

Committee and date

South Planning Committee

29 April 2014

Item

6

Public

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 14/00030/OUT	Parish:	Claverley
Proposal: Outline application (access for approval) for erection of up to 16 dwellings and garages; installation of bio-disc treatment plant following demolition of existing buildings		
Site Address: Davro Iron & Steel Co Ltd, Ridgewell Works Stourbridge Road Wootton Bridgnorth WV15 6ED		
Applicant: Davro Iron & Steel Co Ltd		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 377508 - 289659



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Recommendation:- Grant Permission as a departure and subject to no objections from the Environment Agency, and to the completion of a Section 106 Agreement relating to affordable housing provision, and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The Ridgewell Works site currently contains the factory building and offices occupied by a steel stockholding company, two dwellings (currently unoccupied) and a closed petrol filling station. To the rear of the factory premises are an abandoned tennis court and bowling green area. This outline planning application proposes the demolition of the existing buildings on the site and their replacement by a development of 16 detached dwellings and garages. All matters are reserved for later approval, with the exception of the access point onto the A458 road. There are currently three accesses off the A458 road into the site (Two in association with the former filling station and dwellings and one for the factory premises), which would be replaced by a new single access in the location of the factory access and one of the filling station accesses. This access would be 5.5m wide, with two 1.8m footpaths on each side, and 6.0m radii to the access mouth. There would be visibility splays of 2.4 x 170m in each direction from the proposed access.
- 1.2 An illustrative site layout has been provided to show how the site could accommodate 16 dwellings. The site levels are currently in the form of three terraces, rising in a north easterly direction, and the layout of the dwellings is shown as utilising this feature. The access road shown in the illustrative sketch has a curving alignment at the lower level, before then following an alignment close to the south eastern site boundary to the upper levels. Four of the dwellings are shown with direct access onto this road, with the remainder served off four private drive cul-de-sacs. The proposed treatment plant is shown in the south eastern corner of the site. Existing trees along the road frontage are shown supplemented by new tree planting in the vicinity of the proposed access and old filling station. New hedge and tree planting is shown within the development and on the south eastern and north eastern site boundaries. The existing woodland to the north east and north west of the factory premises fall outside of the application site and would not be disturbed by the proposed development. The area of ground around two large trees on the Stourbridge Road (A458) is also excluded from the application site.
- 1.3 The agent has explained that the existing buildings are no longer suitable in terms of size and height to meet needs and allow for business growth. In addition the site is too remote from the customer base and principal highway networks to be cost efficient and, in topographical terms, it is unsuitable to provide for expansion and accommodate any growth in HGV movements. He states that the marketing exercise carried out has established that there is no realistic prospect of the site continuing in commercial use. He acknowledges that the provision of open market dwellings on this green belt site would be a departure from the adopted Development Plan. However information provided by the Managing Director (Which contains commercially sensitive information as is not available for public viewing) supports the assertion that the current operation is unviable on this site and, in

order to maintain existing employment levels and to provide for long term business growth, relocation to a more suitable site elsewhere is essential. It is his assertion that a residential redevelopment provides the only realistic prospect of generating sufficient sale proceeds to effect such a relocation. He suggests the alternative would be a site of no use falling into disrepair and impacting detrimentally on the visual amenity of the Green Belt. The scale of the new development proposed reflects the need to provide a sale price to meet the costs of this relocation having particular regard to the abnormal costs of re-development which include the demolition of existing buildings, the remediation of on-site environmental constraints, the mitigation and enhancement measures related to ecological considerations and increased development costs associated with the topography of the site itself.

- 1.4 A screening opinion has been issued to the effect that the proposed development does not require an Environmental Impact Assessment.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is long established industrial/commercial premises situated in Green Belt countryside adjacent to the A458 Stourbridge Road, which passes along the south western site boundary. There is a dwelling to the north west of the site but otherwise the site is bounded by agricultural land. It includes a closed petrol filling station and two buildings last used as dwellings. There is some tree screening on the north western edge of the site. The site slopes up in a north easterly direction.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This is a complex application where an approval would be a departure from the development plan and one which in the view of the Area Manager/Principal Officer in consultation with the committee chairman should be determined by the South Planning Committee.

