

**APPENDIX 3 TO REPORT 20/02056/FUL – REPORT CONSIDERED AT OCTOBER 2020
SOUTH PLANNING COMMITTEE MEETING**



Committee and date

Item
Public

Development Management Report

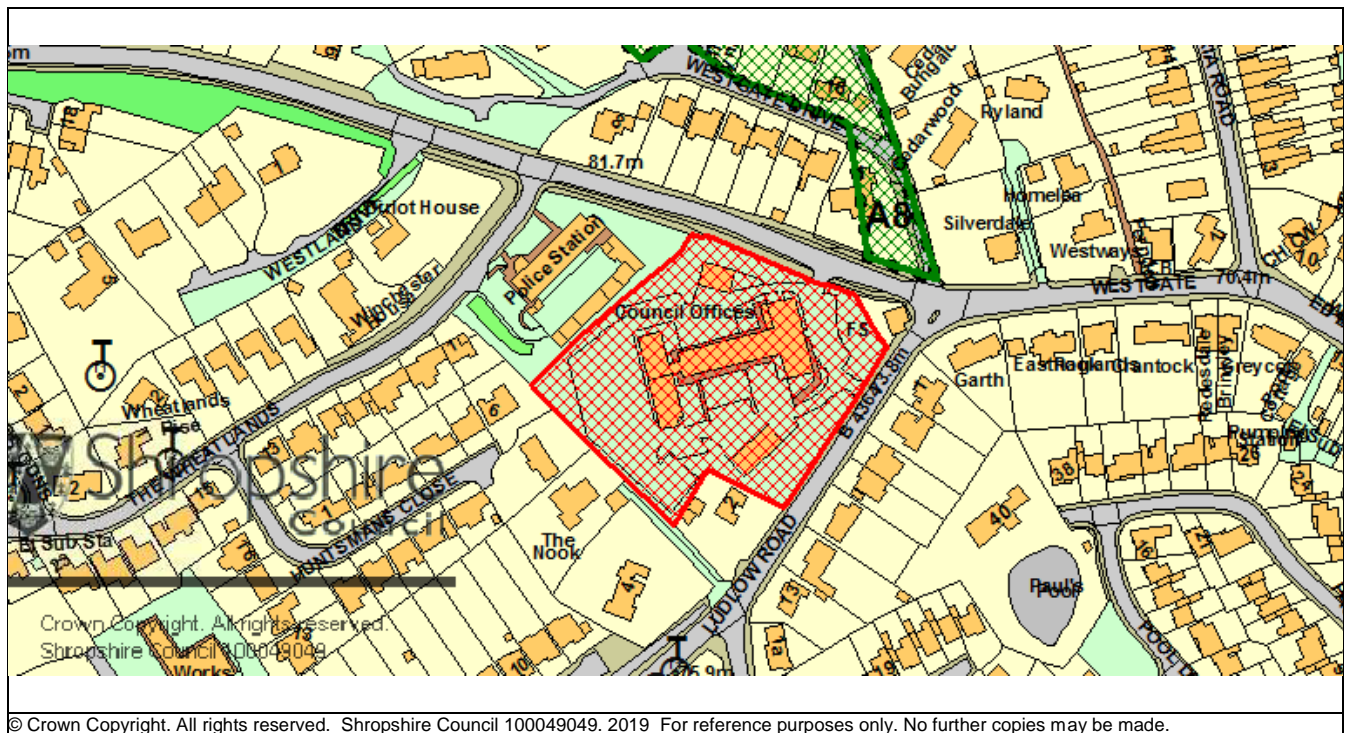
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Summary of Application

<u>Application Number:</u> 20/02056/FUL	<u>Parish:</u>	Bridgnorth
<u>Proposal:</u> Demolition of existing buildings; erection of mixed residential scheme of 31 dwellings; highway works; landscaping scheme to include felling of trees; all associated works		
<u>Site Address:</u> Former Council Offices Westgate Bridgnorth Shropshire		
<u>Applicant:</u> South Staffordshire Housing Assoc. Ltd		
<u>Case Officer:</u> Mike Davies	<u>email :</u> planning.southern@shropshire.gov.uk	

<u>Grid Ref:</u> 370847 - 293201



Recommendation:- Grant Permission subject to a Section 106 Agreement in respect of the affordable housing provision within the scheme and a financial contribution for the Traffic Regulation Order, and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is for 31 dwellings including highway works, landscaping, the felling of trees and associated works. The housing offer consists of a mixture of detached and semi-detached properties. There will be 3 x 2 bed semis, 15 x 3 bed semis, 2 x 4 bed semis and 6 x 3 bed detached units.
- 1.2 Of the above properties, six of the above properties are proposed to have their own integral garages with two detached garages at the Site. All other properties will have dedicated parking bays or driveways. Excluding the garages, a total of 62 parking spaces will be provided, representing 2 spaces per dwelling.
- 1.3 In total, 20% of the properties provided on Site will be 'affordable' and the unit mix and tenure is proposed to be:
 - 1 x 2 bedroom semi-detached (Shared Ownership)
 - 1 x 3 bedroom semi-detached (Shared Ownership)
 - 2 x 2 bedroom semi-detached (Affordable Rent)
 - 2 x 3 bedroom semi-detached (Affordable Rent)

