

DECISION NOTICE



Date: 10th May 2021

Historic England
c/o Feilden Clegg Bradley Studios
Matt Somerville
Bath Brewery
Toll Bridge Road
Bath
BA1 7DE

Our Ref: 20/05065/OUT
Your Ref: Shrewsbury Flaxmill
Maltings ...

Dear Historic England c/o Feilden Clegg Bradley Studios

DETERMINATION OF APPLICATION FOR OUTLINE PLANNING PERMISSION

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

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|------------------------------|---|
| Location: | Flax Mill, Spring Gardens, Shrewsbury, Shropshire |
| Proposed Development: | Hybrid application for outline planning permission for residential development (Class C3) and commercial, business and service use (Class E) to include access with all other matters reserved; and application for planning permission for the change of use of the ground floor of 1 and 15 Haughmond Square to a mixed use including hot food takeaway restaurant (sui generis use) and commercial, business and service use (Class E) and associated alterations and change of use of the Apprentice House to residential use (C3). |
| Application No. | 20/05065/OUT |
| Date Received: | 4th December 2020 |
| Applicant: | Historic England |

Shropshire Council hereby **GRANT OUTLINE PERMISSION** subject to the conditions listed below.

STANDARD CONDITIONS

1. Approval of the details of the appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins or in the case of a phased development before development of each phase commences. In the case of a phased development as part of the first application for reserved matters a Phasing Plan shall be submitted for approval that includes a masterplan that indicates the

separate infrastructure and development phases. Development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters for the development of the whole site or each phase of development shall be made to the local planning authority before the expiration of ten years from the date of this permission.

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

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

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

4. This outline planning permission does not purport to grant consent for the number or scale of dwellings or buildings indicated on the submitted illustrative plans as details of the number of dwellings, the layout of the site and the scale and appearance of the buildings are reserved for later approval.

Reason: To enable the Local Planning Authority to consider the number and type of units having regard to a heritage impact assessment and other additional information that is required to be submitted alongside the details of the layout, scale and appearance of the buildings and the landscaping of the site at the Reserved matters stage.

5. As part of the application/applications for reserved matters no more than two new build commercial units (Class E use) shall be provided each with a gross internal floor area not exceeding 500 square metres in addition to the two existing commercial units (1 and 15 Haughmond Square).

Reason: To protect the viability and vitality of Shrewsbury town centre and to ensure the proposal complies with SAMDev policy MD10b.

6. As part of any application for Reserved Matters a Noise Assessment and Acoustic Design Statement (ADS) that includes a scheme of mitigation which takes into account the principles of good acoustic design detailed in ProPG shall be submitted.

Reason: To determine mitigation required to achieve acceptable indoor/outdoor noise levels.

7. Any application for Reserved Matters shall include the submission of a Construction Method Statement and Traffic Management Plan. The approved Statement shall be adhered to throughout the construction period. The Statement/Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials,
- iii. storage of plant and materials used in constructing the development

- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. coordination and management of all deliveries, HGV routing proposals and off-site holding areas

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

8. Any application for reserved matters shall include the submission of a Travel Plan which commits the site operator and residents to use their best endeavours to reduce car travel to the site and promote more sustainable travel modes such as walking, cycling and the use of public transport. The Travel Plan shall include a timescale for its implementation and its operation thereafter, and mechanisms for monitoring and review of the Travel Plan.

Reason: In order to promote sustainable travel objectives and reduce carbon emissions.

9. Any application for reserved matters shall include full details of the parking provision and a Parking Management Plan which links to the Phasing of the whole development. The parking provision and management and allocation of spaces shall be implemented fully in accordance with the approved details and Phased delivery of the designated site uses.

Reason: To provide adequate parking and management of the parking provision within the site to serve the development.

10. Any application for reserved matters shall include details of measures to enable the safe routing of pedestrians and cyclists, including ramps and street lighting, through the site from Spring Gardens and Greenfields. Additionally, the number, style and location of cycle stands within the site and details for the secure parking of motorcycles and scooters on the site shall be submitted.

Reason: In the interests of site accessibility, in order to promote walking, cycling and alternative travel modes and to protect the amenities of the area.

