

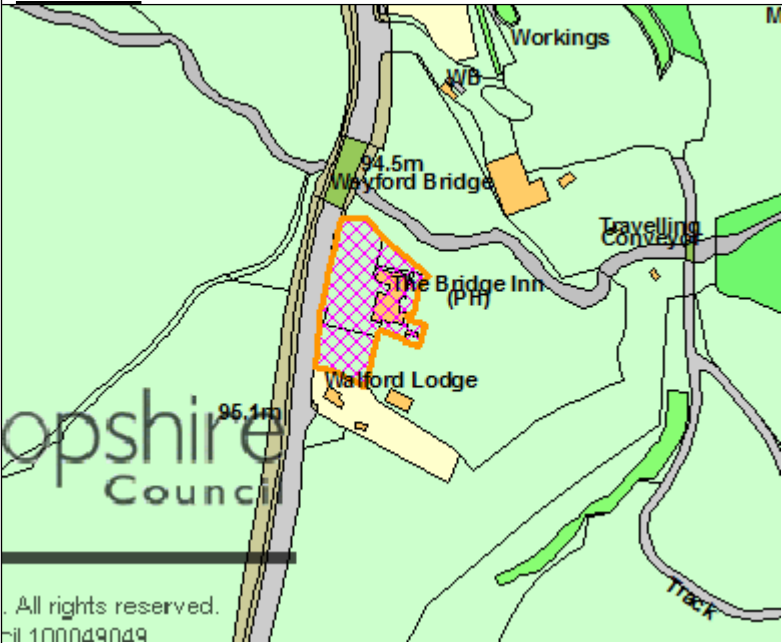
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

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| Application Number: 17/05769/COU | Parish: | Condover |
| Proposal: Change of use of former public house to create 2No dwellings with associated curtilage | | |
| Site Address: Bridge Inn Dorrington Shrewsbury Shropshire SY5 7ED | | |
| Applicant: WTB Properties Ltd | | |
| Case Officer: Frank Whitley | | email: planningdmc@shropshire.gov.uk |

Grid Ref: 347552 - 303760



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

Recommended Reason for Approval

REPORT

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| 1.0 | THE PROPOSAL |
| 1.1 | The application seeks planning permission for the Change of use of former public house to create 2No dwellings with associated curtilage. |
| 1.2 | The application does not seek approval for works or alterations to facilitate conversion- it is merely to establish the principle of residential use for 2 dwellings. |
| 1.3 | The application is supported by sales particulars from a recent marketing exercise as a public house. |
| 2.0 | SITE LOCATION/DESCRIPTION |
| 2.1 | The Bridge Inn is located adjacent to the A49 approx 1km north of Dorrington. The application site extends to 0.22ha which includes the public house, outbuilding to the rear, its car park to the front and small area of grass to the side. |
| 2.2 | The Bridge Inn comprises manager's accommodation on the first floor and a single storey conservatory/restaurant area to the side. |
| 2.3 | Land to the rear was approved in 1993 for use as a camping and caravan site under SA/93/1138. A toilet and shower block was approved in 1996. The camping and caravan site will continue to be accessed through the application site. |
| 2.4 | The Bridge Inn is currently closed, though was used as a public house and restaurant until 2015 (and for a period of 4 months in 2016). |
| 2.5 | According to supporting statements in the application, the Bridge Inn is not considered to be viable as a pub/restaurant. |
| 2.6 | The Bridge Inn was nominated by the Campaign for Real Ale (CAMRA) as an Asset of Community Value (ACV) in April 2017. The Inn did not meet the relevant tests and the application was not successful. |
| 3.0 | REASON FOR COMMITTEE DETERMINATION OF APPLICATION |
| 3.1 | The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers |

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| 4.0 | Community Representations |
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| | Consultee Comments |
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| 4.1 | Parish Council- objection |
| | At its meeting on 9th January 2018, Condover Parish Council resolved to object to the proposed change of use as the Parish Council would prefer the Bridge Inn to remain a public house. There have recently been a number of pub closures along the A49. The Bridge Inn should be retained and developed to include a restaurant and possibly a campsite, supporting the local economy. |
| 4.2 | Conservation- no objection subject to conditions |
| | In considering the proposal for a change of use of the public house known as The Bridge Inn at Dorrington to residential use, policies MD2 and MD13 of the SAMDEV plan adopted in December 2015, apply. The property dates to the mid 20th century, replacing an earlier inn to the west of the existing car park, within the immediate vicinity of the Grade II listed bridge. Despite its modern date, and notwithstanding more recent extensions, it is considered to be a distinctive landmark building of positive character and appearance within an open valley setting. The symmetry of its original design is particularly noteworthy. The key architectural features of the building should be identified and recorded within a survey and statement of significance and incorporated within any conversion scheme in order to promote local distinctiveness and enhance the historic built environment of the county. |
| 4.3 | Highways England- no objection subject to conditions |
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| 4.4 | Affordable Housing- no comments received |
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| 4.5 | SUDS- informatives only |
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| 4.6 | Regulatory Services- no objection |
| | Having considered the proposal I have no objection. I would recommend that the applicant provides close boarded fencing with a density no less than 10kg per square metre to a height recommended to be no less than 1.8m to provide noise protection to the garden areas and improve the amenity of the garden areas to allow future residents to enjoy the outdoor space. |
| 4.7 | Public Comments |
| | Several objections have been received citing the following in summary: Shrewsbury and Shropshire Campaign for Real Ale <ul style="list-style-type: none"> ☐ No additional benefits to community ☐ Not been marketed properly |

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| | <ul style="list-style-type: none"> ☐ Pub is considered viable- viability assessment submitted to support objection ☐ Lack of marketing ☐ Originally built as a public house not a dwelling ☐ Was very successful for 10+ years ☐ Recent re-opening was lack lustre ☐ Susceptible to flooding at rear ☐ No means of mains sewerage disposal ☐ Most rural pubs are driven to, whether within settlements or not. ☐ Previous owners intended to use the site to the rear for caravan park ☐ Pub is essentially viable ☐ Access concerns to land at rear ☐ Proper marketing and management would ensure survival of pub ☐ Risk of houses being built on land to the rear. |
| 5.0 | THE MAIN ISSUES |
| | <p>Principle of Residential Use of Site Viability and Loss of Community Facility Heritage Value</p> |
| 6.0 | OFFICER APPRAISAL |
| 6.1 | Principle of Residential Use of Site |
| 6.1.1 | Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. |
| 6.1.2 | The NPPF aims to support economic growth in rural areas in order to create jobs and prosperity and to promote the retention of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. |
| 6.1.3 | CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. |
| 6.1.4 | MD7a refers to CS5 and CS11 and states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters |
| 6.1.5 | Policy MD7a also states that the residential conversion of buildings to open market |

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| | use will only be acceptable where the building is of a design and form which is of merit for its heritage/ landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset. |
| 6.1.6 | Shropshire Council Type and Affordability of Housing SPD states that “Heritage assets” normally: <ul style="list-style-type: none"> • pre-date 1950; • comprise traditional materials and building methods; • are of permanent and substantial construction; • are of local significance and add value to the landscape |
| 6.1.7 | The application states that the Bridge Inn closed for the last time in 2016. During operation, it was occupied for the purposes of running the pub and restaurant business. There is a kitchen/dining area and three bedrooms on the 1 st floor. |
| 6.1.8 | It is accepted that substantial internal alterations would be necessary for conversion, especially to create two separate dwellings as suggested in the indicative layout. However the entire first floor is already equipped for residential use. |
| 6.1.9 | There is no doubt scope for two dwellings, though concerns have been raised whether it is appropriate for a single dwelling to be limited to the single storey conservatory/restaurant area (indicative Plot 2). This is especially the case because Plot 2 allocated garden area is likely to be close to (or even include) a route to the indicative position of the retained agricultural/caravan access. . |
| 6.1.10 | Noting that division between the two properties has not been agreed, a condition is proposed which would require final layout plans to be submitted and approved prior to occupation. The allocation of garden areas between dwellings, access route to land to the rear could also be finalised by way of condition. It is also considered essential to remove permitted development rights to ensure that future development is sympathetic to the existing character of the building and its open setting. Garden structures such as outbuildings and fences either partitioning within the site or on its boundaries in this case are considered undesirable. |
| 6.1.11 | Concerns about the risk of development on land to the rear of the Bridge Inn have been raised through representation. To the extent that a risk might exist, such development is not being applied for and is outside the scope of the application. |
| 6.1.12 | The principle of open market residential development in the countryside is not generally supported in policy, however further consideration must be given to main issues identified below, and then considered in the planning balance. |
| 6.2 | Viability and Loss of Community Facility |
| 6.2.1 | The NPPF seeks at para 28 to promote the retention and development of local |