- 1.4 It is proposed to close the existing site access points from Wenlock Road and Ludlow Road and provide a new singular access point into the main development via Wenlock Road further away from the junction with Ludlow Road. Dwellings which front onto Ludlow Road will have individual private drives which can be accessed from the main road.
- 1.5 The site provides an area of open space to the north of the site alongside Wenlock Road. That area has been identified to provide a green frontage to the site that is accessible for use by future residents of the scheme and to provide informal recreation opportunities. As set out within the accompanying Arboricultural Appraisal, that area will be utilised to provide a managed area for existing and replacement trees to mitigate for tree loss elsewhere on the site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located at the former Shropshire Council offices at Westgate in the east of the market town of Bridgnorth. The site is situated between the Wenlock Road and the B4364 Ludlow Road and is bounded by established residential properties set in mature gardens to the north, east, south and west and the Bridgnorth Police Station to the north-west. The site area is 0.955 hectares and within walking distance of all the shops, facilities and amenities of Bridgnorth town centre. There is currently vehicular and pedestrian access on Wenlock Road and an exit on Ludlow Road (Although the latter was closed with a bollard when the office use ceased). Mature and semi-mature trees, shrubs, walls and hedgerows surround the site.
- 2.2 The site has established vehicular and pedestrian accesses, with an entrance on Wenlock Road and an exit on Ludlow Road. These are expected to be retained as part of any future residential scheme.
- 2.3 The Former Council Offices were constructed in the 1960s and were bespoke for its former purpose of two storeys in height. The building is constructed of buff brick with a pitched pan tiled roof and is orientated to face the junction of Wenlock Road and Ludlow Road; its main elevation is symmetrical in appearance with an ornate central doorway.
- 2.4 The site is located within Flood Zone 1 and lies to the west of the Bridgnorth Conservation Area.
- 2.5 The site is located within an area characterised by residential uses. To the north of the site, on the opposite side of Wenlock Road, is the rear of detached two storey properties that front onto Westgate Drive. Detached residential properties are also to the south west fronting onto The Wheatlands, and the south fronting Huntsmans Close and Ludlow Road respectively. All these properties look to have been constructed at a similar time during the 1950s and are of a similar style, using materials such as redbrick with tiled roofs. Residential properties are also to the east on the opposite side of Ludlow Road however, these are detached and semi-detached and date from the 1920s/30s.

2.6 The Police Station, situated immediately adjacent to the Site. The Wheatlands provides access to the Station, and is also where its primary elevation is orientated, facing away from the Site. The Police Station looks to have been built in the 1970s and is constructed of a dark brown/grey brick with facing tiles on the first floor.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Town Council have raised some concerns in relation to the details of the scheme. The Ward member has also requested that the application be considered by Planning Committee. The site is also in the ownership of Shropshire Council and formerly in use as Council Offices. In these circumstances, and given the material planning considerations raised, it is considered the application should be determined by Committee.

4.0 **Community Representations**

4.1 - Consultee Comments

4.1.1 **Bridgnorth Town Council** - Whilst the proposed development would allow a much needed redevelopment of a derelict brownfield site and contribute to the vitality of the town centre (by virtue of it being in such close proximity to the main shopping area), Bridgnorth Town Council has 3 major areas of concern:

1. The effects on traffic and its unacceptable impact on highway safety.

a. The Transport Analysis states (6.2.1) that "No committed developments have been identified by SCC; none have been included as part of our assessments." However, SAMDev includes approval for a significant number of houses around Tasley, which will result in a significant increase in traffic along Wenlock Road. This traffic growth needs to be included in the analysis before making an informed decision.

b. In relation to the location of units 25-31 inclusive - This area of the Ludlow Road experiences high traffic levels during peak times; being on a main route into the town and to primary schools in the area. With direct access onto Ludlow Road for these 7 units, we have serious concerns regarding visibility for road users and residents of the proposed and neighbouring properties in such close proximity to a busy junction. The proposed layout for these 7 units will undoubtedly lead to visitors parking on the roadside or part way across the pathway and increase road safety hazards.

c. In relation to units 1 - 24 the limited on-site parking available(in a cul-de-sac) is likely to force visitor/overflow parking to head towards making use of the busy Wenlock Road which will add to the already existing traffic safety and congestion problems.

2. Inappropriate density.

a. The density of the site appears to be completely out of character with adjoining properties and changes the vista significantly; the area is currently very open and light as are the vast majority of properties in the vicinity. The internal road appears

to be wholly insufficient to accommodate visiting traffic, be that relatives and friends, delivery vans or other services. The entrance to the site is also the only exit. There are no turning circles at the ends of the cul-de-sac. As a prime example; there appears to be insufficient space for a refuse truck or fire engine to enter the site and turn around (the previous plans for a slightly larger site did include such provision). The solution offered in the applicants Transport Statement of turning around at the internal T Junction is seen as unsatisfactory in allowing for the efficient delivery of goods and access by service and emergency vehicles.

b. The apparent need to maximise the number of properties appears to have resulted in the 7 properties being accessed from the Ludlow Road as opposed to being from an internal road on the site. This makes the proposal look like 2 adjoining developments rather than one flowing development. The proposed design lacks innovation and does not demonstrate a desire to improve the character of the area. We note that the land available to the development has been reduced (now that the land occupied by the police station is longer available) by some 30%, yet the number of properties has only been reduced by approximately 20%.

c. The scale of housing apparently requires a compromise on Shropshire Council's policy on open space requirements (MD2/CS6) and results in excessive loss of established trees.

3. Insufficient regard for achieving sustainable development

a. The proposals do not specify a target SAP rating to be achieved - just an indication of how building regulation SAP ratings may be achieved. We would expect Shropshire Council to insist on specification of a suitable low energy approach, capable of net zero carbon emissions by 2030 at the latest. This should include a specific standard, such as the BREEAM Home Quality Mark. We can find no mention solar energy or charge points for electric vehicles, for example.

