

Committee and date

South Planning Committee

13 January 2015

Development Management Report

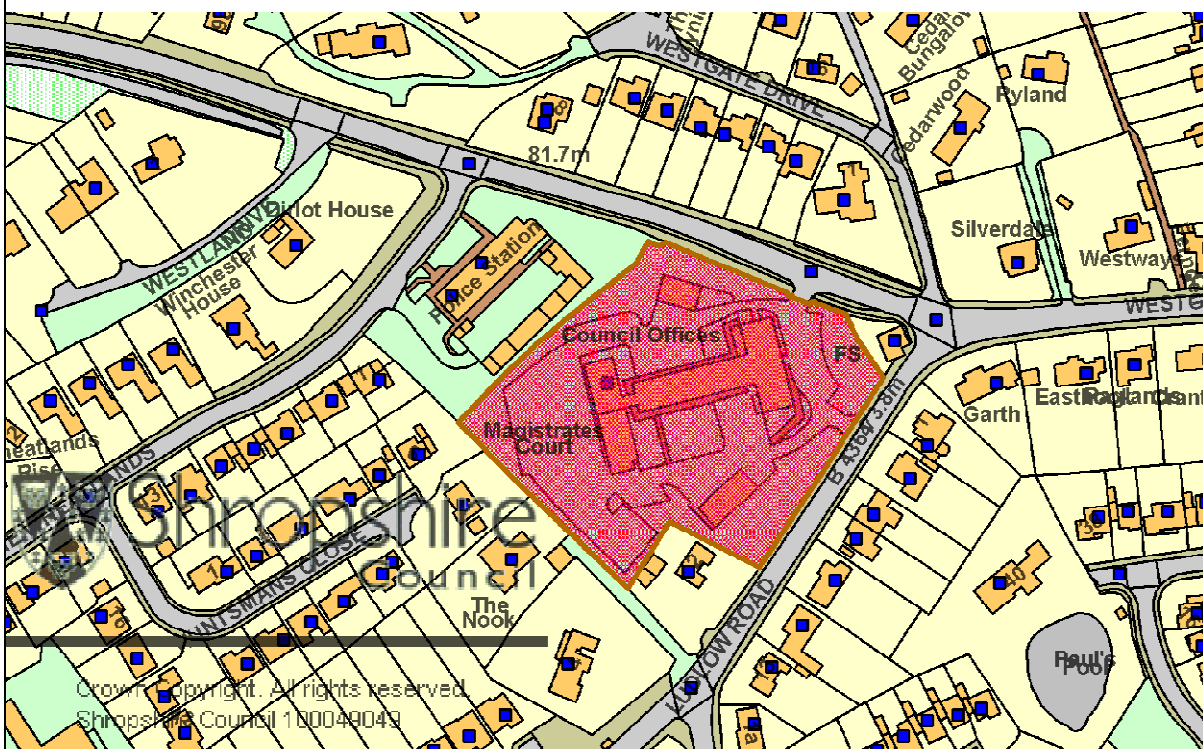
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Summary of Application

Application Number: 14/02693/OUT	Parish:	Bridgnorth Town Council
Proposal: Proposed Residential Development including creation of new vehicular and pedestrian access roads (Outline Proposal)		
Site Address: Shropshire Council Offices Westgate Bridgnorth Shropshire WV16 5AA		
Applicant: Shropshire Council		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 370847 - 293201



