



Committee and date

South Planning Committee

13 January 2015

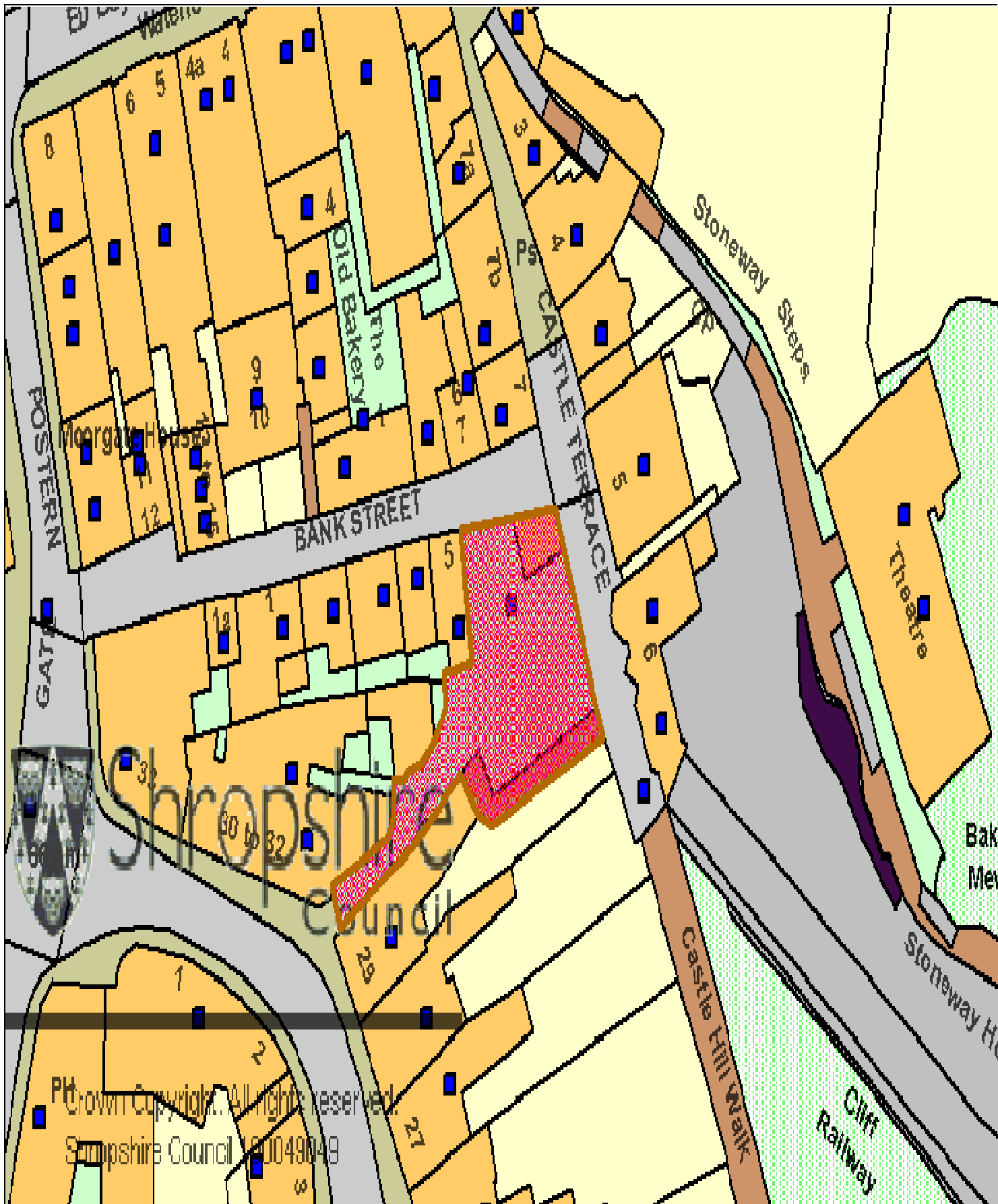
Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 14/04464/FUL	<u>Parish:</u>	Bridgnorth Town Council
<u>Proposal:</u> Erection of one dwelling (revised scheme)		
<u>Site Address:</u> Land East Of 30 To 31 East Castle Street Bridgnorth Shropshire		
<u>Applicant:</u> G C Rickards (Investments) Ltd		
<u>Case Officer:</u> Thomas Cannaby	<u>email:</u> planningdmse@shropshire.gov.uk	
<u>Grid Ref:</u> 371707 - 293039		



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and subject to a section 106 legal agreement in respect of affordable housing contributions if required following the outcome of a review of the Council's affordable housing policy in light of recent changes to government guidance.