11. As part of any application for reserved matters an Open Space Assessment shall be submitted.

Reason: To demonstrate that the proposal provides an appropriate amount of open space that accords with MD2 (or any local plan policy that replaces this policy).

12. Any application for reserved matters shall include a detailed landscaping plan. The submitted plan shall include:

- a) Planting plans and creation of wildlife habitats, include features such as hedgehog passes under fence lines;
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;

- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

In order to retain and enhance connectivity for wildlife through the site, particularly bats, the landscaping plan shall take into account the strategy as detailed in Drawing Ref DIT243-SW-1-002 Softworks Plan, Grant Associates, contained within the latest Bat Mitigation Strategy (report number: RT-MME-112753-02 Revision 6 (Middlemarch Environmental Ltd, October 2019)) or in accordance with an alternative Bat Mitigation Strategy to be submitted to and approved in writing by the LPA. The landscaping plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design and to maintain suitable foraging and commuting habitat for bats, European protected Species.

13. As part of any application for reserved matters, details of the makes, models and locations of swift boxes and house martin cups shall be submitted.

Reason: To enhance the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

14. No development or any phase of development approved by this permission shall commence until the applicant has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

15. Prior to commencement of any operational development associated with the change of use of the Apprentice House and 1 and 15 Haughmond Square an application for planning permission for the alterations to the buildings to be retained and an application for listed building consent for any internal or external alterations to the listed building shall be submitted to and approved in writing by the LPA.

Reason: This hybrid permission only gives planning permission for change of use of the existing buildings and any operational development associated with the change of use require separate planning permission and listed building consent (if a listed building).

16. No works shall take place on Apprentice House until a European Protected Species (EPS) Mitigation Licence with respect to bats, covering post Phase 1 development has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

Reason: To ensure the protection of bats, which are European Protected Species.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

17. a) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy (Stantec UK Ltd, Shrewsbury Flaxmill Maltings project: Remediation Strategy 2020, 330201477R1REV1, March 2021) or in accordance with an alternative remediation scheme to be submitted to and approved in writing by the LPA.

b) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until an investigation and risk assessment has been undertaken in accordance with current guidance - Land contamination: risk management (Environment Agency, 2019) and must be submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the LPA detailing how this unsuspected contamination shall be dealt with and which 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. The approved remediation scheme shall be implemented as approved prior to first occupation of the relevant part of the development.

c) Following completion of measures identified in the approved Remediation Strategy and any other approved remediation scheme) and prior to occupation of any part of the development or phase of development hereby permitted a Verification Report shall be submitted to and approved in writing by the Local Planning Authority demonstrating completion of works set out in the approved Remediation Strategy and 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 protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) and 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 off-site receptors.

18. No above ground works shall take place on any phase of the development until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority for that phase. The approved scheme shall be fully implemented before that phase of development is first brought into use.

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

19. Prior to the first occupation of any part of the development (or phase of development) hereby approved a management plan that sets out the future management responsibilities for the open space and all landscape areas (other than privately owned, domestic gardens), to

include details of the financial and legal means through which the management plan will be implemented, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out as approved for the lifetime of the development or in accordance with an alternative management plan to be submitted to and approved in writing by the LPA.

Reason: To ensure the adequate future management and maintenance of the open space.

20. Prior to the installation of any external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. It shall demonstrate that the proposed lighting will not adversely impact on bats and shall be designed to take into account the strategy as detailed in Drawing Ref C112753-02-28 Rev A contained within the latest Bat Mitigation Strategy (report number: RT-MME-112753-02 Revision 6 (Middlemarch Environmental Ltd, October 2019)) which includes details of bat flight paths and dark flightlines to be retained. The lighting shall be installed in accordance with the approved details and to a timetable which has been approved in writing by the Local Planning Authority.

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

21. Prior to the first new use of any buildings as a restaurant or hot food takeaway full details of the proposed odour control equipment shall be submitted to and approved in writing by the Local Planning Authority. The use of any such premises shall not commence until the approved odour control scheme has been fully implemented in accordance with the agreed details and shall thereafter be retained and maintained to the same standard or in accordance with alternative details to be submitted to and approved in writing by the LPA.

Reason: To safeguard residential amenities from potential noise and odour nuisance.