Recommendation:- Grant Permission subject to the completion of a Memorandum of Understanding to secure affordable housing and maintenance of any public open space by an appropriate body through a Section 106 Agreement and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for a residential development including the creation of new vehicular and pedestrian access roads. All matters (Access, Appearance, Landscaping, Layout and Scale) are reserved for later approval. It is envisaged that the site would be suitable for a range of residential property types, including general market housing and affordable housing types, such as supported living.
- 1.2 Full details including how the site would be developed, house types, densities, overall layout, access routes, proposed landscaping and amenity areas/open space provision would be the subject of a Reserved Matters application. The supporting statement advises that the final scheme would reflect the location of the site, would be of a scale and layout respecting the existing established residential properties and the overall setting of the land within Bridgnorth. It would be the intention to respect the existing trees on the site and to retain and incorporate significant trees with a current or potentially high public amenity value into the design and layout of the site. The Design and Access Statement sees the possibility of both contemporary and traditional elements of design being possible on this site.
- 1.3 The application is accompanied by an Extended Phase 1 Ecological Survey and a Tree Survey.
- 1.4 In response to the comments made by the Town Council and neighbours/third parties summarised in the Community Representations section of the report below, the agent has submitted a revised supporting statement which is discussed in the Principle of Development section of this report.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located at the former Shropshire Council offices at Westgate in the east of the market town of Bridgnorth. The site is situated between the Wenlock Road and the B4364 Ludlow Road and is bounded by established residential properties set in mature gardens to the north, east, south and west and the Bridgnorth Police Station to the north-west. The site area is 0.955 hectares and within walking distance of all the shops, facilities and amenities of Bridgnorth. There is currently vehicular and pedestrian access on Wenlock Road and an exit on Ludlow Road. Mature and semi-mature trees, shrubs, walls and hedgerows surround the site.
- 2.2 The site has established vehicular and pedestrian accesses, with an entrance on Wenlock Road and an exit on Ludlow Road. These are expected to be retained as part of any future residential scheme. Full details of these would be available at

reserved matters stage.

2.3 The site is located within Flood Zone 1 and lies to the west of the Bridgnorth Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is one made by the Council in relation to land/premises owned by the Council which is not in line with statutory functions. The application must therefore be determined by Committee.

4.0 COMMUNITY REPRESENTATIONS

- Consultee Comments

4.1 Bridgnorth Town Council, – Objection:

At the meeting of Bridgnorth Town Council held on Tuesday 15 July 2014, application 14/02693/OUT was considered and it was RESOLVED: that Members strongly recommend refusal of the planning application 14/02693/OUT as the land should be retained for generating employment or possibly commercial use such as a hotel.

Members also queried whether there was a conflict of interests as Shropshire Council have applied to themselves for Planning Permission.

4.2 Shropshire Council Highways – No Objections to principle of residential development on this site.

Principle of Development

Shropshire Council as Highway Authority has no objection in principle to a residential development at the proposed location in consideration of the existing use of the site and proximity to local amenities.

Impact on Highway

The existing use of the development site is Local Authority offices that generated a number of vehicles movements within the peak hours. The offices provided accommodation for Local Authority Staff, and attracted visitors' attending meetings with staff, and members of the public with general enquiries.

It is considered that the proposed residential development will generate fewer movements than the existing use; therefore it is considered that there are no Highway grounds for refusing this application.

Policy Considerations

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic to be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and saved Bridgnorth District Local Plan policy D6 states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

It is recommended that in order reduce the impact of the residential development and to promote sustainable travel, a Travel Plan is submitted prior to the

commencement of the development.

4.3 Shropshire Council Ecology 3/09/14. – No Objection:
Great crested newts

There is a pond within 100m of the site (Pauls Pool). The pond is heavily stocked with carp and was given a Habitat Suitability Index score of 0.5. No further survey for great crested newts is deemed necessary.

Bats

Pearce Environment (2014) inspected the office buildings, sheds and garage for evidence of bats but none was found. The roofs provided no potential for bats to roost. No trees had features associated with roosting bats. There is limited bat foraging available on site, limited to an unmanaged hedgerow and the mature trees. So as to control excessive lighting of these features the following condition is recommended. The report states that an enhancement strategy will be produced likely to include bat boxes.

Conditions

1. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet *Bats and Lighting in the UK*
Reason: To minimise disturbance to bats, a European Protected Species.
2. Prior to the first occupation of the dwellings details of bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.
Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

Informative

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

Nesting birds

No evidence or potential for nesting birds was found in the buildings. The vegetation on site does offer potential bird nesting habitat. The report states that an enhancement strategy will be produced likely to include bird boxes therefore the following condition and informative should be attached to any consent:

Condition

3. Prior to the first occupation of the dwellings details of artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: 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 cannot be clearly seen to be clear of bird's nests then an 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.

4.4 Shropshire Council Learning and Skills – No comments received.

4.5 Shropshire Council Trees – No Objection: Recommended conditions noted in Appendix 1 should the application be approved. Agreed with the findings and recommendations of the Tree Survey (Rev A, 11th July 2014) and have no objection in principle on arboricultural grounds to the proposed development. It was noted that all matters of layout and design are to be reserved, including access, although the Design & Access Statement includes an expectation that the existing pedestrian and vehicular access points will be retained off Ludlow Road and Wenlock Road.