- 4.1.2 **County Arborist** - I appreciate the financial restrictions and other constraints to development imposed by this site, as discussed in the Updated Planning Statement (Barton Wilmore, May 2020, registered 15th June 2020). Sections 3.6 – 3.8 of that document explain why the applicant considers that 31 units, 6 of which are to be 'affordable', is the minimum number of units necessary to make the development viable. The assessment leading to this conclusion contains confidential information that has not been made public. However, fitting 31 units into the site has significant implications for the retention or otherwise of existing trees, as well as the delivery of future open space and new tree planting in the completed development. I would therefore recommend that the viability assessment is made available to Shropshire Council and scrutinised by appropriate persons, in order to be certain that this number of units is absolutely necessary for commercial viability. I suggest that this basic assumption should be verified prior to determination of this application, because of the implications it has for the trees, open space and landscape of the site. My concerns regarding these implications are discussed below.

The proposed development of 31 units will provide 102 bed spaces, which in accordance with SAMDev Policy MD2 generates a requirement for $30 \times 102 = 3,060$ square metres of open space. The Open Space Provision plan (LL575-150-0005) shows that less than 50% of this amount is to be available as usable open space

within the proposed scheme (assuming that shared street surface and private gardens do not qualify as usable open space).

In addition to this substantial shortfall in open space provision, the development will entail the loss of many existing trees from the site. Section 7.19 ('Trees') of the Planning Statement is misleading in this regard. It states that 15 individual trees are to be removed but does not mention the 5 tree groups that are also to be removed, the most significant of which, groups G2 and G4, comprise an additional 18 birch trees between them. Were more space available to be set aside within the site, it might have been possible to retain one or other of these groups of birch. However, as described in the Tree Schedule to the Arboricultural Appraisal (SC:349, Salopian Consultancy Ltd, 19.05.2020), the component trees in both these groups have limited prospects due to their etiolated stem form and mutually suppressed canopies. Pruning for clearance of adjacent overhead power lines has further disfigured the trees on the west of group G2. On balance, in my opinion, the loss of these category 'B' groups (trees of moderate quality and value) can be accepted, subject to satisfactory replacement planting.

Other notable proposed tree losses include the early-mature birch T1, which provides screening of the site from the rear of the neighbouring property at 2, Ludlow Road, and the six early-mature or mature cypress trees T4 – T9 and the two early-mature field maple trees T10 and T11, which form a visually dominant group fronting Ludlow Road. Unfortunately, the ground level changes required to construct the proposed dwellings precludes the retention of these trees. Their removal will expose the existing houses on the opposite side of Ludlow Road to a full and uninterrupted view of the new development. Mitigation planting is proposed to replace tree T1 with a new tree in a similar place and trees T4 – T11 are to be replaced with 6 fastigiate 'Koster' oaks in front of the new properties. I consider that this would provide sufficient compensation in the mid- to long term for loss of the existing trees, but there will undeniably be a short to mid-term visual impact until the new trees establish and grow to any significant degree.

Overall, in terms of simple numbers, the proposed new tree planting will outweigh the loss of the 33 existing trees to be removed. Analysis of the Tree Proposal plan (LL575-150-0072) shows a total of 57 new trees are proposed. However, 31 of these are small species of tree and of those, 26 are to be located within private rear gardens and therefore of limited public amenity. 13 medium sized trees are to be planted, 12 of which are in front of house locations and therefore in public view. 2 large trees and the 6 fastigiate 'Koster' oaks are also to be planted in front of house locations in public view. However, it is Shropshire Council Tree Team's experience that trees planted in private curtilage, be that front or back garden, are often removed by incoming residents for one reason or another. Furthermore, it would be difficult to make and defend a tree preservation order to protect small trees of limited amenity value. I therefore consider it unlikely that all of the planned new tree planting will be retained in the long term. Only 5 new large trees are proposed to be planted in public open space, where they might be expected to have good prospects of survival to full maturity. Given the limited amount of open space available, and the presence of existing trees to be retained within it, I do not think there is room to plant a greater number of new trees than has been proposed within the area of public open space.

On a general point, I am concerned that even for the small and medium sized tree

species proposed, there may be insufficient soil rooting volume available to allow the trees to grow to their full sizes at maturity, where they are to be planted at the front of properties and adjacent to road and block paving hard standing. I suggest that soil volume requirements for the chosen species should be calculated and assessed against the amount of soil available as soft landscape at each front of house planting station. Where there is a shortfall in available soil volume, this should be made good by using subterranean structural soil cells underneath hard surfaces, to supplement the soil available in the adjacent soft landscape area and ensure the planted trees have access to enough soil rooting volume to survive and flourish. I would also recommend that proprietary root barriers are used to protect adjacent hard surfaces, where trees are to be planted close to paths, patios and parking areas etc. The following link gives more information on calculating soil volume requirements:

<https://www.greenblue.com/gb/resource-centre/soil-volume-calculator/>

The use of subterranean soil cells, where necessary, will add significantly to the cost of planting. Therefore, it may not be possible within the available budget to plant as many trees as currently proposed. However, Shropshire Council Tree Team would rather see fewer trees, better planted in appropriate locations, with a good chance of success, than many trees poorly planted with little chance of survival or flourishing in the future. Failed or failing tree planting detracts from the appearance and quality of the development.

As a final comment, I would draw attention at this stage to a few points of specific concern, as opposed to the general issues raised above. These being as follows:

- Oak tree T12 is proposed to be retained and is located immediately to the east of Unit 25. The Site Layout Plan (001-A100-41-P Rev B) shows the canopy of this tree would already be touching the roof of the dwelling and overhanging its drive. I consider it important that this tree be retained – it would be the only surviving tree fronting Ludlow Road, following the removal of trees T4 to T11. The tree has the potential to increase significantly in size and I consider it likely to be a cause of conflict if the house is built as shown on the plan. I therefore object to the layout of this Unit and request that the dwelling be moved away from the tree, so as to achieve a successful and sustainable juxtaposition between tree and dwelling.