4.0 Community Representations

- Consultee Comments

- 4.1 Claverley Parish Council – No objections

- 4.2 SC Highways Development Control – No Objection: Recommend conditions relating to new access layout and road design.

- 4.3 SC Drainage – Comment:

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.

1. The application form states that the surface water drainage from the proposed development is to be disposed of via soakaways. The sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater

for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations, dimensions and location the proposed soakaways should be submitted for approval.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

2. If non permeable surfacing is used on the driveway and parking area and/or the driveway slopes towards 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 driveway runs onto the highway.

3. Confirmation is required that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that any such flows are managed on site.

4. Full details and sizing of the package treatment plant including percolation tests for the drainage fields should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water Flows and Loads: 3 should be used to determine the number of persons for the proposed development and the sizing of the package treatment plant and drainage fields should be designed to cater for correct number of persons.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.

5. Informative: 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

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

4.4 SC Public Protection- Comment:

This outline application is for the demolition of all existing buildings on site and to erect 16 dwellings and a bio-disc treatment plant. In support of the application a Geo-Environmental Site Assessment Phase II Investigation, ref.

41498R1, dated April 2012 and a Environmental Site Assessment Phase I Desk Study, ref. 41636R1, dated January 2014 have been submitted.

The Phase II Investigation was originally submitted in support of planning application 11/030502/FUL for the erection of an extension to the southwestern main building elevation that was abandoned.

This site investigation was limited with the main part of the site not being investigated. The proposed end use was less sensitive than the now proposed residential site. Accordingly, the aforementioned 2014 Phase I Desk Study recognises the previous limitations and proposes the Implementation of a further Phase II Environmental Site Assessment and Generic Quantitative Risk Assessment (GQRA) to target previously un-investigated areas of the site identified as posing potential contamination-related risks to the proposed development; including the former vehicle fuelling areas and the operational site area.

The 2012 investigation and assessment should also be reassessed having regard to the change in proposed end use and further investigation in this area may also be necessary.

As previously stated the Environment Agency must also be consulted on this planning application.

Accordingly, if planning permission is granted it is proposed that the following conditions should be included in the Decision Notice:

a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by competent person and be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

The Report is to be submitted to and approved in writing by the Local Planning Authority.

B) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

D) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

E) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Having considered the details provided in the application I have no concerns relating to air quality or noise and therefore require no further assessment of these particulars. However, in order to make the properties ready for EV charging point installation isolation switches must be connected so that a vehicle may be charged in the garage or driveway. The following condition is therefore proposed should this application be granted approval:

An independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.5 Environment Agency – no response received.

4.6 SC Trees – No Objection:

I have reviewed the material submitted in support of this outline application and I can report that I do not object on arboricultural grounds to the principle of development at this site. I broadly agree with the tree survey and conclusions of the Arboricultural Assessment (Future Arbor, December 2013) and the recommended means therein of protecting trees to be retained during development.

However, I note that the application includes agreeing access for the site and that the indicative layout (drawing 873-04) and site entrance (drawing 873-05) plans provide detail of the access to the highway and public and private roads / drives within the site. I have no objection to the proposed layout, but I note one point of conflict with the Future Arbor report.

The plans suggest retaining a mature weeping willow (identified in the Future Arbor report as tree 40) on open space to the west of plot 1. The proposed public road runs close to the western and northern sides of the tree. I agree with the intention to retain this tree, since I consider it to be one of the few individual specimens on the site worthy of special consideration and retention through careful layout and design of the development. However, the Arboricultural Assessment suggests removing this tree and thus it is not included on the Tree Protection Plan (Future Arbor, Plan 3, drawing 1003 Rev A).

Therefore, prior to determining this application, I suggest further information should be provided, to clarify whether the weeping willow is to be retained or removed. The potential impact of development upon the tree will need to be evaluated, particularly with regard to the Root Protection Area of the tree. In this respect existing and final site levels may be a critical consideration and some minor adjustment of the proposed layout may be required.