REPORT

1.0 THE PROPOSAL

- 1.2 The proposal is for the erection of a single dwelling on a plot of land to the rear of the former Habit public house in East Castle Street. A previous application (13/04956/FUL) was submitted for a dwelling on this site, but this was refused consent by the committee due to the impact of the development on the amenities of nearby dwellings, specifically the detrimental impact caused by overshadowing of nearby properties and loss of light.
- 1.3 The proposed dwelling would have an L-shaped footprint, with the longer elevations set parallel to the side elevation of 5 Bank Street and also across the rear of the property which would be set behind the rear of the adjacent property 5 Bank Street. The property would be a two storey dwelling to the front, and a single storey dwelling to the rear due the property being set into the ground and the change in ground levels between Bank Street and the internal ground levels of the site.
- 1.4 In terms of scale the property would have a height where the ridge of the proposed dwelling would be approximately in line with the front eaves of 5 bank Street. The width of the dwelling would be slightly wider than the width of the two storey block of 5 Bank Street, with the property set back from the front elevation of No.5 and with the L-shaped footprint creating a staggered frontage that steps back the front elevation as it approaches the junction with Castle Terrace.
- 1.5 The site is bordered by a tall brick wall, with runs from the gateway leading to the Habit off Castle Terrace, around the site boundary to adjacent to No.5 Bank Street. The application would remove a more recent section of this wall to enable a frontage onto Bank Street to be created, but would retain the wall along Castle Terrace and partially along Bank Street.
- 1.6 In comparison to the previous scheme the proposed dwelling reduces the ridge height by approximately 1.7m and reduces the dwelling from a three storey property at the front and two storey at the rear, to a two storey at front and single storey at rear dwelling. The dormer windows on the original scheme are removed from the current proposal.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a plot of land located to the rear of the former Habit public house which has been granted consent to be converted into dwellings. The land is a car park/yard area, bordered by a tall brick built wall forming the boundary with Castle Terrace and Bank Street.

2.2 The site is at an elevated position in comparison to Bank Street, with the land inside the boundary wall being approximately 2m higher than the level of Bank Street.

2.3 The site is located within the development boundary of the town (as set out in the Bridgnorth District Local Plan saved policy S1), and also within the Conservation area.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The application is referred to committee for determination, following consultation with the Local Ward Councillor, as the Town Council has expressed a view contrary to the Officer recommendation.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Bridgnorth Town Council – Objects

Recommend refusal due to over development of site, restrictions on the light detrimental to neighbouring properties, inaccessibility to the site and parking issues in relation to the size of the proposed dwelling.

4.1.2 Shropshire Council Conservation Officer – No objection subject to conditions.

The proposal involves the erection of a single dwelling on this site within Bridgnorth Conservation Area. The application includes the removal of a section of boundary wall to accommodate the frontage of the property. This portion of the wall is a more modern element and it is considered on balance that its removal and replacement with an appropriately detailed development would be acceptable. The proposed dwelling is split level, being two storeys fronting Bank Street and one storey to the rear where the ground level is raised. The application follows a previous refusal for a taller dwelling on the site recently refused at committee on grounds of impact on residential amenity, no objections were raised on conservation grounds. The current scheme has been reduced from 3 storey to 2 bringing the overall height of the building down by 1.7m. It is considered that in principle the erection of a dwelling of this scale on the site is acceptable in conservation terms and is not considered to have a detrimental impact on the conservation area. It is felt however that the fenestration to the front elevation could be improved to better reflect the details of surrounding properties within the conservation area, where sash windows, stone cills and arched heads are used. Details of all external materials and joinery should be subject to approval by condition.

4.1.3 Shropshire Council Archaeologist – no objection subject to conditions

The proposed development site lies within the historic medieval core of the town of Bridgnorth (PRN 06044) as defined by the Central Marches Historic Towns Survey, within the extent of the outer bailey of Bridgnorth Castle (HER PRN 00371 Scheduled in part) and tenement plots within outer bailey of Bridgnorth Castle, (HER PRN 05630). It also occupies a group of tenement plots to east of East Castle Street (HER PRN 06032), lies adjacent to parts of the medieval street system (HER PRN 05647) and a short distance from the presumed line of the town defences (HER PRN 00374) and the site of the North Gate and Barbican of Bridgnorth Castle (HER PRN

00422).

Previous archaeological work this area has revealed remains thought to relate to the development of the castle or the earlier settlement. The site has marked differences in level in relation to the surrounding streets thus increasing its potential for buried archaeology and is bounded on its eastern extent by a red brick wall with crude stone courses at its lower levels which may relate to earlier settlement, and a section of which is to be cut through as part of the development.