In this regard, I note that Unit 28 has an attached garage to the west side of the property. If this garage was removed, so as to match the adjacent Unit 27 for example, this would appear to give scope to shift all the Units 28 to 25 to the south-west, thereby creating more clearance from the oak tree T12.

- The Tree Proposal plan shows a pair of *Carpinus betulus* (hornbeam) to be planted in front of Units 7 and 17. I consider these large trees will ultimately grow too big for their location close to the houses and would therefore recommend substituting these trees for smaller species, such as a narrow growing form of *Acer campestre* (field maple), such as 'Streetwise', for example.
- *Prunus avium* (wild cherry) and *Betula pendula* (silver birch) are proposed to be planted at Units 8, 12, 13, 15 and 31. These species are known to cause problems on residential estates due to dropping fruit and shedding prolific

seed respectively. They are also both prone to shallow rooting that can cause problems with cracking or distortion of nearby hard surfaces. I would therefore recommend that these species are also substituted, perhaps with a field maple as suggested above, or Liquidambar (sweet gum), which is well known for its attractive autumn foliage. These alternative species are put forward merely as suggestions and of course other species could be equally suitable.

I would request that the issues raised in this response are considered and addressed prior to determination of this application. If, however, it is decided to move to a decision with the application as submitted, I would welcome the opportunity to provide some recommended tree protection and landscaping conditions to be applied in the event of permission being granted.

4.1.3 **Conservation Officer** - The proposal affects a site to the west of Bridgnorth town centre approximately 200 meters to the east of the boundary Bridgnorth Conservation Area. The site also lies adjacent a Conduit Head which is a grade II listed structure that lies on junction of Ludlow Road and Wenlock Road. The proposal includes the demolition (as noted on the submitted Demolition Plan) the former Bridgnorth District Council (Westgate) offices, where according to the historic mapping post-dates 1954 where it is assumed that the existing buildings date from circa 1960 with later additions being added more towards the rear of the plot during the 1970s. It is not considered that the existing buildings are a non-designated heritage asset (as defined under Annex 2 of the NPPF), but as a previous significant civic building serving Bridgnorth, it is acknowledged that it has some historic and architectural interest with its symmetrical appearance and central portico which showcases its civic status. The principal building is constructed in brick with a hipped concrete tiled roof and is a contrast to the typical early post-war civic building, being more inter-war in fashion and less utilitarian in its architectural articulation and use of materials (ie panels and concrete). In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in February 2019 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

The existing building would have been constructed for Bridgnorth Rural District Council that became Bridgnorth District Council as part of the 1974 Local Government reorganisation where this in turn was followed by a further organisation where the District Council was abolished following unitary status in 2009. Given the most recent reorganisation, the existing offices are surplus to requirements and is therefore subject to redevelopment/repurposing. It is noted that the adjacent police headquarters has been subject to similar exercise, though a decision has been made for them to stay put in the existing building where it is noted that this site no longer forms part of the proposal as per the original 2014 scheme.

Given the building's origins and similar to other Council offices, local government was responsible for certain roles during the Cold War, where certain parts of the buildings were dedicated to civil defence including monitoring and having to deal with any possible nuclear attack that was prevalent especially during following the

World War II including the early 1960s (Cuban Missile Crisis) and the 1980s with the provision of radios, as well as rooms and bunkers that could be sealed off and used post attack. For instance the former South Shropshire District Council offices had a bunker room. It is noted that these offices had a 'control room' or some form of communications centre. The documentary evidence seems somewhat scant without the benefit of consulting the relevant archives. However given this historic significance it is requested that the existing building should be subject to Level 2 recording in accordance with Historic England's document 'Understanding Historic Buildings: A Guide to Good Recording Practice', prior and during demolition, where this should be conditioned accordingly.

The proposed design and layout of the site is noted. The site is a key gateway into the historic town of Bridgnorth from the west and therefore this site needs to be carefully considered. The area is generally leafy and suburban in character with soft boundaries consisting of trees with building lines set back in their plots which gives a spacious and leafy feel as part of the transition from the historic core to the rural hinterland beyond. The proposed landscaping is noted where it is welcomed that many of the existing open areas and trees, especially along Wenlock Road shall be preserved. In turn retaining such natural features should aid the site to have a more established character as well as screening the development.

The proposed design of the dwellings is generally contemporary with gabled frontages. The general design approach is generally supported where there is an opportunity to use materials and fenestration in a more innovative way such as the articulation of the brickwork. However the proposed materials should be more locally distinctive such as the use of Broseley brick. The proposed hard landscaping and the use of Dutch clay pavers is noted.

A HIA should be submitted to assess the setting of the Conduit Head and adjacent conservation area.

No objections subject to (HIA) and conditions for all facing materials and finishes including Level 2 recording as recommended above.

Additional Comments - These comments supplement those previously submitted on 11/6/20. The two key principal issues were the provision of a proportionate Heritage Impact Assessment (HIA) in order to take account of the setting of the adjacent Bridgnorth Conservation Area and the grade II listed Conduit that lies on the junction of Wenlock Road and Ludlow Road. The second issue was the recommendation of a Level 2 recording condition to record the former Westgate offices.

The revised submitted Planning Statement covers the issues with regards to the setting of the adjacent Bridgnorth Conservation Area and the conduit, where having consulted the content of the revised statement and the relevant accompanying correspondence, this is considered to be satisfactory. It is still however considered that there should be a recording condition attached to any approval, though SC Conservation would be more than happy to liaise with the appointed recording contractor in order to discuss the relevant elements of the building in order to ensure that the most significant components of the building are recorded and illustrated in the end report which shall be incorporated into the Historic

Environment Record (HER).