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| | services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. |
| 6.2.2 | CS8 seeks the development of sustainable places in Shropshire by protecting and enhancing existing facilities, services and amenities that contribute to the quality of life of residents and visitors. |
| 6.2.3 | The Core Strategy also explains at para 4.103 that facilities, services and infrastructure, such as pubs, have a direct effect on the quality of life of Shropshire's residents. |
| 6.2.4 | There is no doubt that public houses in small rural settlements serve as valuable community facilities and because of this, planning policies such as CS8 generally seek to resist development which might result in their loss. However it is also well known that many pubs in rural locations continue to struggle financially even without obvious competition from other pubs. |
| 6.2.5 | A marketing exercise was conducted in October 2014 by Halls Commercial and described at the time as a "Prominently located and well-presented public house with the benefit of hook-ups for touring caravans and shower block". With the land to the rear, the property was marketed at £375,000. |
| 6.2.6 | The Bridge Inn Bridge Inn closed in 2015 and sold in April 2016. It is understood to have been re-opened for approx. 4 months in 2016, and then put back on the market in January 2017 by Savills. The Inn was listed on: <ul style="list-style-type: none"> ☐ Savills website under Leisure and Trade related property searches ☐ Daltons business website ☐ Businesses for sale website |
| 6.2.7 | It is understood that 8 viewings took place under Savills marketing but there were no offers, other than from the latest owners WTB Properties. |
| 6.2.8 | To supports its objection to the change of use, CAMRA has submitted a viability report which is intended to address the question: <p><i>What could this business achieve given a management dedicated to it, and with full discretion over stocking policy and type of operation?</i></p> |
| 6.2.9 | The CAMRA Viability report concludes that the Bridge Inn is well located to draw business from passing customers and as a destination venue in itself. These views are essentially shared by the Parish Council. With innovative entrepreneurial management, it would be capable of being run successfully. In the opinion of CAMRA, marketing was not targeted through recognised channels to the hospitality industry. However there are likely to be many different ways to market this type of property. In Officers opinion, the property was adequately marketed through Halls and Savills, drawing some interest from potential purchasers. |

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| 6.2.10 | The CAMRA report also compares the Bridge Inn to more isolated and far less accessible rural pubs which are run successfully. Plainly, such businesses exist, though in Officers opinion, it would be unreasonable and disproportionate to resist conversion in the hope that such an entrepreneurial buyer comes forward at some point in the future. In the meantime, the building would deteriorate in condition and become a less attractive business prospect than it clearly already is. |
| 6.2.11 | Officers also note that Dorrington is already served by the Horseshoes Pub and Persian restaurant opposite are centrally located in Dorrington, therefore the community would not be without such facilities. Moreover, the existing establishments would likely compete for trade with the Bridge Inn and in many respects because of their location would be a more convenient alternative. |
| 6.2.12 | The concerns of the Parish Council and CAMRA are acknowledged, but on balance, it is considered that the prospects of the building being re-used as a pub are sufficiently remote that an appropriate alternative use would not conflict with the relevant provisions of the NPPF or the requirements of CS8. |
| 6.3 | Heritage value of existing building |
| 6.3.1 | The NPPF states at para 135 that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. |
| 6.3.2 | MD13 (and MD2, CS17 in part) states that Shropshire’s heritage assets will be protected, conserved, sympathetically enhanced and restored. MD13 also states that proposals which are likely to have an adverse effect on the significance of a non-designated heritage asset, including its setting, will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect. |
| 6.3.3 | The Conservation Officer has acknowledged that the Bridge Inn dates from the mid 20 th century, and for that reason, may have limited heritage value. Nevertheless the consultation comment received states that the Bridge Inn is a “distinctive landmark building of positive character and appearance within an open valley setting. The symmetry of its original design is particularly noteworthy”. The Grade 2 listed bridge on the A49 lies close by. |
| 6.3.4 | The Conservation Officer has requested that during any conversion, further survey work will be required to record the significance. However this application is for a change of use, which if approved would not authorise external modifications. |
| 6.3.5 | Given the building’s significance, the proposed residential use would secure the building for future generations. This adds substantial weight to the principle of conversion, if its use as a public house is not considered to be viable. |

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| 6.3.6 | Without a suitable alternative use being secured, the condition of the building would deteriorate. As noted above, this would reduce the prospects of re-opening as a pub. There is also a risk of the building becoming derelict and becoming an “eyesore” in its prominent position next to the A49. |
| 7.0 | CONCLUSION |
| 7.1 | Overall the applicant is considered to have demonstrated the Bridge Inn is no longer viable as a business. Adequate efforts have been made to market the property for a sufficient period of time. These efforts have failed to secure a purchaser willing to continue the permitted use. |
| 7.2 | In terms of the current building only marginally meeting the normal criteria of a “heritage asset” as per the Housing SPD, those factors are considered outweighed by the benefits of additional housing provision, and the limited external alterations required to secure a future use of the building. |
| 7.3 | In the absence of the pub being required as a community facility, it is considered that the principle of conversion to two dwellings is acceptable and will prevent the decline of the building visually and structurally. The proposal does not conflict with para 51 or 135 of the NPPF, and complies with CS5, CS6, CS8, CS17, MD2, MD7a, MD13. Planning permission is recommended |
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| 8.0 | Risk Assessment and Opportunities Appraisal |
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| 8.1 | Risk Management |
| | <p>There are two principal risks associated with this recommendation as follows:</p> <p>☐ 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.</p> <p>☐ 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 six weeks after the grounds to make the claim first arose.</p> <p>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</p> |