An archaeological evaluation of the site was undertaken as part of a previous application and a report issued is applicable to this application (SLR Ref: 406.04694.00001). A single L shaped trench was excavated to an initial total length of 7m (north-south) and 6m (east-west) with a 1m extension to the west.

The report concluded that, despite the trial trenching being only a keyhole glimpse into the archaeological potential, the impact of the development is unlikely to impact on significant archaeology. As the evaluation does represent only a keyhole look at the potential archaeology and part of the analysis was based on hand-augered core samples that potential and significance though reduced, does remain.

RECOMMENDATION:

In view of the above and in accordance with the National Planning Policy Framework (NPPF) Section 141, I recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development.

4.1.4 Shropshire Council Ecologist – No Ecology comments on application.

4.1.5 Shropshire Council Land Drainage – no objection subject to conditions.

The following drainage details, plan and calculations could be conditioned if planning permission were to be granted:

1. On the planning application, it states that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection should not be made, as it can result in increased flood risk elsewhere. SuDS Applicability for the site is Infiltration. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. If non permeable surfacing is used on the new access, driveway and parking area and/or the new access slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new access runs onto the highway.

3. Informative: As part of the SuDS, the applicant should consider employing measures such as the following:
 - a. Water Butts
 - b. Rainwater harvesting system
 - c. Permeable surfacing on any new access, driveway, parking area/ paved area
 - d. Attenuation
 - e. Greywater recycling system
 - f. Green roofs

Details of the use of SuDS should be indicated on the drainage plan.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

4. Informative- Consent is required from the service provider to connect into the combined main sewer.

4.1.6 Shropshire Council Highways – No comment on current application.
Comments on previous application (13/03529/FUL), no objection.

4.1.7 Shropshire Council Affordable housing - Comments

As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing.

The exact contribution is dependent upon the affordable housing rate applicable at the date of submission of a full planning application or reserved matters in the case of an outline application. This rate is reviewed annually.

The current affordable housing contribution rate for this area is 20% and as such a proposal for 1 new open market dwelling would be liable to make a contribution equivalent to 1 x 0.20 of a whole affordable unit (1 x 20%). As this level of contribution is less than a whole unit, it is translated into a cash sum paid by the developer as an off-site Affordable Housing Contribution used by the Council fund the delivery of affordable housing provision elsewhere in the area.

As part of the application process the applicant should be requested to complete and submit an Affordable Housing Contribution Proforma so that the correct level of their contribution can be calculated and agreed

4.2 - Public Comments [summary of issues]:

4.2.1 6 Objection comments:

- ☐ Previous application refused on daylight factors, this revised application, whilst a slightly smaller new building, would also have a negative impact on right to light of neighbouring properties, especially at ground and first floor levels.
- ☐ Block plans may be misleading with regards to neighbouring property, plans appear to show neighbouring property as having rear flat roof which is not the case, this area is backyard, enclosed by a boundary wall.
- ☐ Proposed house itself would lack light from the front.
- ☐ Permission has already been granted to convert Habit into two houses, this area of land should be used to provide garden area, rather than new housing, and could be used to provide parking.
- ☐ Fail to see how the demolition of part of the existing boundary wall in Bank Street can possibly be in keeping with the local area.
- ☐ Detrimental impact on conservation area.
- ☐ Plans indicated vehicular access of East Castle Street, however nothing to prevent occupiers parking in Bank Street and Castle Terrace, resulting in congestion and preventing emergency access.
- ☐ Concerns over access for construction traffic to the site.
- ☐ Loss of vital community asset. Following refused application, applicant advertised that the pub would reopen as a “fun pub” and therefore the public house use can be assumed to be viable.
- ☐ Serious drainage issues in the area.
- ☐ Application is erroneous in stating no trees on site, there is a tree within the footprint of the proposed dwelling.
- ☐ If permitted, external materials should be brown or red brickwork, with use of clay roof tiles.
- ☐ Concerns over impact of the development on the operation of the Cliff railway.

