

# DECISION NOTICE



Date: 8th October 2021

Care Developments (Oswestry) Ltd  
c/o Strathmore Estates  
Debbie Hume  
Orchard House  
16 Hertford Road  
Tewin  
AL6 0JY  
United Kingdom

Our Ref: 21/02720/FUL  
Your Ref: Oswestry

Dear Care Developments (Oswestry) Ltd c/o Strathmore Estates

## DETERMINATION OF APPLICATION FOR FULL PLANNING PERMISSION

Town and Country Planning Act 1990

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

<b>Location:</b>	Redevelopment For Proposed Nursing Care Home, Victoria Road, Oswestry, SY11 2HX
<b>Proposed Development:</b>	Redevelopment to provide a Nursing Care Home (Use Class C2) for 80No. beds and associated access, parking and landscaping following demolition of existing buildings
<b>Application No.</b>	21/02720/FUL
<b>Date Received:</b>	28th May 2021
<b>Applicant:</b>	Care Developments (Oswestry) Ltd

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

### Reason for Approval

### STANDARD CONDITIONS

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.

## **CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

4. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall be implemented fully in accordance with the approved details and shall remain in place for the duration of the construction period.

Reason: In the interests of highway safety

5. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, 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 current Environment Agency guidance ' Land Contamination: Risk Management (LCRM). 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 pre-pared 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 wa-ters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite recep-tors.

6. No development, with the exception of demolition works, shall take place until a detailed noise mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall be in accordance with the following specification:

- a) The scheme should require acoustic glazing in accordance with the specification provided in Table 15 of the Nova Acoustic report dated 9/7/21.
- b) All rooms which exceed the desirable internal noise standards (30dB in bedrooms at night, 35dB in bedrooms/living rooms in the day) as defined in BS8233:2014 or exceed the background level in the BS4142 assessment by 5dB or more, shall be fitted with mechanical ventilation capable of adequately cooling the room.
- c) The noise from mechanical ventilation shall not exceed LAeq 26dB in Bedrooms and LAeq 30dB in Living Rooms to meet ventilation standards set out in Approved Document F of the building regulations and shall not exceed LAeq 30dB (+/-5dB) on occasions when cooling is required to avoid overheating.
- d) Post completion verification shall be submitted to the Local Planning Authority to demonstrate compliance.
- e) A 2.4m high acoustic barrier, of at least 10kg/m<sup>2</sup> in density, shall be constructed as detailed in approved plans ref: 21/11514/104 Rev D and 21/11514/105 Rev B received 4th October 2021.

The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained.

Reason: To protect the occupants of the building from unacceptable levels of noise and disturbance.

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

7. Acoustic barriers shall be constructed in the locations shown on the approved plans 21/11514/104 Rev D and 21/11514/105 Rev B received 4th October 2021. The acoustic barrier shall be 2.4m high, of at least 10kg/m<sup>2</sup> in density.

They shall be constructed prior to first occupation of the building and maintained and retained in perpetuity.

Reason: to protect the health and wellbeing of future residents in respect of noise.

8. An appropriate Travel Plan shall be submitted to the LPA, at least 3 months before the first occupation of the completed development. The travel plan measures shall relate to the entirety of the development and reflect the phasing of occupation, as appropriate. On approval of the Travel Plan, it shall be implemented immediately on the first occupation.

Reason: To minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in PPG 13.

## **CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

9. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading, and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

10. The landscaping, planting and boundary treatments, shown in the approved plans (planting details are shown in plan 'Planting Plan 237-21-03' received 28th May 2021, and boundary fencing details are shown in plan 'Proposed Boundary Fences 21/11514/105 Rev B' received 4th October 2021) shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development.

The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: In consideration of the visual impact on the surrounding landscape and visual amenity.

11. The means of access for all construction traffic, associated with this development, shall be from Victoria Road southeast of the site only via Shrewsbury Road B4579 and the A5/483 (T) only. There shall be no means of vehicular access from the north of the site and the Town Centre i.e. Lower Brook Street, Park Street or Shrewsbury Road.

Reason: To ensure that construction of the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

12. No construction (and/or demolition) works shall take place before 7; am on weekdays and 9;am on Saturdays nor after 18:00; pm on weekdays and 13:00;pm on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

## **INFORMATIVES**

In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

### **Mud on highway**

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

### **Disabled needs**

The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways.

### **Works on, within or abutting the public highway**

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/verge) or
- carry out any works within the publicly maintained highway (street), or

- authorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
- otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. scaffolding, hording, safety fencing, material storage or construction traffic, etc.)

The applicant should in the first instance contact Shropshire Councils Street Works team. This link provides further details  
<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months notice of the applicants intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

#### Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. Therefore, it is in the developers best interest to contact the Council's Streetworks Team, prior to the commencement of any works, to agree the condition of the local highway. If no pre-start condition survey/agreement is made, the Council will assume that the affected street, is in a satisfactory condition. Therefore, any damage occurring to any part of the street during the period of construction, will subsequently become the responsibility of the developer, to repair or contribute towards any additional required maintenance, to make good the damage.

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](mailto:buildingcontrol@shropshire.gov.uk) or visit our website <https://www.shropshire.gov.uk/building-control/> 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	101	28.05.2021
Proposed Floorplans	107, Rev. C	04.10.2021

Block Plan	104, Rev. D	04.10.2021
Combination	105, Rev. B	04.10.2021
Proposed Floorplans	106, Rev. C	04.10.2021
Proposed Floorplans	108, Rev. C	04.10.2021
Proposed Elevations	109, Rev. B	04.10.2021
Other documents	110, Rev. A	04.10.2021
Other documents	111, Rev. A	04.10.2021

**21/02720/FUL**

*T. Darke*

Tracy Darke, Assistant Director of Economy & Place  
**Date of Decision: 8th October 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](http://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. Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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](mailto:appeals@shropshire.gov.uk)) and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on 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.