Recommended that tree related conditions are attached to any permission, in order to ensure that established trees on and adjacent the site are given due consideration in layout and design and subsequently demolition and construction, as a detailed scheme comes forward.

4.6 Shropshire Council Public Protection – No Objection: having reviewed our records we have no information to suggest that the land is contaminated and therefore have

no comment in relation to contaminated land. It is noted that the site is bounded by busy town roads on two sides. Should proposed dwellings be positioned close to the roads a noise assessment may be requested at reserved matter stage. This can be avoided by setting properties back from the road and having suitable glazing and ventilation.

- 4.7 Shropshire Council Drainage – No Objection: The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

- Public Comments

- 4.8 2 Comments:

- Any issues and concerns will be forwarded when a full detailed planning application has been submitted; note that development will be in keeping with the current residential nature of the area.
- Little doubt about outcome of application.
- Query protocol for neighbour notification.
- Application form needs to clarify there would be a gain in residential units and whether site is vacant.
- Clarification needed of the form of development can expect.
- Query whether proceeds from sale will be ploughed back into Bridgnorth to improve the amenities and infrastructure including schools and medical care to cope with ever increasing development in area.

15 Objections:

- Concerns regarding the number of houses that may be built on site.
- No details regarding height of new houses and the effect on neighbouring properties.
- Concerns about proximity of new houses to boundaries.
- No information as to what will happen to existing buildings on site.
- Welcome intention to retain as many trees as possible and also to provide further planting.
- No need for more housing with that recently built or under construction at Tasley
- Already significant number of houses in pipeline as part of SAMDev Plan.

- Proposal purely for the resulting Council Tax income.
- Since Unitary Council established seen an ever-diminuation of facilities and services in Bridgnorth.
- Should stop asset stripping.
- Present severe cash restraint will not be an everlasting state of affairs but with this proposal the possibility of facilities in Bridgnorth will be lost forever; mistaken short term thinking.
- Building should be used/made available for the community.
- Opportunity for alternative employment use.
- Building could provide a “one stop shop” for various public services and/or specialist housing in a park like setting, or be the site for an hotel with such housing.

- Should retain public parking and be a transfer and pick-up point for coaches with toilet facilities.
- Buildings could be a new sixth form complex or units/offices for small businesses or an adult education or arts centre.
- Harm character of Town, cramming houses into every space available.
- Town infrastructure at breaking point.
- Additional car usage detrimental to highway safety.
- Need more affordable housing for young families but existing building needs to be incorporated into any new housing scheme.

Bridgnorth Civic Society – Objection:

Our opinion that to sell off the site for housing would be premature. Before this could happen the possibility of using at least part of it to provide local employment or community facilities should be tested. The former Bridgnorth District Council spent a considerable sum in successfully upgrading and improving the building quite recently and we think that allowing the whole site to be used for housing would be not making best use of the asset. We consider that it is appropriate that this should be included within the list of assets of community value maintained by the Council in accordance with the Localism Act. The local community should be given the opportunity to nominate the building for inclusion in the list. It is essential that Bridgnorth gains the maximum value from this important asset. We therefore object to this outline application as it stands.

5.0 THE MAIN ISSUES

Principle of development
Sustainability
Scale, layout, appearance and landscaping
Highway Safety and Accessibility
Drainage
Residential Amenity
Affordable Housing
Ecology
Open Space

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, and notes planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. At paragraph 17 the NPPF sets out core planning principles which include, among other matters, encouraging the effective reuse of land that has been previously developed. At paragraph 51 the NPPF states Local Planning Authorities "...should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified

