 2002 to allow for the retention of the demountable building for a further temporary period of ten years GRANT 30th August 2012

15/02068/FUL Extension to existing car park provisions to the front of the school, to provide an additional 23 car parking spaces GRANT 6th July 2015

20/02736/FUL Creation of 2No bell mouth vehicular access junctions GRANT 12th October 2020

20/04289/FUL Erection of two extensions and one additional building to provide teaching, nursery, assembly and ancillary accommodation; provision of additional parking spaces and re-configuration of existing parking; formation of additional vehicular access; re-configuration of external sports field/pitches; landscaping scheme to include removal of trees GRANT 22nd January 2021

SC/CC1998/0021 Construction of extension to existing parking area PERMIT 27th July 1998

SC/CC1994/0016 Erection of an extension to provide three classrooms and other facilities to rear of PERMIT 17th June 1994

SC/CC2002/0024 Installation of a demountable classroom unit to extend an existing building, and construction of an extension to the adjacent parking area PERMIT 17th July 2002

## 11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
--

Cabinet Member (Portfolio Holder) Councillor Ed Potter
---

Local Member
--------------

Cllr Kevin Pardy
------------------

Appendices APPENDIX 1 - Conditions
---------------------------------------

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

1. The development hereby permitted shall be begun before 22nd January 2024.  
Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (as amended), and to relate to the commencement date specified in permission ref. 20/04289/FUL.

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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

3. Prior to the development hereby permitted being first brought into use, the Travel Plan shall be implemented in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The Travel Plan include details of a mechanism for regular review of its provisions so it can act as a working document, and shall remain in force for the lifetime of the use of the school.

Reason: To promote sustainable travel and health benefits and in the interests of protecting the local amenity.

4. Within two months of the date of this planning permission a landscaping scheme shall have been submitted to the Local Planning Authority. The landscaping shall be carried out in full compliance with the approved scheme and, unless otherwise specified within the approved scheme, within the first available planting season following approval of the scheme. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

5. a) Within one month of the bringing into use of the chiller units and rooftop condenser units as shown in Figure A5 of the BREEAM 2018 Pol 05 Assessment report rev. NC2 a noise report shall be submitted to for the approval of the local planning authority. The report shall be based upon a post-completion noise survey and shall detail any sound attenuation measures that are necessary in order to ensure that the development meets the objectives of the above BREEAM report.

b) The mitigation measures included in the report shall be implemented in full within one month of approval of the submitted report and shall thereafter be maintained.

Reason: To enable that the development does not adversely affect residential amenity as a result of noise emissions from the plant.

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

6. The drainage scheme as shown on drawing 4652-CAU-XX-XX-DR-C-1602 rev C05 shall be fully implemented before the development is brought into use.

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

7. Construction works shall be undertaken in accordance with the Construction Method Statement dated 11/3/21 and the Construction Environmental and Traffic Management Plan (Issue 2) dated 11/3/21 which were both approved under discharge of planning condition application ref. 21/00562/DIS.

Reason: To the interests of highway safety and local amenity.

8. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Arbserve Tree Protection Plan and Arboricultural Method Statement (dated 12/04/21) and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence and ground protection shall be in place prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

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

9. Prior to the use of the school extensions the consulting arboriculturist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted Arbserve Arboricultural Method Statement (dated 12/04/21) and submit to the local planning authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

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

10. External materials for the school extensions shall conform to the details shown on the following plans and schedule which were approved under discharge of conditions application 21/03222/DIS.

1PW01-MHA-ZZ-ZZ-DR-A-21001-A5-C02

1PW01-MHA-ZZ-ZZ-DR-A-27001-A5-C01

1PW01-MHA-ZZ-ZZ-DR-A-27002-A5-C02

1PW01-MHA-ZZ-ZZ-DR-A-27003-A5-C01

1PW01-MHA-ZZ-ZZ-DR-A-27020-A5-C02

1PW01-MHA-ZZ-ZZ-DR-A-31101-A5-C03

1PW01-MHA-FS-XX-RP-A-SC001-S2-P1 - External Materials Schedule

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

11. The development hereby permitted shall not be first brought into use until the access and parking areas have been fully implemented in accordance with the approved plans.

Reason: In the interests of highway and pedestrian safety.

12. External lighting at the site shall conform to the details as shown on drawing 0104036-HLEA-XX-00-SP-E-708007 rev P1 which was approved under discharge of planning conditions application ref. 21/03222/DIS.

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