Subject to clarification of the above, I would be happy to recommend suitable tree protection conditions to be attached to any permission for this application.
Officer:

4.7 SC Ecology – No Objection:

The presence of seven badger setts has been identified by SLR (2013) and they are assessed as providing a sett resource for a single badger clan i.e. a main sett with further annexe and outlier setts.

The proposed redevelopment of the site would result in the loss of setts S1, S2 and S3. These are provisionally assessed as being an annexe and two outliers. The main sett (S6), a further annexe (S7) and two further outlier setts (S4 and S5) would be retained. As the main sett would be retained, together with the potential for existing setts to be expanded or new setts created naturally in the retained woodland, the loss of these three setts is not assessed as being significant. SLR therefore do not recommend creating any artificial setts.

SLR (2013) recommend that setts S1 – 3 are closed under licence from Natural England. Prior to this an update badger survey should be undertaken to confirm the sett status.

The following condition and informative are recommended:

Condition

1. No site clearance works shall commence until the badger setts affected by the development hereby approved has been closed under licence in accordance with details given in the Ecological Appraisal by SLR dated December 2013

Reason: To ensure the protection of badgers, under the Badgers Act (1992)

Informative

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

Bats

Two bungalows forming part of the works were subject to an inspection for bats. Bat activity surveys of the south western area of the site took place in July and

September 2011.

No evidence of bat roosts was recorded at these buildings in 2011 except at Target note 8 where a single bat dropping was found on outside of an office window indicating that roosting may have occurred in gaps within the blockwork above. The activity surveys in the south western area of the site found low levels of foraging of common bat species and no bats were found to be emerging.

SLR found that trees on the application site lacked features for potential bat roosts.

As the woodland around the site is to be retained, no impact is anticipated on bats. However SLR recommend provision of bat boxes on mature trees. The following condition and informative are recommended:

Condition

2. Prior to the first occupation of the dwellings details of woodcrete 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

SLR (2013) recommends a range of bird boxes are installed. The following condition and informative are recommended:

Condition

3. Prior to the first occupation of the dwellings details of 20 woodcrete 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.

The presence of great crested newt, bats and reptiles is considered by SLR (2013) to be highly unlikely.

4.8 SC Affordable Housing – Comment:

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a Full or Reserved Matters application.

The size, type and tenure of the affordable homes will need to be agreed in writing with the Housing Enabling Team and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Councils prevailing Allocation Policy and Scheme.

-Public Comments

4.9 One comment received in support of the proposal.

4.10 One letter setting out the following comments/concerns. The full text of these comments may be viewed on the planning file:

- Concerned about density of development and related implication for traffic safety.
- Concerned about adequacy and appropriateness of proposed foul and surface water drainage arrangements.
- No ecology report or Planning Statement on website.
- No justification for a policy exception put forward.
- Insufficient information provided for a comparative assessment of impact on openness of Green Belt between existing and proposed development on the site.
- Site area differs in different documents.

- 16 dwellings too many for this site.
- Concerns about the potential contamination from industrial activity and query whether full account has been taken of the impact of the former petrol station.
- A458 has poor record of highway safety; will be an increase in car movements against the reduction in HGVs; intensification of use counts against application.
- No public open space shown on site.
- Ground Investigation Report does not prove the presence or absence of hydrocarbons above adopted thresholds; asbestos analysis not taken in near surface soils.
- Soakaway tests do not conform to BRE 365 and cannot be used to determine the effectiveness of soakaways; potential to impact significantly on downstream fields and streams.
- Flood Risk Assessment (FRA) makes no reference of the clay soils, site is on a principal aquifer and extra work is necessary on drainage before application is determined.
- FRA states that under extreme rainfall events any resultant rainwater may exit the site onto the public highway corridor- this would not be an acceptable situation and if it cannot be attenuated on site another solution is needed.
- Concerns over the effectiveness of foul drainage strategy and this should be resolved prior to determination.
- No 'for sale' board displayed on site and so has been a constrained marketing exercise.
- Planning application for the factory extension implied that the business was expanding, not closing.
- Would appear to be no updated ecological and environmental statement.
- There are no elevations or design details.