Daylight factor report submitted by third parties:

- ☐ This report measures daylight factor. Daylight Factor is based upon the horizontal internal illuminance taken at a point in the interior of a room proportioned to the horizontal exterior illuminance in the open, based upon an overcast sky. The figure is normally expressed as a percentage.
- ☐ All calculations have been made at mid-day 21 June and are averaged figures from a set of grid points within a room at a normal working plane of 0.75m. Daylight Factor calculations are independent of time of year.
- ☐ Findings from the daylight factor report as follows:

Property	Existing	New	Difference	% Change
Beaumaris				
Ground Floor	0.52	0.52	0	0%
First Floor	0.64	0.64	0	0%
5 Castle Terrace				
Ground Floor	1.8	1.7	0.1	-5.5%
First Floor	1.41	1.39	0.02	-1.32%
4 Castle Terrace				
Ground Floor	1.16	1.07	0.09	-7.76%
First Floor	1.28	1.18	0.1	-7.81%
Second Floor	1.56	1.43	0.13	-8.33%
7 Castle Terrace				
Ground – Right	3.62	3.24	0.38	-10.49%
First - Left	1.59	1.35	0.24	-15.09%
First - Right	4.2	3.85	0.35	-8.33%
7 Bank Street				
Ground Floor	0.52	0.52	0	0%
First Floor	1.53	1.48	0.05	-3.27%
Office – Bank Street				
Ground Floor	1.09	1.08	0.01	-0.09%
First Floor	0.66	0.66	0	0%
Adjacent office				
Ground Floor	0.65	0.65	0	0%
5 Bank Street				
Second Floor	0.63	0.55	0.08	-12.69%

☐ Daylight factor for new dwelling also calculated:

- Kitchen – 0.22%
- Utility – 0%
- Lounge – 2.53%
- Bedroom 1 – 0.96%
- Bedroom 2 – 2.18%
- Bathroom – 0.35%

☐ The report concludes that:

There will be reductions in Average Daylight Factor (AVD) to a number of the surrounding properties. The reduction in height has improved the AVD for a number of the properties. But there are still significant reductions to several properties. The AVD in many cases is already below the accepted and recommended levels of AVD, further reductions are not considered acceptable. These properties have been in existence for many years and due to the age of many of these properties, have very low Daylight Factors. If these houses were to be built today, this would not be allowed as the Daylight Factors are extremely low. Any further loss in Daylight Factor is of major consequence to all of these properties.

The new development also has problems with AVD to the ground floor level. Whilst the AVD to existing properties is a consideration, we believe that the addition of a property that is already 90% below the British Standard recommended figure, with no way of overcoming the problem, raises serious questions.

We would also point out that we did not have access to the rear of 5 Bank Street and we believe that there will be a problem of light obstruction to the Kitchen on the rear of the property. Should this be the case, additional calculations could be provided after a further

survey is undertaken.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Neighbour Amenity
Highway Safety and Parking Provision
Drainage
Archaeology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Bridgnorth is a market town under Core Strategy policy CS3 as a focus for development and Local Plan policy H3 identifies Bridgnorth as a settlement where general market housing may be permitted on appropriate sites and where it would reuse currently vacant land within the town development boundary. If permitted the proposed development would be subject to a payment under the Community Infrastructure Levy as set out in policies CS9 and CS11 of the Core Strategy. A contribution towards affordable housing, to be secured by a S.106 legal agreement, may also be due, subject to the outcome of the current review of this matter in the light of new guidance set out in the Government's National Planning Practice Guidance.

6.1.2 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 there is the obligation to have special regard to the desirability of preserving the character or appearance of Conservation Areas in carrying out statutory functions. Core Strategy policies CS6 and CS17 are consistent with this guidance, with CS6 requiring development to protect, restore and enhance the natural, built and historic environment and to be appropriate in scale, density, pattern and design taking into account the local context and character. CS17 states that development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.2 Siting, scale and design of structure

6.2.1 A number of third party comments have raised questions on whether or not the design of the proposed dwelling is appropriate for the site in the conservation area. The Council's Conservation officer has been consulted on this proposal and has commented that the application includes the removal of a section of boundary wall to accommodate the frontage of the property. This portion of the wall is a more modern element and it is considered on balance that its removal and replacement with an appropriately detailed development would be acceptable. The proposed dwelling is split level, being two storeys fronting Bank Street and one storey to the rear where the ground level is raised. The application follows a previous refusal for a taller dwelling on the site recently refused at committee on grounds of impact on residential amenity, no objections were raised on conservation grounds. The current scheme has been reduced from 3 storey to 2 bringing the overall height of the building down by 1.7m. It is considered that in principle the erection of a dwelling of this scale on the site is acceptable in conservation terms and is not

considered to have a detrimental impact on the conservation area.