need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

- 6.1.2 The application site falls within the development boundary for Bridgnorth in the Bridgnorth District Local Plan and the SAMDev Final Plan. Saved Local Plan policy H3 advises that, in addition to allocated sites, residential development will be permitted on appropriate sites within the development boundary of Bridgnorth. Core Strategy policy CS3 identifies Bridgnorth as a Market Town which will provide a focus for development within the constraints of its location on the edge of the Green Belt and on the River Severn, with Core Strategy policy CS1 stating that the Market Towns and other key centres will accommodate around 40% of Shropshire's residential development over the plan period. The achievement of this proportion of housing in Market Towns includes an allowance for windfall sites, of which the current proposal would be an example. To boost significantly the supply of housing in sustainable locations, such as Bridgnorth Town, remains a key objective of the National Planning Policy Framework.
- 6.1.3 With regard to the current employment use/status of the site, there is no saved Local Plan policy which safeguards the site for employment uses only. The policies in the SAMDev Final Plan currently under examination do not safeguard this site for employment purposes, but it is considered appropriate for Shropshire Council, in appraising one of its own applications, to have regard to the emerging policy MD9 at this stage in SAMDev. This policy MD9 identifies on the Proposals Map areas to be protected for Class B and appropriate sui generis employment uses, but continues at section 2 of the policy stating:

“Existing employment areas not shown on the Proposals Map may also be protected for Class B and sui generis uses. Protection of sites not currently identified will be proportionate to the significance of the employment area in the hierarchy in Table MD9.1 to be determined by criteria 1i – 1iii above;”

The criteria mentioned relate to 1) the safeguarding of key employers, local business and employment opportunities; 2) provision of development opportunities for business start up, growth and inward investment to support the portfolio of employment land and premises identified by policy MD4; and 3) contribution to the range and choice of employment land and premises in Shropshire. The agent was invited to comment on how this non-safeguarded site should be considered in the context of this policy and the response is set out below at paragraph 6.1.4.:

- 6.1.4 *“Shropshire Council, in its capacity as landowner, has given full consideration to the range of planning policy guidance in order to determine the most appropriate future use of this site. The principal policy considerations are contained within the National Planning Policy Framework (NPPF) and the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan. The relevant policies had been fully assessed and interpreted ahead of the formal planning submission.*

It must be emphasized that a Change of Use to Residential (C3) Use could proceed without the need for an Outline/Reserved Matters or Full Planning Application. Section 6 (2) of the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 2013 allows for a permitted change of use from Class B1(a) Office Buildings (and any land within their curtilage) to Class C3

Residential Uses. This Class (J) of the General Permitted Development Order (GPDO) is currently a temporary regulation which will apply until May 2016, but consideration is presently being given to it becoming permanent. Whilst a 'Prior Approval' from the Local Planning Authority would be required for the proposed development, this would simply address matters of highways and potential flooding and contamination

The Council is not dismissing alternative future uses for the site beyond a residential scheme, and the subsequent marketing process may bring forward interest in developing the site for a range of employment uses. Indeed, the residential use proposed within the outline application includes potential specialist housing types, including supported living, in itself generating employment for care staff. In terms of the employment uses which were located at the Westgate Building, these have not been extinguished but instead have been relocated to other accommodation within the town in order to continue to provide the range of local services.

To address any objections raised to the potential loss of an employment site within the town, there are currently no proposals to protect the Westgate Buildings in the SAMDev Plan as a consequence of the permitted change of use from offices to residential use. However, the Policy considerations for protecting employment sites taken from Policy MD9(1)(i–iii) may be addressed as follows:

1. The site safeguards a key employer – *In the case of the Westgate site, the services and employment are being relocated to alternative premises, more suitable for future needs and delivery of local services, elsewhere in the town.*

2. The site provides development opportunities for business investment to support the portfolio of employment land in Policy MD4 – *It is considered that the provisions of the NPPF and GPDO strongly support any potential change of use to residential. The limitations of the quality of the existing office floorspace at Westgate restrict development opportunities for businesses without significant financial investment, which will affect demand for the property.*

3. The site contributes to the range and choice of employment land and premises in Shropshire – *It is considered that the scale, traditional arrangement and less modern layout of the office floorspace at Westgate would be unlikely to provide suitable premises for a company looking to relocate within the town. A range of more suitable employment sites are currently available, and it is on this basis that a residential use of the site is now being proposed.*

The evaluation of current planning policy, at both local and national level, has guided the submission of this outline residential proposal, with recognition of the limitations of the premises and site in their existing employment use.