Should approval be given, conditions should be attached with regards to all facing materials and finishes with locally distinctive materials.

County Archaeologist - No Comments

4.1.4 **Local Lead Flood Authority** - The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.

4.1.5

Condition:

No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

Informative Notes:

1. The Environment Agency has updated the guidance on Climate Change and a 35% should be used for residential development in the Severn catchment. The drainage calculations and plan should be amended accordingly.
2. On the Surface Water Flood Map, the site is at risk of surface water flooding. The applicant should ensure that the finished floor levels are set at least 300mm above the ground level. The Finished Floor Level and the Ground Level for each individual dwelling should be shown clearly on the Proposed Site Levels Plan.
3. Highway Gully Spacing calculations should be submitted for approval. Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies (formerly HA102).

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width.

The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

Vulnerable areas of the development are classed by Shropshire Council as areas where exceedance flows are likely to result in the flooding of property or contribute to flooding outside of the development site. For example, vulnerable areas may occur where a sag curve in the carriageway vertical alignment coincides with lower property threshold levels or where ground within the development slopes beyond the development boundary.

Shropshire Councils Surface Water Management: Interim Guidance for Developers,

paragraphs 7.10 to 7.12 (Local Standard D of the SUDS Handbook) requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above) within the development site or contribute to surface water flooding of any area outside of the development site.

4. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

4.1.6 **Affordable Housing** - 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 current affordable housing contribution rate for this area is 20% and as such a proposal for 31 dwellings would be liable to make a contribution equivalent to 6.2 i.e. six affordable dwellings and a financial contribution for the remaining fraction. The six affordable dwellings being proposed are acceptable in respect of their tenure, siting and size.

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 financial contribution can be calculated and agreed.

The development and financial contribution should be secured through a S106 Agreement.

4.1.7 **Regulatory Services** - Given the close proximity of the proposed development to existing residential dwellings there is potential for amenity impact during construction of the development. I would therefore recommend that any required pre- commencement construction management plan must include details of construction noise and dust control measures and working time restrictions.

4.1.8 **SC Waste Management** - It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here:

<https://new.shropshire.gov.uk/media/7126/shropshire-refuse-and-recycling-planning-guidance-july-2017-002.pdf>

We would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that the vehicle can access and turn on the estate. Details of the vehicle size and turning circles are in the document linked above.

Highway Authority - The principle of the development is acceptable from a transport and highways perspective.

- 4.1.9 The TA demonstrates that there is a low number of accidents and no clusters or patterns of accidents. It also satisfactorily demonstrates that the proposed traffic generated by the development will have an acceptable impact on the highway network.

However there are a number of issues queries that need addressing. In order for the proposed development to be appropriately assessed, from a highways and transport perspective, the following information is required to be submitted, by the applicant:

- There is mention in the Planning Statement of a Framework Travel Plan. This does not seem to be included within the submitted documents.
- A pre-application (which appears to be related with this application) has recently been returned for the site in which the local highways authority wished for pedestrian connectivity in the vicinity of the site.

In particular, it was requested that a standard tactile crossing to be implemented in the vicinity of the main site access on Wenlock Road, that allows pedestrian to cross onto the footpath on the opposite side of the road. The pedestrian crossing arrangements at the Wenlock Road/Westgate/Ludlow Road junction aren't ideal (splitter island), so this would give pedestrians an alternative, potentially safer route into Bridgnorth town centre as well as the inbound bus stop on Westgate.

Consideration should also be given to any possible upgrade to the pedestrian crossing arrangements at the junction of Wenlock Road/Westgate/Ludlow Road.

County Ecologist - Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

- 4.1.10

I have provided a European Protected Species 3 tests matrix at the end of this response. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

The bat surveys observed a single common pipistrelle bat re-entering a weep hole above a ground-floor window of Building 4 during one of the three activity surveys.

Works to Building 4 will have to take place under a European Protected Species

Licence from Natural England. A low impact class licence is considered suitable at this site.

Section 9.3 of the report sets out the mitigation and compensation measures which will form part of the licence application.

I have provided a European Protected Species 3 tests matrix at the end of this response. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

I have recommended the erection of additional bat and bird boxes to provide replacement and additional roosting and nesting opportunities.

The following conditions and informatives are recommended for inclusion on the decision notice:

European Protected Species Mitigation Licence condition

No works shall take place to Building B4 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority. Reason: To ensure the protection of bats, which are European Protected Species.

Working in accordance with method statement condition

All works to Building 4 shall occur strictly in accordance with section 9.3 of the Ecological Survey and Assessment (ERAP, September 2019).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

Bat and bird boxes condition

Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 6 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 6 artificial nests, of either integrated brick design or external box design, sparrows (32mm hole, terrace design).
- A minimum of 6 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

Lighting Plan condition

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 *Bats and artificial lighting in the UK*. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

European Protected Species Mitigation Licence informative

No works shall take place to Building 4 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained by the developer from Natural England, in accordance with section 9.3 of the Ecological Survey and Assessment (ERAP, September 2019).

Nesting birds informative

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings (or other suitable nesting habitat) should be carried out outside of the bird nesting season which runs from March to August inclusive.

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 or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and 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.

If during construction birds gain access to any of the building and begin nesting, work must cease until the young birds have fledged.

General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth

newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel

boards) to allow wildlife to move freely.