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| | non-determination for application for which costs can also be awarded. |
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| 8.2 | Human Rights |
| | <p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p> |
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| 8.3 | Equalities |
| | <p>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.</p> |
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| 9.0 | Financial Implications |
| | <p>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.</p> |

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
MD2 - Sustainable Design

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS17 - Environmental Networks

MD13 - Historic Environment

MD7A - Managing Housing Development in the Countryside

RELEVANT PLANNING HISTORY:

11/02788/FUL Erection of a conservatory to side elevation GRANT 7th October 2011

PREAPP/16/00120 Change of use from a Public House to either a private day nursery utilising both floors, or either use of the ground floor space and outbuildings as a private day nursery with use of first floor as training and conference facilities retaining the current licence or either separating off the dining extension and converting stand alone shower block into pre-school and nursery retaining Public House and Licence as a standalone building/business PREAIP 18th March 2016

PREAPP/16/00176 Conversion of existing public house into residential apartments with erection of affordable housing and replacement of touring caravan camping site with residential chalet style homes PREUDV 16th May 2016

17/05769/COU Change of use of former public house to create 2No dwellings with associated curtilage PDE

SA/90/0295 Erection of an extension to provide restaurant and additional toilet area and increased car parking area. PERCON 10th October 1990

SA/86/0706 Excavation of land for re-aligning Brook bank, piling and filling (a retrospective application). PERCON 23rd October 1986

SA/96/1107 Erection of a building to provide toilet and shower facilities for camping and caravan site. PERCON 15th January 1997

SA/93/1138 Use of land as a camping and caravanning site (retrospective). PERCON 26th January 1994

SA/01/0176 Erection of a single storey extension to provide restaurant, lobby and WCs after demolition of existing ladies WCs, and formation of additional car parking area. (Amended description). PERCON 23rd May 2001

SA/07/1347/ADV Erect and display one externally illuminated freestanding sign (part retrospective). PERCON 21st April 2008

SA/06/1633 Erect and display one replacement externally illuminated hanging sign, one freestanding externally illuminated sign, one double sided advertisement board attached to existing telegraph pole and one externally illuminated fascia sign (Part Retrospective Application) WDN 7th August 2007

SA/06/0603 Erect & display 1 freestanding, externally illuminated sign, 1 double sided advertisement board attached to existing telepole and replacement of existing hanging sign (retrospective) WDN 24th October 2006

SA/05/1157/F Erection of a porch to front PERCON 28th September 2005

11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder)
Cllr R. Macey

Local Member
Cllr Dan Morris

Appendices
APPENDIX 1 - Conditions

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. Prior to the commencement of the development an assessment of environmental impacts associated with the development - either affected by or affecting the A49 (e.g. noise, external lighting, drainage, construction activity etc.) shall be submitted to and approved in writing by the Planning Authority in consultation with Highways England. The findings of the assessment shall be implemented as approved.

Reason: To maintain the integrity of the A49 and ensure it continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act.

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

4. Prior to occupation of dwellings created by the residential use hereby approved, details of each dwelling shall be submitted to and approved by the Local Planning Authority.

Details shall include:

- a. Layout of each dwelling
- b. Partitioning between each dwelling, and division of outside garden space.
- c. Parking and turning areas
- d. Routes, including access point(s), to land at the rear of the site.

Reason: To ensure a reasonable level of residential amenity is maintained for occupiers.

5. Prior to the occupation of dwellings created by the residential use hereby approved, details of any external lighting shall be submitted to and approved in writing by the Planning Authority in consultation with Highways England. These details shall be implemented as approved.

Reason: To maintain the integrity of the A49 and ensure it continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1, Classes A, B, C, D, E, F,G, H and Part 2 Class A shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities and to maintain the integrity of the A49 and ensure it continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act.

Informatives

1. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at: www.shropshire.gov.uk/environmental-maintenance-and-enforcement/drainage-andflooding/flood-risk-management-and-the-planning-process. The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.