The current application therefore proposes opportunities for alternative use of the site which would conform with the adjacent largely residential land uses. The site would be sensitively developed and landscaped within any layout proposals for this elevated and visible site, such that the design of the final scheme provides a development which blends in with the street scene and visual amenities of this main approach road to Bridgnorth town centre. “

- 6.1.5 It is considered that the above comments are an objective appraisal of the site and premises against the criteria set out in policy MD9. A refusal of this application on the grounds of loss of an employment site would be most unlikely to be sustained at appeal. The principle of this site being re-developed for housing is considered to

accord with the NPPF and present and emerging Development Plan policy.

6.2 Sustainability

6.2.1 The site is approximately 600 metres from Bridgnorth Town Centre which has a wealth of facilities, services and employment opportunities as would be expected in any large market town. It is considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities and employment opportunities without making long journeys and over reliance on the private motor.

6.2.2 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

6.2.3 Economic role – The proposed development will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers will access and use local services and facilities within Bridgnorth. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable to a CIL payment which will help provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

6.2.4 Social role - The proposal will help boost the supply of open market housing and will provide a contribution to affordable housing at the prevailing rate at the time of the reserved matters application. The provision of additional housing will help support and maintain existing facilities and services and will benefit both the existing and future residents and help meet the needs of present and future generations.

6.2.5 Environmental role – The site is previously developed land with no specific heritage, cultural or ecological designation. With regard to its ecological value the proposals would not result in any harm to these interests and the impact of development on existing trees would be a matter considered in detail at the reserved matters stage. The proposal would help contribute to a low carbon economy as the site is very accessible on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Bridgnorth and further afield.

6.2.6 It is considered that the proposed development is sustainable having regard to the three dimensions of sustainable development. The proposed development would be acceptable in principle subject to a satisfactory scale, layout, appearance, landscaping and access, which are matters which would be addressed at the reserved matters stage. The NPPF indicates that a proposal of this nature should be supported provided there are no adverse impacts that would outweigh the benefits.

6.3 **Scale, Layout, Appearance and Landscaping**

6.3.1 Core Strategy policy CS6 seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. The above are matters which would be considered at the reserved matters stage, should outline planning permission be given. No illustrative site layouts have been submitted and this is not a mandatory requirement for an outline application. It is considered that context of this site, bounded by public highways to the north east and south east; the police station to the north west and detached dwellings on large plots to the south west and south, would potentially be suitable for a variety of forms of residential development and densities that would be in keeping with the predominantly residential character of the immediate locality.

6.3.2 The issue of which existing trees would be retained in the re-development of the site would be a matter for consideration in appraising a landscaping reserved matters submission. It would, however, be appropriate to attach the conditions recommended by the County Arboriculturalist to any outline consent that would, require the landscaping submission to include an arboricultural method statement and tree protection plan.

6.4 **Highway Safety and Accessibility**

6.4.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:
“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and saved Bridgnorth District Local Plan policy D6 states that development will only be permitted where

the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. This proposal must be assessed in the context of the above national guidance and Development Plan policies.

- 6.4.2 Shropshire Council Highways has no objections to principle of residential development on this site. Site has previously generated significant traffic flows when in use as local authority offices without detriment to highway safety. The local road network is capable of safely accommodating the type and scale of traffic likely to be generated. The precise access details would be assessed on the submission of the access reserved matters. Recommend conditions requiring a Travel Plan and Construction Method Statement.

6.5 **Drainage**

- 6.5.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. The site falls within Environment Agency Flood Zone 1, which is the least flood prone area to which it is an objective of the NPPF and associated guidance sequential test to direct new development.

- 6.5.2 The Council's Flood and Water Management Team have advised that details of the proposed surface water drainage can be conditioned and submitted for approval at the reserved matters stage in the event of outline planning permission being given. They do not envisage any unresolvable technical issues to achieving satisfactory drainage here for the development proposed. A foul sewerage connection already exists for the building currently on site. The precise drainage details would be fully assessed when a detailed scheme for the site is submitted for approval, should the principle of development be accepted.

6.6 **Residential Amenity**

- 6.6.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. It would be at the reserved matters stage following any grant of outline planning permission, when details of the layout, scale and appearance of the development are available, that the impact of the proposed development upon the residential amenities of existing properties in the vicinity can be fully considered and to ensure that no undue harm would arise.

- 6.6.2 It is almost inevitable that building works anywhere will cause some disturbance to adjoining residents. This issue has been addressed elsewhere with SC Public Protection recommending hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays and Bank Holidays) to mitigate the temporary impact. This matter could be conditioned on any approval issued, along with a condition requiring a construction method statement.