22. Noisy demolition or construction works shall not take place on the site outside the following times:

Monday to Friday 07:30hrs to 18:00hrs

Saturday 08:00hrs to 13:00hrs

Nor at anytime on Sundays, bank or public holidays.

Reason: To protect and maintain the amenity of the area.

INFORMATIVES

NESTING BIRDS

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work

to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

Artificial nests should be positioned out of direct sunlight, preferably under the eaves of a building and with a clear flight path to the entrance. North or east/west aspects are preferred.

CONTAMINATED LAND

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

DRAINAGE

Detailed drainage drawings and attenuation calculations should be provided for the proposed surface water drainage strategy as shown in Appendix 4 and 5 of the Drainage Assessment Report.

A plan should be provided demonstrating that urban creep has been applied. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare == Change allowance % of impermeable area

Less than 25 == 10%

30 == 8%

35 == 6%

45 == 4%

More than 50 == 2%

Flats & apartments == 0%

Shropshire Council's 'Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12' requires that 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. As the spacing of road gullies are usually designed for a 50mm/hr storm event (5 minute 1 in 1 year return period), exceedance flow are likely to be generated above this event.

Therefore the proposed management of exceedance flows generated by storms up to the 1 in 100 year plus CC return period must also be considered and catered for. This must be demonstrated by the provision of a contoured plan of the finished road levels showing the proposed management of any exceedance flow. (The discharge of any such flows across the adjacent land would not be permitted)

Vulnerable areas of the development, where exceedance is likely to result in the flooding of property, or contribute to flooding outside of the development site, highway gully spacing

should be doubled over the entire length of highway contributing to the vulnerable area to ensure a 100mm/hr storm event is managed or attenuated on site.

If non permeable surfacing is used on the driveways and parking areas and the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

STREET NAMING AND NUMBERING

You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

BUILDING REGULATIONS

If your proposed project requires **Building Regulations Approval** or you are unsure whether it does please contact us on **01743 258710**, email buildingcontrol@shropshire.gov.uk or visit our website www.buildshropshire.co.uk for pre-application advice and a competitive fee.

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-applications>

Approved Drawings

| Plan Type | Plan No. | Date Received |
|--------------------|----------------------|---------------|
| Site Location Plan | 1821-5/P/001, Rev. B | 11.12.2020 |
| Block Plan | 1821-5/P/002, Rev. B | 11.12.2020 |

20/05065/OUT



Ian Kilby Planning Services Manager

Date of Decision: 10th May 2021

NOTES

Conditions

You will see that your decision notice includes a number of conditions:

- You must comply with all of the conditions. If you are unclear about any of them, please contact the Planning Officer who dealt with the application.
- Some of the conditions may require you to submit further information to the Council for approval. Most conditions will need to be complied with before you start work on site.
- If you think any of the conditions are unreasonable you may appeal to the First Secretary of State, through the [Planning Inspectorate](#).
- Please also ensure that you comply with the requirements of any Legal Agreement that may accompany the planning permission.

Informatives

Your decision notice includes a number of informatives. This gives you some extra guidance and advice which will help the development process. Please note your Decision Notice gives permission only under the Town and Country Planning Acts. You may need other approvals, for example under the Building Regulations, or Party Wall Act, or permission from your neighbour to go onto his/her land.

Amendments

If you need to alter your approved drawings please send full details to us regardless of how small the alteration is. Your case officer will determine whether this can be agreed through a simplified exchange of correspondence or whether a revised application needs to be submitted. Further guidance can be found at www.shropshire.gov.uk/planning . You should not commence work until the amendment has been approved in writing by the Council.

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then the applicant can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

An appeal must be made within six months of the date of this notice, or 12-weeks if the scheme is for that of "household" development, or minor commercial application, or within 8 weeks in the case of advertisement appeals. The appeal must be made on a form which can be obtained from the Planning Inspectorate at Customs Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online through the Planning Portal website at www.planningportal.gov.uk/pcs

Where an enforcement notice has been served on the same, or substantially the same, development as in the application within 2 years of the date the application was made, the period for receiving an appeal is 28 days of the date on the decision notice or the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA has to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 week deadline).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (appeals@shropshire.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on [GOV.UK](https://www.gov.uk).

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council requiring the Council to purchase the interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.