- 4.2 - Advertised by press and site notice; 29 neighbour notification letters sent. 13 Public Comments received (Some submitting more than one set of comments) which have been categorised as 2 neutral, 7 in support and 4 objections. Issues raised in the responses are summarised as follows and may be read in full on the file:

- Flooding risk increased off site
- Highway Safety
- On Street Parking
- Need for TRO on Ludlow Road
- Traffic calming required
- Overlooking from high level windows
- Loss of Privacy
- High density development not in keeping with character of the area
- Lack of community engagement by developer
- Loss of mature Trees
- No details of services and utilities for the site
- Construction noise
- Loss of car parking for town centre

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Affordable Housing
Highway Safety and Parking
Ecology
Residential Amenity
Flood Risk and Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, and notes planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF sets out core planning principles which include, among other matters, encouraging the effective reuse of land that has been previously developed.
- 6.1.2 For the purposes of the assessment of this application the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of Development (SAMDev) Plan and a range of Supplementary Planning Documents.
- 6.1.3 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1, CS3, CS4, and CS11 state that new open market housing will only be permitted on

sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. Policy CS11 sets out the Council's affordable housing requirements arising from residential developments.

- 6.1.4 The application site falls within the development boundary for Bridgnorth in the SAMDev Plan Policies Map. Policy S3 advises that, in addition to allocated sites, residential development will be permitted on appropriate sites within the development boundary of Bridgnorth. Core Strategy policy CS3 identifies Bridgnorth as a Market Town which will provide a focus for development within the constraints of its location on the edge of the Green Belt and on the River Severn, with Core Strategy policy CS1 stating that the Market Towns and other key centres will accommodate around 40% of Shropshire's residential development over the plan period. The achievement of this proportion of housing in Market Towns includes an allowance for windfall sites, of which the current proposal would be an example. To boost significantly the supply of housing in sustainable locations, such as Bridgnorth Town, remains a key objective of the National Planning Policy Framework.
- 6.1.5 An outline application for proposed residential development, including the creation of new vehicular and pedestrian access roads was considered at the January 2015 meeting of the South Planning Committee (ref. 14/02693/OUT). That application was submitted by Shropshire Council. The Committee resolved to grant planning permission subject to the completion of a Memorandum of Understanding to secure affordable housing and maintenance of any public open space by an appropriate body through a Section 106 Agreement when the site is sold by Shropshire Council. (The reason for this reference to a Memorandum of Understanding is because Shropshire Council cannot have a Section 106 Agreement with itself). The assessment of the principle of re-development of an employment site, against the criteria set out in SAMDev Plan policy MD9, was considered in detail at that time and the Committee accepted the report's conclusion that a refusal on the grounds of loss of an employment site would be most unlikely to be sustained at appeal. There has been no material change in planning circumstances since 2015 concerning the retention of the site for employment purposes to now warrant a different conclusion on this issue. The principle of the development proposed in the current full planning application is considered acceptable.

6.2 **Siting, scale and design of structures**

- 6.2.1 The nature of the site means that the layout is quite regulated in its form. The density whilst higher than the immediate surrounding area, is not uncommon in a town centre location and is therefore not considered inappropriate in the context of the site location on the edge of the town centre.

The properties have been designed as traditional two storey houses across the site with the majority being semi-detached with 6 detached dwellings also being included. Minimum privacy distances have been achieved across the site and with surrounding existing properties so the scheme is considered to adequately address privacy/overlooking concerns that have been expressed.

The triangular shape of the site itself and its constrained nature means that the layout of the site is very much dictated by the need to get a sufficient quantum of

development on site to make the scheme viable. The majority of scheme will be accessed off Wenlock Road via a single spine road which will branch out in the form of a T junction within the site. Seven properties will front onto Ludlow Road with direct access onto the carriageway.

6.3 Visual impact and landscaping

6.3.1 On-site Open Space provision is below the quantity that would normally be expected on a development of this size. However, it is important to consider the proximity of the site to the town centre along with the quality and usability of the open space which is arguable a better measure of its value than its quantity.

6.3.2 An area of open space will be provided along the Wenlock Road frontage of the development which will be split by the new access road into the site. The open space will be planted with native species trees.

6.3.3 The County Arborist has also expressed concern at the loss of existing trees across the site. However, as previously mentioned the constrained nature of the site effectively dictates the layout of the site and most of the trees to be lost would be in the back gardens of new properties which means they would have little amenity value within the street scene and would no doubt cause issues during construction as well as likely be removed by future residents at some point due to them overshadowing gardens and houses.

6.4 Affordable Housing

6.4.1 Core Strategy Policy CS11 seeks to meet the diverse housing needs of Shropshire residents now and in the future and to create, mixed, balanced and inclusive communities by securing an affordable housing contribution on all new open market residential development. Policy CS11 and the associated SPD on the Type and Affordability of Housing applies. The current prevailing rate for affordable housing in Bridgnorth is 20%, meaning there is an expectation that at least 6 of the dwellings would be affordable units.

6.4.2 The development provides for 6 affordable units in line with planning policy requirements under CS11 and the accompanying SPD. The provision will be in the form of 4 affordable rent units and 2 shared ownership units. The provision of this affordable housing will be secured by way of a section 106 agreement.

6.5 Highway Safety and Parking

6.5.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 109 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.”

6.5.2 Core Strategy policy CS6 seeks to secure safe developments. The site is triangular in shape and tails down to the junction of Ludlow Road (B4364) and Wenlock Road, where Wenlock Road traffic has right of way. The development of the site will result on development on both sides of these roads with vehicles accessing the road close to the junction. It is therefore important to ensure that any displaced

parking that currently uses the site does not result in vehicles being parked on the street around this junction creating a highway safety issue The site has now been closed to prevent public parking).