6.7 **Affordable Housing**

- 6.7.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards provision from all residential development. With regard to

provision linked to open market housing development, Core Strategy policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. The proposal will deliver affordable housing at the prevailing rate to comply with Core Strategy policy CS11 and the associated Type and Affordability of Housing SPD. The delivery of the affordable housing contribution would be secured through a section 106 Agreement, with the amount being determined at the reserved matters stage in the event of outline planning permission being granted. With the applicant being Shropshire Council in this case, there would be the need for the completion of a Memorandum of Understanding to secure affordable housing through a section 106 Agreement on disposal of the land. This Memorandum would be supported also by a planning condition stating:

No development shall be commenced by any freehold owner of the site save for Shropshire Council (acting by themselves or through their nominees) until an agreement under section 106 of the Town and Country Planning Act 1990 has been completed to secure affordable housing in accordance with the Council's adopted Type and Affordability of Housing Supplementary Planning Document (adopted September 2012 or any subsequent replacement of it).

6.8 Ecology

6.8.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not have an adverse impact upon ecology. The Council's Planning Ecologist has raised no objections to the proposal and is content that ecological interests can be safeguarded on any planning permission issued by conditions relating to the provision of bat boxes, artificial nests and any external lighting. The precise details of the landscaping would be assessed at the reserved matters stage to address both biodiversity and visual amenity issues. The informatives relating to bats and nesting birds would be attached to any outline planning permission issued.

6.9 Open Space

6.9.1 The precise form of open space areas within a development would be a matter for consideration at the reserved matters stage, should outline planning permission be given. Regard would be paid to the Council's Open Space Interim Planning Guidance adopted in January 2012. The equipping of any open spaces with formal play equipment would have to be through the use of Community Infrastructure (CIL) receipts. The maintenance of any open space by an appropriate body would be secured through the Memorandum of Understanding and Section 106 Agreement that would form part of an outline consent.

7.0 CONCLUSION

7.1 The development would be in accordance with adopted and emerging Development Plan housing policy by being within the development boundary of Bridgnorth where residential development would be permitted on appropriate sites. The Market Towns and other Key Centres in Shropshire are to accommodate around 40% of Shropshire's residential development over the plan period 2011 – 2026 and the achievement of this proportion of housing includes an allowance for windfall sites, of which the current proposal is an example. The proposed residential use of the land would satisfy the three strands of sustainable development set out in the National Planning Policy Framework. A refusal of this

application on the grounds of the loss of an employment site would be most unlikely to be sustained at appeal, due to the site not being safeguarded under current and emerging Development Plan policy. The fact that there are permitted development rights to convert offices to residential and the predominantly residential character of the locality are also factors to be taken into consideration and weigh in favour of the proposal.

- 7.2 There are no landscape impact, highway safety, drainage, residential amenity or ecological reasons that would weigh against the principle of residential development on this site. A contribution towards affordable housing would be secured through the Memorandum of Understanding/Section 106 Agreement mechanism.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy and saved Bridgnorth District Local Plan Policies:
CS1 Strategic Approach
CS3 Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
H3 Residential Development in Main Settlements
D6 Access and Parking

SPD on the Type and Affordability of Housing
Open Space Interim Planning Guidance

RELEVANT PLANNING HISTORY:

BR/74/0696/FUL Use of existing garage and store buildings for the repair and maintenance of Council vehicles for a period of three years NPW 23rd January 1975

BR/APP/REG3/04/0163 Erection of extension and alteration to entrance ramp and steps
GRANT 30th March 2004

BR/APP/REG3/04/0062 Erection of a prefabricated building GRANT 2nd March 2004

BR/APP/REG3/04/0038 Erection of a portable building as an office extension REFUSE
2nd March 2004

BR/APP/FUL/03/0978 Erection of a two storey extension and external staircase and
alterations to main entrance ramp and steps REFUSE 4th February 2004

BR/APP/REG3/03/0995 Renewal of temporary permission for stationing of portable
building GRANT 3rd February 2004

BR/APP/FUL/03/0900 Erection of a portable building as an office extension GRANT 7th
January 2004