5.0 THE MAIN ISSUES

Principle of development
Impact on purpose of Green Belt and openness
Visual Impact and Character
Highway Safety
Drainage
Ecology
Contamination
Neighbour Amenity
Affordable Housing

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The premises are situated within the Green Belt where there are very strict planning controls over new development. The National Planning Policy Framework (NPPF), at Section 9, deals with protecting Green Belt land and is the latest Central Government guidance on this issue. There is a presumption against inappropriate development in the Green Belt and such development should not be approved except in very special circumstances. At paragraph 89 it advises that a local

planning authority should regard the construction of new buildings as inappropriate in Green Belt, but then continues to list a number of exceptions. The final bullet point in the list of exceptions states;-

“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

Subject to the proposals having no greater impact upon the openness of the Green Belt than the existing development on the site, the redevelopment proposed in this application would not constitute inappropriate development in the Green Belt.

- 6.1.2 However the application site does not fall within a settlement identified through the saved policies of the Bridgnorth District Local Plan as one suitable for limited infilling and there is no change to this situation proposed through the emerging SAMDev policies. Shropshire Core Strategy policy CS5 would allow affordable housing to meet a local need on appropriate sites within the Green Belt, but this proposal is one for open market dwellings and an approval of such new build dwellings in this location would be a departure from Development Plan policy. The proposal also has to be assessed against other relevant development plan policies. Consideration therefore has to be given as to whether there are material considerations applicable to this case which would justify granting planning permission as a Departure from the Development Plan.
- 6.1.3 The constraints that the existing buildings have on the operation of the business, which has operated from this site since the early 1950's in the same family ownership, resulted in an application for an extension to the building which was submitted in 2011 (ref 11/03502/FUL). That application was granted planning permission on 27th October 2011 as while the bulk of the factory extension would have an impact upon the openness of the Green Belt, there were considered to be overriding benefits in terms of development supporting the long term retention of this local employer and securing reclamation of a redundant filling station site, which amounted to very special circumstances sufficient to outweigh the harm to the openness of the Green Belt. However subsequent to the grant of planning permission, the location of the premises meant that the applicants were unable to secure funding for the works. The location of the premises in relation to the main customer base in the Black Country and the motorway network has also resulted in reappraisal of transport/fuel costs being a factor which impacts upon the viability of the site even if a funding source had been found for the extension scheme. Two potential sites in the Black Country have been identified to where the business could locate, securing the future of the Company and existing jobs, but funding would be required from the sale of the existing site.
- 6.1.4 The marketing of the site carried out in advance of the submission of this planning application has sought to find a buyer for the industrial premises. While no 'for sale' board formed part of the marketing campaign, due to commercial and employee sensitivities, this is not considered to have been a necessity in testing the

market for this type of accommodation. The sale particulars did not specify a purchase price to avoid any set figure being a deterrent to enquiries. The marketing since January 2013 has included various marketing campaigns from the Wolverhampton, Telford and Oldbury offices of Bulleys Chartered Surveyors, including regular mailing to applicants on their database and responding to enquiries from those specifically looking for premises of this size and nature, and Bulleys advise there have been no expressions of interest and no formal viewings sought. The premises were also marketed on Bulleys and other websites dealing with commercial property. They confirm, from the data on their website, that the brochure was downloaded only 7 times despite being viewed 261 times. Feedback comments received empathised that the site's location does not meet needs. It is there experience that potential occupiers are concerned by lack of on site amenities and interaction with other business, given the premises unique location. As the unit is not situated in an industrial area, in their experience companies consider the premises to be too far away from main arterial routes and motorway access to be viable, with the location having additional unrecoverable transport costs.

- 6.1.5 Bulleys have also observed in their marketing report that the topography of the site is challenging for commercial vehicles particularly in adverse weather conditions and does not meet modern industry standards. The age and form of the industrial buildings with low eaves also restrict what uses the buildings can accommodate, and these have been factors in addition to location as to why enquiries have not been prepared to progress interest in this opportunity. Their experience from marketing industrial and office premises in Shropshire since 1965 is that demand is somewhat sporadic with the regular flow of enquiries being for small suites from single rooms up to circa 1000 sq.ft, with significantly less enquiries for larger space. In recent years such enquiries have either required Grade A accommodation or at very least modern space with high eaves and good access to the surrounding road communication network. The conclusion to the Bulleys marketing report states:

"Consequently, in our considered opinion whilst Ridgewell Works provides an attractive working environment, the age, configuration and style of accommodation does not meet modern day requirements and the cost of converting/refurbishing the accommodation in an endeavour to try and meet such standards would not be economically viable. It is certainly our experience that it is extremely difficult if not impossible to secure interest from such larger enquiries without such work already having been undertaken and given the past history of demand for accommodation in the market, we could not recommend the owners of Ridgewell undertaking this level of investment on a speculative basis.