- 6.2.2 The building has a reduced height and similar width to that of the adjacent property No.5 Bank Street, and would be set back from the front elevation of Bank Street, with a staggered front elevation which would respond to the corner of the junction with Castle Terrace.
- 6.2.3 When viewed from the vantage along Castle Walk, the site is largely screened from view until a viewer is close to the site, passing the Cliff Railway Station building, at which point the view of the site is largely taken up by the tall boundary wall which would be retained, with the new dwelling visible about this and presenting a gable end to the side. The reduced height of this application compared to the previous scheme would lessen the impact of the current proposal. Views from further along the Castle Walk are restricted by a change in ground levels, the boundary walls that border the Castle Walk and also the presence of a modern styles outbuilding in one of the rear gardens.
- 6.2.4 It is considered that the proposed dwelling would reflect the character and setting of the conservation area through the design and style of the proposed dwelling, and the position of the property in the street scene which would reflect the narrow street patterns in the area whilst the staggered frontage would respond to the corner junction between Castle Terrace and Bank Street. The split level property with a frontage along Bank Street would relate well to existing development patterns in the area, and allow retention of the older sections of the distinctive boundary wall along the Castle Terrace boundary.
- 6.2.5 The Council's conservation officer has commented that the fenestration to the front elevation could be improved to better reflect the details of surrounding properties within the conservation area, where sash windows, stone cills and arched heads are used. However it is considered that these details of the scheme as proposed would not detract from the character or appearance of the conservation area. Details of all external materials and joinery could be made subject to approval by condition should the application be granted consent.
- 6.3 Impact on neighbour amenity
- 6.3.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. A number of comments have been received which raise the issue of the impact of the development on the amenities of nearby dwellings, in particular the impact on the properties on Bank Street and Castle Terrace. This is also an issue which the Town Council has raised, and appears to have been key in their reconsideration of the application and determination to alter their original recommendation from approval to objection. Both the applicant and third parties have submitted reports investigating the impact of the proposed development on nearby dwellings.
- 6.3.2 The provision of a building on this site would inevitably have an impact on the amenities of surrounding properties, due to the proximity of the site to nearby dwellings. The question for the committee is whether this impact is unduly detrimental to the amenities of surrounding properties. The impact would consist of 3 main issues, the impact on the neighbouring property at No.5 Bank Street, the impact on the properties opposite the site on Bank Street, and the impact on the

properties along Castle Terrace.

6.3.3 The daylight analysis report submitted by the applicant presents an analysis of the hours of sunlight which properties surrounding the development currently experience, and compares this to the levels which would have resulted from the previously refused scheme and to the currently proposed dwelling. The information from this report is presented below along with the notes from that report:

Property	Hours of Sunlight (annual)			Notes
	Existing	Previous scheme	Proposed scheme	
5 Bank Street	1401	976	1401	The reduction in height of the proposed property by 1.7 metres means that 5 Bank Streets high level gable end window will not be affected by the new building. This is because the reduction in height brings the overall height of the new building below the gable end window. This change means that the neighbouring property will receive 30% more natural daylight than that proposed in scheme one.
6 Bank Street	2560	1890	2107	Scheme two again lends itself to reduce the impact that the new building has on the existing housing. The reduction of the proposed house height means that the amount of light which is blocked from 6 Bank Street is reduced from 25% down to 18%. This means that the simple reduction in height allows 6 Bank Street to receive 7% more light per annum. In the original scheme the reduction in daylight occurred between 7am-11am. Through Scheme two, the reduction in daylight occurs between 8am-11am, which means the house is unaffected for an additional hour per day
7 Bank Street	1607	1422	1493	With scheme one it was apparent that the proposed building would have had a minor impact on the lower floor flat reducing the amount of annual daylight by 185 hours. Again by reducing the impact of the new building on the existing buildings, Scheme two reduces the number of light hours lost to 114 hours, providing 5% more daylight annually compared to scheme one. Comparing the existing to proposed scheme two shows that 7 Bank street will receive 93% of its existing light hours due to the 1.7 metre height reduction.
Beaumaris (ground)	1561	1364	1445	Scheme one resulted in a 15% reduction in light on the ground floor and a 10% reduction on first floor at Beaumaris Castle Terrace. Over the two floors this resulted in 270 hours of light per annum being lost which is around 8% of the existing light that it receives. In comparison, there is a 7% loss of light on both ground floor and first floor through scheme two. This would mean that in comparison 178 hours of light per annum would be lost, which would result in 5% of the existing light hours that it currently received being lost. This means that the property would receive 95% of its existing light hours due to
Beaumaris (1 st floor)	2128	1929	2066	