BR/APP/REG3/03/0173 Erection of one block of temporary office accommodation
GRANT 1st April 2003

BR/APP/REG3/02/0820 Erection of one block of temporary office accommodation
GRANT 10th December 2002

BR/APP/REG3/02/0766 Renewal of planning permission 00/0534 for the erection of two
blocks of temporary office accommodation GRANT 12th November 2002

BR/APP/REG3/02/0582 Extension, including access ramps, to magistrates court, and
conversion to offices and replacement roof, external alterations and extension to print
block, to form additional offices GRANT 16th September 2002

BR/APP/FUL/05/0175 Renewal of temporary planning permission ref 03/0173 approved
1/4/03 for the erection of one block of temporary office accommodation GRANT 26th
April 2005

BR/APP/FUL/00/0534 Renewal of planning permission ref:98/0846 for the erection of
two blocks of temporary office accommodation GRANT 19th September 2000

BR/TRE/TCA/00/0001 This is a test application raised by Tim REC

BR/88/0677 INSTALLATION OF NEW WINDOW GRANT 6th September 1988

BR/94/0023 RENEWAL OF APPLICATIONS REF: 89/0063 AND 93/0387 FOR THE
ERECTION OF TWO BLOCKS OF TEMPORARY OFFICE ACCOMMODATION GRANT
21st February 1994

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

Design and Access Statement

Ecology Report

Tree Survey

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr John Hurst-Knight

Cllr Les Winwood

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

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

4. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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

5. The application(s) for reserved matters relating to the layout of the development shall specify the location of the proposed affordable housing units (Provision being in accordance with the associated Section 106 Agreement) to be provided on that part of the site covered by that application. No works shall commence on the part of the site covered by that particular application until the location of affordable housing within it has been approved in writing by the Local Planning Authority.

Reason: To ensure the provision of affordable housing, in accordance with Development Plan housing policy

6. A Travel Plan for the development hereby approved shall be submitted to and approved in writing prior to the commencement of construction of the first residential dwelling. The approved Travel Plan shall be implemented within one month of the first occupation of any part of the residential development.

Reason: In order to minimise the use of the private car and promote the uses of sustainable modes of transport, in accordance with section 4 of the NPPF.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - 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

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

8. Demolition or construction works shall not take place outside the following times:
 - Monday to Friday 07:30hrs to 18:00hrs
 - Saturday 08:00hrs to 13.00hrs
 - Nor at any time on Sundays, bank or public holidays.

Reason: In the interest of the amenity of the occupants of surrounding residential properties.

9. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of the visual amenities of the area and to ensure the maintenance of open space areas in perpetuity.

10. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust Booklet Bats and Lighting in the UK.

Reason: to minimise the disturbance to bats, a European Protected Species

11. Prior to any demolition, site clearance, levelling or access facilitation works in association with the development hereby approved being carried out, a Tree Protection Plan and arboricultural method statement detailing how works within or that could affect

the root protection area of retained trees and hedges will be designed and implemented to avoid causing damage to those trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details for the duration of the construction period.

Reason: To avoid damage to retained trees and hedges, in the interests of the visual amenities of the area.

12. Prior to the first occupation of the dwellings details of bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full in accordance with a timetable to be approved in writing by the Local Planning Authority.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

13. Prior to the first occupation of the dwellings details of artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full in accordance with a timetable to be approved in writing by the Local Planning Authority.

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

14. No development shall be commenced by any freehold owner of the site save for Shropshire Council (acting by themselves or through their nominees) until an agreement under section 106 of the Town and Country Planning Act 1990 has been completed to secure affordable housing in accordance with the Council's adopted Type and Affordability of Housing Supplementary Planning Document (adopted September 2012 or any subsequent replacement of it).

Reason: To secure the provision of an element of affordable housing within the development, in accordance with Shropshire Core Strategy policies CS9 and CS11.

Informatives

1. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

2. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: 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 cannot be clearly seen to be clear of bird's nests then an 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.

3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

4. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required by the National Planning Policy Framework, paragraph 187.
5. In arriving at this decision the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy and saved Bridgnorth District Local Plan Policies:

CS1 Strategic Approach
CS3 Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
H3 Residential Development in Main Settlements
D6 Access and Parking

SPD on the Type and Affordability of Housing
Open Space Interim Planning Guidance