From the above, it is our considered view that a sale of the site for an alternative industrial use is extremely unlikely.

Our marketing did consider the potential for the site/buildings to be used for alternative uses, for example rural recreation or tourism use. No interest from such users has been received during the marketing campaign. Our experience is that the existing buildings would not be at all suitable for such uses and also that such uses need to be in highly accessible locations to be commercially viable. Moreover, the redevelopment of the site for these uses is highly unlikely to be viable given the limiting topography of the site.

In all the circumstances detailed above, it is considered that the only future use of this site which would be viable would be for residential purposes."

- 6.1.6 There is no Core Strategy policy which safeguards this site for employment use. It is considered that the marketing carried out and the analysis of the site characteristics set out above is sufficient to demonstrate that there is little prospect of the site being put to an alternative commercial use. With regard to alternative site uses, there will be costs associated with clearance and preparation of the site for any new development. A high end value use such as open market residential is more likely to be able to absorb these costs, compared to an open air sport or recreational use, or return to agricultural use, which would not be inappropriate development in the Green Belt. The National Planning Policy Framework, at paragraph 17, encourages the effective use of land by reusing land which has previously been developed and, at paragraph 21, for local planning authorities to be supportive of existing business sectors. While Core Strategy policies CS13 seeks to promote Shropshire as a business investment location, the securing of the future of an existing business and jobs, albeit at a location outside of Shropshire, is a material consideration in the present economic climate. On balance it is considered that a case has been presented that would be sufficient to justify the principle of residential development on this site, as a departure from the Development Plan.
- 6.1.7 The lack of a five year land supply for housing in Shropshire is a material consideration in assessing all proposals for new residential development. Where schemes for open market housing are proposed on green field sites within the Green Belt the land supply issue is normally considered to not constitute sufficient very special circumstances to override the presumption against inappropriate development in the Green Belt. However in this particular case it is the redevelopment of an existing site that is proposed (brown field land) and is a factor which gives some additional weight to the acceptability of an appropriate residential redevelopment scheme.
- 6.1.8 Should the Committee accept the principle of residential development on this site as a departure from the development plan, the details of this particular proposal have also to be considered in relation to the issues set out below.

6.2 Impact on Purposes of Green Belt and Openness

- 6.2.1 Paragraph 89 of the National Planning Policy Framework advises that the partial or complete redevelopment of previously developed sites is not inappropriate in the Green Belt, provided the redevelopment would have no greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing development. The purposes of including land within the Green Belt are set out at paragraph 80 of the NPPF and state they are
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and urban land

It is considered that the illustrative site layout submitted for 16 dwellings, in comparison with the present built form on the site which would be replaced, is sufficient to demonstrate that the principle of 16 dwellings would have no greater

impact upon the purposes of the site being within the Green Belt than the existing industrial use and built form.

- 6.2.2 With regard to openness, the Design and Access Statement advises that the ridge heights of the proposed dwellings would not exceed 8.5m, which matched the height of the existing principal manufacturing buildings from relative ground levels. The present buildings present a solid, built form whereas the proposed individual house units would be more dispersed on the footprint of the existing buildings and hardstandings, with gaps between them that would be enhanced with landscaping. It is considered that there would be a sufficient safeguard of openness in this case by stipulating on any outline consent issued for 16 dwellings that the ridge heights from their individual ground levels should not exceed 8.5m. This is a matter which would be further assessed at the reserved matters stage when details of the scale, layout and appearance of the dwellings would be submitted for approval.