				the reduction in height of the proposed building by 1.7 metres through scheme two.
5 Castle Terrace (ground)	1773	1635	1695	Proposed Scheme One resulted in the two storey 5 castle street losing 15% of the natural light it received due to the new development proposal. The loss of light was already relatively low due to the existing 4metre boundary wall which reduces the light reaching the ground floor. However, Proposed Scheme two, improves the amount of light the property receives by 5%, meaning that the property now loses 10% of its natural lighting per annum.
5 Castle Terrace (1 st Floor)	2363	2039	2419	
7 Castle Terrace (ground)	1697	1445	1526	Proposal one resulted in Seven Castle Terrace losing 15% of its annual daylight hours on both ground and first floor due to the original proposed development. However, this is again improved through Proposed Scheme two, by reducing the amount of light that the building loses to 10% meaning that the property receives 5% more light than that proposed originally, which equates to 258 more hours of natural light per annum to both ground and first floor windows
7 Castle Terrace (1 st Floor)	2664	2200	2397	
Report conclusions:				
<p>By analysing the data, it is apparent that Proposed Scheme Two is a significant improvement over the previous scheme and reduces its impact on its neighbours, and the amount of natural light that they receive.</p> <p>Five Bank Street demonstrates that there will be no loss of light annually to the property, as the height reduction of the proposal means that its impact is eliminated.</p> <p>The beneficial impact of this reduction is further demonstrated in Seven Bank Street, which will receive 93% of its existing light hours through scheme two, increasing the overall light hours by 5% compared to scheme one by reducing the amount of hours lost from 185 to 114 by reducing the height of the proposal by 1.7 metre.</p> <p>Seven Castle Terrace shows that with the current scheme it will receive another 5% of additional light hours per annum, which as stated equates to 258 hours extra daylight per annum. This demonstrates that the reduction in height benefits both Bank Street and Castle Terrace. Despite the existing 4 metre boundary wall, which already causes a loss of natural light the reduction in height of the proposed property helps to provide additional daylight to first and ground levels, which is shown through this analysis</p>				

6.3.3 In terms of the neighbouring property, No.5 Bank Street, the impact on the general amenity of the dwelling would be limited as the proposed building would be set in line with the rear elevation of No.5 and with overlooking of the rear garden area no more than is typical between two adjacent dwellings. No.5 does have a side window set high up in the gable end facing the application site which apparently serves a bedroom at this property. The current proposal has reduced the height of the proposed dwelling so that the impact on this window is significantly reduced both in terms of loss of light and loss of outlook. The rear elevation of the proposed new dwelling is set behind the rear elevation of number 5, and comments from this property have stated that the block plans may be misleading with regards to neighbouring property, plans appear to show neighbouring property as having rear flat roof which is not the case, this area is backyard, enclosed by a boundary wall. The property would in effect be single storey at the rear and the proposed new dwelling would have some degree of impact on the amenity of 5 Bank Street, however this is not considered to be unduly detrimental to the amenities of this property as the impact would be limited to a small section of the rear garden and elevation closest to the proposed dwelling, and due to the relative heights of the

properties at this location.

- 6.3.4 The properties on the opposite side of Bank Street are likely to be affected by the proposed development the most in terms of loss of amenity due to their position to the north of the development site and so have the most potential to have the proposed dwelling overshadow them. The impact would be less than the properties further along Bank Street already experience due to the existing properties, as the proposed dwelling would be set back from the existing building line, and have a staggered L-Shaped footprint creating a staggered ridgeline. Whilst the impact on the ground floor windows would be relatively less as the existing boundary wall already has an impact on these windows, the upper floor south facing windows of these properties would experience a notable overshadowing impact as a result of the proposed development, mainly in the mornings, as the afternoon and evening sunlight is already restricted by the position of No.5. This impact is reduced significantly from that which would have resulted from the scheme previously refused by the Committee, however the proposed would have an impact on these properties even with the reduction in height.
- 6.3.5 The properties along Castle Terrace would experience some loss of light in the afternoon, as their front elevations face out to the west; however the impact of this is less than that of the properties along Bank Street due to the relative position of the dwelling being offset to the west, and not directly to the south. These properties are also mainly dual facing, with aspects out to the east with views across the valley and Low Town, and so the impact of a loss of a degree of afternoon light to these dwellings would be comparatively less than that of the properties on Bank Street who's main windows face the application site. This impact is, as for the properties on Bank Street, reduced significantly from that which would have resulted from the scheme previously refused by the Committee, however the proposed would have an impact on these properties even with the reduction in height.
- 6.3.6 The information on annual sunlight hours submitted by the applicant shows that the impact on the properties on Bank Street would be mainly in the mornings, whilst the impact on Castle Terrace would be later in the day from midday through to afternoon, due to the relative positions of the properties to the application site. The impact on ground floor windows is less, due to the existing boundary wall on site already restricting light levels to these windows, with first floor windows having a relatively greater reduction in light levels due to the development.
- 6.3.7 The impact of the proposed property on surrounding dwellings is a significant consideration for the committee in the determination of this application. The impact on the properties on the north side of Bank Street would be the most significant, with the impacts on the neighbouring dwelling and the properties along Castle Terrace being notable but of a lesser magnitude. The impact of the proposed dwelling on the amenities of nearby dwellings has been significantly reduced in the current scheme, in comparison to that which was refused, by the reduction in height of the proposed dwelling: However, the proposal would nevertheless have an impact on the amenities of these properties. The report submitted by third parties on daylight factor states that these properties already have below standard daylight factor and states that any reduction on top of the current situation should be considered unacceptable. It is the Officer view that, on balance, the impacts would

not be sufficient to warrant a refusal of the present scheme on the grounds of harm to neighbour amenity.