6.5.3 As part of the scheme crossing improvements will be implemented to assist in getting pedestrians to and from the town centre safely. A Traffic Regulation Order (TRO) would also be introduced to prevent parking around the Ludlow Road/Wenlock Road junction and the new access into the development.

6.5.4 A travel plan will also be required to be submitted via condition.

6.6 **Ecology**

6.6.1 An ecological assessment has been provided in support of the application. The County Ecologist is satisfied with the contents of the report and has recommended a series of planning conditions and informatives to mitigate the impact of the development on flora and fauna should planning permission be granted. At Appendix 2 of this report is the completed European Protected Species three test form, due to the presence of bats in building B4 (A single common pipistrelle bat day roost having been observed in August 2019 in the front section of the main office building). With respect to test 1, the re-development of this brownfield site is in the public interest in securing the delivery of housing in a sustainable location; putting the site to a viable long term use and to ensuring the efficient use of land in this urban area in a manner which would not detract from residential and visual amenity. With respect to test 2, without re-development the site is likely to become increasingly derelict and a danger to public health and public safety.

6.7 **Residential Amenity**

6.7.1 The site layout has been designed to ensure minimum privacy distances are achieved between new and existing dwellings. It is not considered that the development will have any long term impact on future or existing residents amenities.

6.7.2 A condition limiting the hours of construction will be imposed on any consent granted along with a requirement for a detailed construction management plan to safeguard the amenity of residents during the build phase of the development.

6.8 **Flood Risk**

6.8.1 The site is with Flood Risk Zone One which is the lowest level of flood risk. A condition will be attached requiring the submission and agreement of drainage details prior to the commencement of development.

7.0 **CONCLUSION**

The site is situated within an existing settlement and the principle of the residential redevelopment of the site is acceptable in planning policy terms. The site is a previously developed site which is no longer in use. (An October 2020 site inspection revealed that the site is no longer accessible for parking which had been taking place following the closure of the offices). The development therefore has significant overheads in terms of site clearance on and therefore the developer has sought to maximise the density of development on the site having regard to the prevailing urban character of its surroundings. It is accepted that the development

is more dense in character than its immediate surroundings however, it is considered that the proposed scheme incorporating some contemporary design details is unduly out of character in this respect. It should also be noted that housing delivery in Bridgnorth is significantly behind the levels envisaged in the Development Plan and this development will go some way towards boosting these figures.

There is a deficiency in the provision of open space provided on site. However, it is considered that given the quality of the landscaping/open space along with the mitigation planting proposed will help to address this issue. Clearly, the constrained nature of the site and the abnormalities associated with site clearance have impacted the viability of the scheme which has led the developer to the current scheme. The proposal provides affordable housing at the required rate and taking all other factors into account it is considered that on balance the proposals should be supported despite the open space deficiency on site.

A S.106 Agreement will be required to secure the affordable housing in perpetuity along with a financial contribution of £3,000 to cover the cost of the TRO.

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 six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS6 - Sustainable Design and Development Principles
CS9 - Infrastructure Contributions
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD8 – Infrastructure Provision
MD9 – Protecting Employment Areas
MD12 - Natural Environment
MD13 - Historic Environment

Settlement: S3 – Bridgnorth

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

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

14/02693/OUT Proposed Residential Development including creation of new vehicular and pedestrian access roads (Outline Proposal) PDE

BR/84/0266 Alterations to garage/store to form additional office accommodation GRANT 5th June 1984

BR/79/0493 The use of part of Council depot as offices and alterations to include the installation of new door and windows GRANT 26th September 1979

20/02056/FUL Demolition of existing buildings; erection of mixed residential scheme of 31 dwellings; highway works; landscaping scheme to include felling of trees; all associated works PDE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access Statement Flood Risk Assessment and Drainage Strategy Ecological Report Noise Impact Assessment Planning Statement Site Investigation Report Tree Report Waste Management Plan Transport Statement Air Quality Assessment
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

Local Member

Cllr Les Winwood Cllr Elliot Lynch

Appendices APPENDIX 1 – Conditions APPENDIX 2 – EPS Three tests

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.

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

4. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

5. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

6. Prior to the commencement of the development the design and construction of any roadways, footways, accesses shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied (whichever is the sooner).

Reason: This detail is required prior to commencement to ensure a satisfactory means of access to the highway.

7. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

8. No construction (and/or demolition) works and associated deliveries to and removal of materials from the site shall take place outside the hours of 07:30 to 18:00 Mondays to Fridays; 08:00 to 13:00 on Saturdays nor at anytime on Sundays, Bank or Public Holidays.

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

9. No development shall take place until a scheme of surface and foul water drainage has

been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

10. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Licence with respect to (EPS name) has been obtained and submitted to the local planning authority.

Reason: To ensure the protection of (species), a European Protected Species. This a pre-commencement condition due to the requirement for the information to be submitted before any works commence as commencement of work may adversely affect European Protected Species.

11. All works to Building 4 shall occur strictly in accordance with section 9.3 of the Ecological Survey and Assessment (ERAP, September 2019).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

12. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details. The following boxes shall be erected on the site:

- A minimum of 6 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 6 artificial nests, of either integrated brick design or external box design, sparrows (32mm hole, terrace design).

- A minimum of 6 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

14. A Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any element of the development. The approved Travel Plan shall be implemented within one month of the first occupation of any part of the development and thereafter be adhered to.

Reason: In order to minimise the use of the private car and promote the uses of sustainable modes of transport, in accordance with the NPPF, Policy CS6 of the Shropshire Core Strategy and Policy MD2 of the Shropshire Sites and Management of Development Plan.