6.3 Visual Impact and character

- 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. All matters other than the accesses onto the Stourbridge Road are reserved for later approval in this case and it would be in these submissions, in the event of outline planning permission being given, that detailed design issues would be assessed. However, in terms of landscape impact it is considered that development of the form indicated in the supporting illustrative documents (see paragraphs 1.1 and 1.2 above) would not adversely impact upon the wider landscape. The matters raised by the County Arboriculturalist in relation to the potential impact of the layout on a weeping willow within the site is a matter which can be addressed adequately at the reserved matters stage when there would be an actual, as opposed to indicative, site layout to consider. Measures for tree protection during site works and the submission of an arboricultural method statement in relation to the proposed access works can be covered by condition on any outline planning permission that is issued.

6.4 Highway Safety

- 6.4.1 Core Strategy policy CS6 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. A Transport Assessment has been submitted with the application. This concludes that the proposed development would generate less traffic than the existing use on site and the generated traffic would not have any adverse impact upon the highway network, and would not cause any traffic capacity issues or be detrimental to highway safety, with appropriate visibility in both directions at the proposed access. SC Highways Development Control are content with the findings of the Transport Assessment and with the design and positioning of the proposed access to serve the development. It is considered that a refusal on highway safety grounds could not be sustained in this case.

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. A flood risk assessment and drainage strategy, together with an environmental site assessment accompany the planning application. 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 number of residential units proposed.
- 6.5.2 With regard to the foul drainage, a private package treatment works is proposed. The treated effluent would be discharged to the ground and would be the subject of an Environment Agency bespoke permit. The strategy submitted advises that the plant would include storage in the event of power failure, would have the facility to run off a small mobile generator and to revert to septic tank operation in the event of a prolonged failure. The investigation of ground conditions at this outline planning application stage is considered to be sufficient to demonstrate that a satisfactory means of foul sewage disposal could be installed to serve a residential development of the scale proposed: It is not considered necessary to require further detailed drainage work/design at this outline planning application stage. The precise details of foul and surface water disposal would be the subject of a planning condition on any outline planning permission that is issued, and will also be subject to building regulations approval.

6.6 Ecology

- 6.6.1 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 considered the Biodiversity Survey and Report submitted with the application. (This report has had to be kept sensitive and not available to public viewing due to the details contained relating to some protected species and their habitats in the immediate locality). She 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 a licence in respect of works close to a badger sett, the provision of bats boxes and artificial birds nests. The precise details of the landscaping would be assessed at the reserved matters stage to address both biodiversity and visual amenity issues. The informatics relating to bats, badgers and nesting birds would be attached to any planning permission issued.

6.7 Contamination

- 6.7.1 Core Strategy policy CS6 seeks to secure safe development. The Council's Public Protection team have considered the contaminated land assessment submitted and agree with the recommendation of that report that a further assessment would need to be carried out once the buildings and hard standings are removed. These matters can be addressed by the planning conditions which they recommend, which would deal with the identification and remediation of the risks associated with contamination.

6.8 Neighbour Amenity

- 6.8.1 Core Strategy policy CS6 seeks to safeguard residential 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. However, in view of the large separation distances of the site from existing dwellings in the locality, it is considered that the site can be developed in a manner which would not harm neighbour amenity.
- 6.8.2 It is almost inevitable that building works anywhere will cause some disturbance to adjoining residents. This issue has been addressed elsewhere through 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 or Bank Holidays); to mitigate the temporary impact. This matter could be conditioned on any approval issued. The noise from vehicle movements associated with the dwellings after completion would not impact upon the amenity of the area to an extent that would justify a refusal of planning permission.

6.9 Affordable Housing

- 6.9.1 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 agent has advised that in his view it would not be appropriate to provide affordable housing in this rural location and such provision would be more related to need within nearby main settlements. He proposes that an off site financial contribution be agreed through a Section 106 Agreement when scheme viability can also be taken into consideration. Through the Type and Affordability of Housing SPD associated with Core Strategy policy CS11 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. The SPD includes the mechanisms whereby the case for financial contributions in lieu of on-site provision, and where it is shown financial viability is marginal, can be explored: This will only be possible at the reserved matters stage. It is considered therefore that any approval issued should be subject to a section 106 Agreement requiring the provision of affordable housing in accordance with the adopted Type and Affordability of Housing SPD.