6.4 Highway safety and parking provision

6.4.1 The only vehicular access to the proposed dwelling would be through the narrow masonry archway adjacent to The Habit. This access would provide a car parking space in addition to allowing access for servicing the property. Although the Council's Highways Officer has advised that intensified vehicle movements through this archway are not desirable, the anticipated low number of movements and the restrictions on vehicle flows in this location are not likely to result in detrimental highway conditions.

6.4.2 The scheme provides 1 off-street parking space for the dwelling and due to the town centre location of the site, it may be considered as a sustainable location with nearby shops and transport links. There is some on-street parking in East Castle Street, beyond the archway access and this is time limited for non-residents and controlled by permit for residents. The Council's Highways Officers have advised that it is unlikely that the occupants of the proposed dwelling would qualify for a residents parking permit as they would not front onto East Castle Street.

6.4.3 This site is close to the Town Centre where there is access to public transport and public car parks. Government Guidance, previously set out in PPG13, stated that local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls.

6.4.4 Given this guidance and the location of the dwelling near to the town centre, the provision of 1 off street car parking space to serve the dwelling is considered to be an adequate provision of parking for the proposed development. This level of parking provision was accepted by the Committee in the consideration of the previous scheme.

6.4.5 A number of comments received on the application raise the issue of how the construction of the building, if permitted, along with construction traffic and storage of materials would impact on the amenities of the nearby properties, and also on the access to the nearby Cliff Railway Station on Castle Terrace. If the application were to be permitted, conditions to control the hours of work, along with a traffic management plan to control the types and times of construction traffic to and from the site could be attached to any decision notice issued in order to mitigate these impacts. As such impacts would be temporary and cease at the end of the construction period, this is not an issue which would warrant refusal of an application if the committee consider the proposal otherwise acceptable.

6.6 Drainage

6.6.1 Some concerns have been raised with regards to how surface water run off from the site would be dealt with and how this would impact nearby dwellings, in particular the Cliff Railway station to the east. The site is already surfaced and the proposed dwelling would not increase the overall run off of the site and has potential to reduce run off. The Council's land drainage section has commented that

the site can be adequately drained but that details of the specifics of this could be controlled by condition. Due to the archaeology concerns on the site, detailed below, it is difficult to finalise a drainage plan at this stage as any discoveries resulting from archaeological works may have implications on the drainage scheme proposed. As such it is considered appropriate it condition all drainage of the site for later approval if the committee determine to grant approval.

6.7 Archaeology

6.7.1 The proposed development site lies within the historic medieval core of the town of Bridgnorth (PRN 06044) as defined by the Central Marches Historic Towns Survey, within the extent of the outer bailey of Bridgnorth Castle (HER PRN 00371 Scheduled in part) and tenement plots within outer bailey of Bridgnorth Castle, (HER PRN 05630). It also occupies a group of tenement plots to east of East Castle Street (HER PRN 06032), lies adjacent to parts of the medieval street system (HER PRN 05647) and a short distance from the presumed line of the town defences (HER PRN 00374) and the site of the North Gate and Barbican of Bridgnorth Castle (HER PRN 00422).

6.7.2 Previous archaeological work this area has revealed remains thought to relate to the development of the castle or the earlier settlement. The site has marked differences in level in relation to the surrounding streets thus increasing its potential for buried archaeology and is bounded on its eastern extent by a red brick wall with crude stone courses at its lower levels which may relate to earlier settlement, and a section of which is to be cut through as part of the development.

6.7.3 An archaeological evaluation of the site has now been completed and a report submitted in support of this application (SLR Ref: 406.04694.00001). A single L shaped trench was excavated to an initial total length of 7m (north-south) and 6m (east-west) with a 1m extension to the west.

6.7.4 The report concludes that, despite the trial trenching being only a keyhole glimpse into the archaeological potential, the impact of the development is unlikely to impact on significant archaeology. As the evaluation does represent only a keyhole look at the potential archaeology and part of the analysis was based on hand-augered core samples that potential and significance though reduced, does remain.