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

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

16. Before the development is brought into use, visibility splays of a depth of 2.4 metres and a length of 43 metres from the centre point of the junction of the main access road and the parking spaces associated to the properties along Ludlow Road, with the public highway, shall be provided and thereafter be kept clear of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

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

17. Notwithstanding any of the submitted details the development shall not take place until full construction detail of any new roads, footways, retaining features, accesses, street lighting, transition features, full block paved surfacing of shared space areas together with details of disposal of surface water to a suitable outfall have been submitted to, and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the buildings occupied.

Reason: To ensure the development is completed to the required standards for future adoption.

18. Development shall not take place until a detailed design for:

- a) Tactile crossing points at the main access into the site and in the vicinity of the main site access (off of Wenlock Road), that allows pedestrians to cross onto the footpath on the opposite side of the road
- b) And any other associated engineering works

have been submitted and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved plans and fully implemented prior to the first occupation of

any dwelling within the development.

Reason: In the interests of pedestrian safety.

Informatives

1.

No works shall take place to Building 4 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained by the developer from Natural England, in accordance with section 9.3 of the Ecological Survey and Assessment (ERAP, September 2019).

2. Nesting birds

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive.

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 or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and 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.

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

[If during construction birds gain access to [any of] the building[s] and begin nesting, work must cease until the young birds have fledged.]

3. General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

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If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

[Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.]

4. Under the Highways Act 1980 - Section 184(11) you are required to submit an application to form a crossing within the highway over a footway, grass verge or other highway margin. Please note that there will be a charge for the application. Applications forms can be obtained through the web site www.shropshire.gov.uk/hwmaint.nsf. If you wish further advice please contact the Shropshire Council's Highway Development Control Team.

5. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

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

7. **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.

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.

9. 1. The Environment Agency has updated the guidance on Climate Change and a 35% should be used for residential development in the Severn catchment. The drainage calculations and plan should be amended accordingly.

2. On the Surface Water Flood Map, the site is at risk of surface water flooding. The applicant should ensure that the finished floor levels are set at least 300mm above the ground level. The Finished Floor Level and the Ground Level for each individual dwelling should be shown clearly on the Proposed Site Levels Plan.

3. Highway Gully Spacing calculations should be submitted for approval.

Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies (formerly HA102).

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width.

The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

Vulnerable areas of the development are classed by Shropshire Council as areas where exceedance flows are likely to result in the flooding of property or contribute to flooding outside of the development site. For example, vulnerable areas may occur where a sag curve in the carriageway vertical alignment coincides with lower property threshold levels or where ground

within the development slopes beyond the development boundary.

Shropshire Councils Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12 (Local Standard D of the SUDS Handbook) requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above) within the development site or contribute to surface water flooding of any area outside of the development site.

4. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

10. 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. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

11. This planning permission does not authorise the applicant to:

- o authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- o undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team.

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

APPENDIX 2

&&

EUROPEAN PROTECTED SPECIES: The 'three tests'

Application reference number, site name and description:

20/02056/FUL

Former Council Offices Westgate Bridgnorth Shropshire

Demolition of existing buildings

Date:

27th June 2020

Officer:

Sophie Milburn

Ecology Officer

sophie.milburn@shropshire.gov.uk

Tel.: 01743 254765

Test 1:

Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

The re-development of this brownfield site is in the public interest in securing the delivery of housing in a sustainable location; putting the site to a viable long term use and to ensuring the efficient use of land in this urban area in a manner which would not detract from residential and visual amenity.

Test 2:

Is there 'no satisfactory alternative'?

Without re-development the site is likely to become increasingly derelict and a danger to public health and public safety.

Test 3:

Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?

Bat surveys between July and August 2019 identified a day roost of a single common pipistrelle in Building 4.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

Section 9.3 of the Ecological Survey and Assessment (ERAP, September 2019) sets out the following mitigation and compensation measures, which will form part of the low impact class licence application:

The Registered consultant will provide a toolbox talk to site workers.

A single crevice bat box will be erected on a suitable tree prior to the commencement of works.

'The Registered Consultant will carry out an examination of the roost areas and determine the presence of any bats prior to the commencement of works.'

'The Registered Consultant will then instruct and supervise the careful removal, by hand, of the roof slates / tiles and the fascia at the known roost and any other features determined to have opportunities suitable for use by roosting bats.'

'If a single (or a low number of) pipistrelle bat is present the Registered Consultant will carefully collect the bat (using a hand held static net or by direct handling), place the bat in an appropriate container and either release the bat at the site later the same day or place the bat in the bat box, as detailed below. Instruction will then be provided to proceed carefully with the removal of the remainder of the relevant parts of the roof under the supervision of the Registered Consultant, as appropriate.'

‘If bat(s) are found unexpectedly in cold or adverse weather conditions then the protocol in Appendix II of the BMCL will be followed.’

‘If any other species of bat is present or a large number of bats are present it is essential under the terms and conditions of the BMCL that the Registered Consultant contacts Natural England immediately for advice.’

‘Based on the results of the surveys and the types of roost present there is no timing restriction on the commencement of works.’

‘If bats are discovered during the works when the licensed bat worker / Registered Consultant is not present, all workers must withdraw from the area and the bat worker must be contacted for guidance’.

‘If the licensed bat surveyor / Registered Consultant has any concerns regarding the quality of workmanship or there is non-compliance with the terms and conditions of the BMCL and the mitigation strategy and / or guidance provided by the licensed bat worker then this will result in additional site visits to make inspections.’

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of common pipistrelles at favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Consultee Access (dated 27th June 2020) are included on the decision notice and are appropriately enforced. The conditions are:

Working in accordance with protected species survey;

European Protected Species Licence;

Erection of bat boxes; and

Lighting plan.