7.0 CONCLUSION

- 7.1 The proposed redevelopment of this site for housing of the scale proposed would not in principle conflict with the purposes of including land in the Green Belt in comparison with the existing development. It would be ensured through a condition on the maximum height of the proposed dwellings and at the reserved matters stage that the redevelopment would have no greater impact upon openness.

Consequently the proposal would not be inappropriate development within the Green Belt. It would however be contrary to Development Plan housing policy. The prospects of the site being put to an alternative commercial use are considered to be very remote. The restoration costs associated with use for another purpose is likely to require a relatively high end value use which residential redevelopment would provide. While Core Strategy policy CS13 seeks to promote Shropshire as a business investment location, the securing of the future of an existing business and jobs, albeit in a location outside of Shropshire, is a material consideration in the present economic climate. The proposed development, suitably designed, would not detract from the visual amenities of the area, would not unduly harm neighbour amenity and would not be detrimental to highway safety. Drainage, contamination and ecology matters can be safeguarded by planning conditions. On balance, it is considered that the above material planning considerations are sufficient to justify the redevelopment of this particular site in the manner proposed as a departure from the Development Plan. (The proposal has been advertised as a departure from the Development Plan).

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

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

Shropshire Core Strategy:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS13 Economic Development, Enterprise and Employment
CS17 Environmental Networks
CS18 Sustainable Water Management

Bridgnorth District Local Plan Saved Policies:
S3 Green Belt
D6 Access and Parking

SPD on the Type and Affordability of Dwellings

RELEVANT PLANNING HISTORY:

11/03502/FUL Erection of extension to existing factory unit; office extension; associated service yard, fencing and landscaping works; demolition of existing vacant buildings
GRANT 27th October 2011

BR/90/0723 ALTERATIONS TO FRONT ELEVATION GRANT 9th October 1990

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

Planning, Design and Access Statement

Arboricultural Assessment

Biodiversity Survey and Report

Environmental Statement

Flood Risk Assessment

Transport Assessment

Marketing Details

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Tina Woodward

Appendices

APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of details of the layout, appearance, scale, and landscaping of the development, the means of access thereto (other than the junction into the site off Stourbridge Road) 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 1(2) of the Town and Country General Development (Procedure Order) 1995 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 be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

4. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying this application, other than in respect of the access point direct off Stourbridge Road and the related highway works. (As such details indicated on the plans accompanying the application are for illustration purposes only),

Reason: To define the permission and to retain planning control over the details of the development.

5. 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.

6. 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.

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. 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 any open space areas in perpetuity.

9. 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.

10. A) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by competent person and be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.

- B) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- C) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- D) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (B) above, which is subject to the approval in writing by the Local Planning Authority.
- E) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

11. No site clearance works shall commence until the badger setts affected by the development hereby approved has been closed under licence in Accordance with details given in the Ecological Appraisal by SLR dated December 2013

Reason: To ensure the protection of badgers, under the Badgers Act (1992)

12. Prior to the first occupation of the dwellings details of woodcrete 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 to which they are attached and shall thereafter be retained in position for the lifetime of the development.

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 20 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall

be 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 to which they are attached and shall thereafter be retained for the lifetime of the development..

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

14. Prior to the commencement of development the design and construction of the new access and associated footways shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the dwellings the access would serve are first occupied.

Reason: To ensure a satisfactory means of access to the site, in the interests of highway safety.

15. The ridge heights of the dwellings, measured from the ground level of each individual property, shall not exceed 8.5 metres.

Reason: To ensure that the development would have no greater impact upon the openness of the Green Belt than the present structures on site.

Informatics

1. 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 in the National Planning Policy Framework, paragraph 187.
2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy:

CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS13 Economic Development, Enterprise and Employment
CS17 Environmental Networks
CS18 Sustainable Water Management

Bridgnorth District Local Plan Saved Policies:

S3 Green Belt
D6 Access and Parking

SPD on the Type and Affordability of Dwellings

3. 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.
4. 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.

5. Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles.
6. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

7. 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.

8. 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.