6.7.5 In view of the above and in accordance with the National Planning Policy Framework (NPPF) Section 141, the Council's Archaeologist recommends that a programme of archaeological work be made a condition of any planning permission for the proposed development.

7.0 CONCLUSION

7.1 Bridgnorth is a settlement where general market housing may be permitted on appropriate sites. The proposed dwelling and associated works would not detract from the character or appearance of the conservation area, and the design is considered to reflect the character and form of the townscape in this location. The development would have an impact on the amenities of nearby dwellings, in particular the properties along the north side of Bank Street.

7.2 The proposed dwelling has been reduced in height following the decision of the

Committee to refuse the previous application. This has reduced the impact of the proposed dwelling on the amenities of surrounding properties, but has not removed the impact entirely. The Committee should consider if their reasons for refusal of the previous application still apply, or if the reduction in the scale of the development has been sufficient to address the concerns raised and reduce the impact of the development to acceptable levels.

7.3 Given the location of the site in the conservation area, and in a section of town where the urban form is close knit and defined by narrow streets and close facing properties, it is considered that, on balance, the merits of the proposal in terms of reflecting the design of nearby properties and the urban form of the area outweighs the harm caused as a result of the development on nearby dwellings. It is considered that the reduction in height of the proposed scheme has been sufficient to address the impacts on nearby properties and reduce the impact on light levels and overshadowing to a degree which can be considered acceptable. It is therefore recommended that the committee grant permission.

7.4 In considering this proposal the committee should seek to weigh up the relative merits of the proposal in terms of its design and form, against the negative impacts on nearby properties and determine if the Committee agrees with the above recommendation.

7.5 The Council is currently reviewing its affordable housing policy, and whether contributions are due on applications such as this, in light of recent changes the Government has made to the National Planning Policy Guidance (NPPG). If permitted this application may be subject to an affordable housing contribution and if so, any permission may be conditional on completion of a section 106 legal agreement to secure such a contribution.

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 1970.

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

National Planning Policies:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy:

CS3 The Market Towns and other Key Centres

CS6 Sustainable Design and Development Principles

CS17 Environmental Networks

CS18 Sustainable Water Management

Saved Local Plan Policies:

Bridgnorth District Local Plan

S1 Development Boundaries

H3 Residential Development in Main Settlements

D6 Access and Parking

Supplementary Planning Guidance:

Type and affordability of housing.

RELEVANT PLANNING HISTORY:

13/04956/FUL – erection of one detached dwelling – Refused.

11. Additional Information

View details online:<http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p>
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<p>Design and Access Statement</p>

<p>Solar Analysis Report</p>

<p>Cabinet Member (Portfolio Holder)</p>

<p>Cllr M. Price</p>

<p>Local Member</p>

<p>Cllr John Hurst-Knight</p>

<p>Cllr Les Winwood</p>

<p>Appendices</p>

<p>APPENDIX 1 - Conditions</p>

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of the visual amenities of the conservation area..

4. No joinery works shall commence until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings.

Reason: To safeguard the architectural and historic interest and character of the conservation area.

5. Prior to the occupation of any buildings on site details, including the extent of any demolition, of all walls and other boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and thereafter retained.

Reason: To provide adequate privacy and an acceptable external appearance.

6. 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.

7. No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Such a programme must be prepared and carried out under the supervision and with the agreement of an archaeologist approved in writing by the Local Planning Authority.

Reason: The site is known to be in an area of archaeological importance.

8. 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. Number and type and visit time of vehicles to visit the site per day in connection with the construction works
 - ii. the parking of vehicles of site operatives and visitors
 - iii. loading and unloading of plant and materials
 - iv. storage of plant and materials used in constructing the development

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

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

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

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

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

10. Demolition or construction works shall not take place outside of the following times:
 - Monday to Friday 07:30hrs to 18:00hrs
 - Saturday 08:00hrs to 13:00hrs
 - Not at any time on Sundays, Bank or Public Holidays.

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

Informatives

1. Policies material to the determination of this application:
National Planning Policies:
NPPF
NPPG
Shropshire Core Strategy:
CS3, CS6, CS17, CS18
Saved Local Plan Policies:
Bridgnorth District Local Plan - S1, H3, D6
Supplementary Planning Guidance:
Type and affordability of housing.
 2. 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.
 3. The applicant should consider employing measures such as the following:
Water Butts,
Rainwater harvesting system
Permeable surfacing on any new driveway, parking area/paved area
Greywater recycling system
 4. Consent is required from the service provider to connect into the foul main sewer.
 5. 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.
6. 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.
 7. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
 8. 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.