

Development Management Report

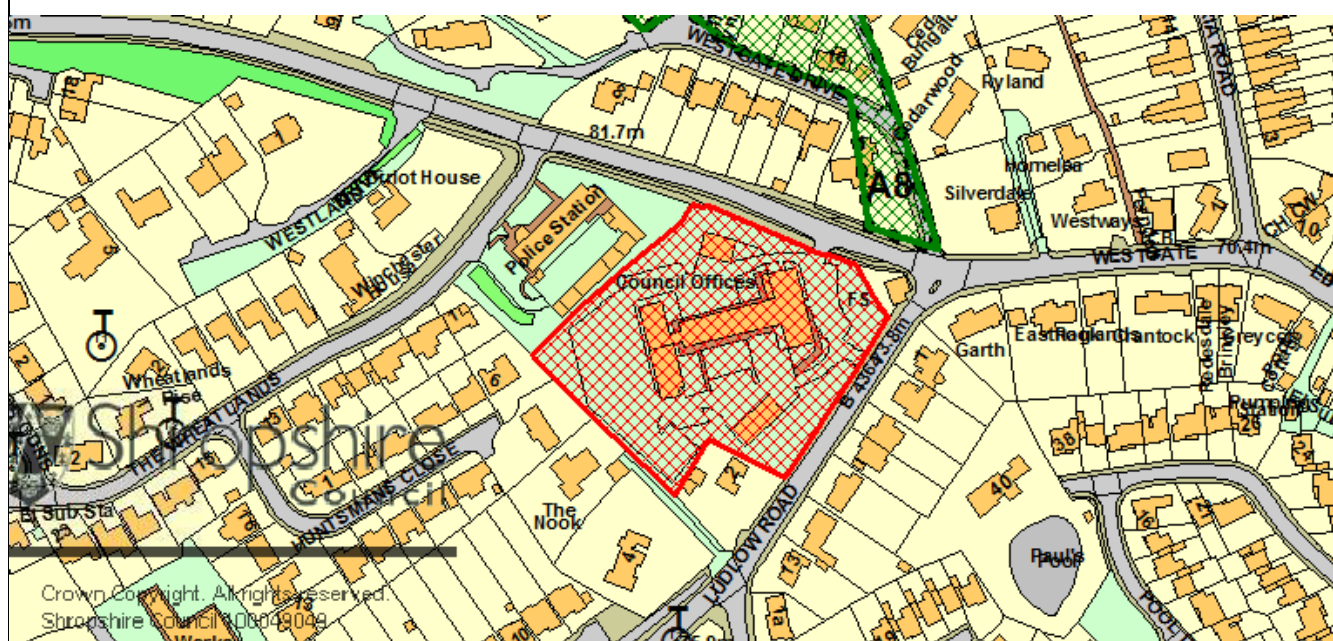
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Summary of Application

<u>Application Number:</u> 20/02056/FUL		<u>Parish:</u>	Bridgnorth
<u>Proposal:</u> Demolition of existing buildings; erection of mixed residential scheme of 30 dwellings; highway works; landscaping scheme to include felling of trees; all associated works (Amended Description)			
<u>Site Address:</u> Former Council Offices Westgate Bridgnorth Shropshire			
<u>Applicant:</u> South Staffordshire Housing Assoc. Ltd			
<u>Case Officer:</u> Mike Davies Richard Fortune (Update)		<u>email :</u> planning.southern@shropshire.gov.uk	

Grid Ref: 370847 - 293201



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Recommendation:- Grant Permission subject to a Memorandum of Understanding to ensure on the disposal of the site by Shropshire Council that there is in place a Section 106 Agreement in respect of the affordable housing provision within the scheme, retention and maintenance of public open space and a financial contribution for the Traffic Regulation Order, and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application was deferred at the October 2020 South Planning Committee meeting to allow officers to have further discussions with the developers over the layout, scale and density of the development. The Report which was considered at the October 2020 meeting is attached at Appendix 3.
- 1.2 The alterations made to the proposed development comprise:
- a) A reduction in the number of dwelling units by one to 30 to free up space in the centre of the development.
 - b) Introduces a new public garden space in the centre of the design, which can be used as informal public open space (POS) with seating and planting.
 - c) Re-orientated the dwelling to the west of the central access road as part of creating the public open space area and a proposed raised table highway design with enhanced materials adjacent to the new area of POS to create a different feel within the central area. The end of the junction also includes a small landscaped area to enhance the public realm.
 - d) The development fronting Ludlow Road has been re-designed. (The agent states this has been done in consultation with Bridgnorth Town Council, who were met on site along with some neighbours who were interested on the day). The key element of the re-design here has been to re-arrange the access arrangements to allow for a greener and higher quality frontage onto Ludlow Road to reflect neighbouring properties. The dwellings have also been pushed further back into the site with the front garden materials incorporating a material such as grasscrete in combination with tandem parking (to increase planting) on the drives to allow residents to park and informally manoeuvre vehicles within their curtilage.
- 1.4 In total, 20% of the properties provided on Site will be 'affordable' in line with the prevailing rate applicable to Bridgnorth. The unit mix and tenure remains as previously proposed and comprises:
- 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)

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

Consultation Responses received on the proposals considered at the October 2020 Committee meeting are set out in the report at Appendix 3. The responses set out below relate solely to the amended drawings submitted in response to concerns raised by the South Planning Committee. (Consultation date 17.12.2020).

- 4.1.1 Bridgnorth Town Council – Object:
Bridgnorth Town Council objects to the amended plans on the grounds that it is an overdevelopment of the site (insufficient public open space for compliance with policy MD2) and that it still does not address our concerns that there are a large number of access points directly onto Ludlow Road and that vehicles joining Ludlow Road from those properties may end up reversing out of their driveways.
- 4.1.2 SC Highways Development Control – No comments received on amended drawings. Previous comments set out in Appendix 3.
- 4.1.3 SC Trees – No comments received on amended drawings. Previous comments set out in Appendix 3.
- 4.1.4 SC Conservation (06.10.2021) – Note that the amendments are to the landscaping, provision of open space and the reduction of one unit. Overall no further comments to add to those made previously. (No objections subject to conditions for all facing materials and finishes and Level 2 recording of existing building).
- 4.1.5 SC Drainage (04.01.2021) – Comments unchanged (Pre-commencement drainage condition recommended).
- 4.1.6 Officer Comment: The adjustments made have no implications for the archaeological, ecology, regulatory services and waste management comments set out in the October 2020 report at Appendix 3. The reduction in the number of proposed dwellings by one to 30 means that six units would need to be affordable dwellings, without the financial contribution for a fraction of a dwelling that was also needed when the total proposed was 31.
- 4.1.7 - Public Comments
9 Objections:
- Revised plans show no changes/improvements to the highway safety or the units on Ludlow Road, so objections stand.
 - Appreciate efforts to try and ensure the frontages fit into the surrounding area; would wish to see a planning restriction to ensure that trees/shrubbery to front gardens are not removed to make way for carparking, storage of caravans or large commercial vehicles.
 - Should also be a restriction preventing colours/textures and overall features are not altered in a way detrimental to visual aspects of area.
 - Speed of vehicles entering the Ludlow Road from Bridgnorth is concerning and suitable parking restrictions are needed to prevent collisions with parked or vehicles exiting from peoples drives; suggest reinstatement of double yellow lines in front of 3 Ludlow Road with consideration given to extending restrictions further up the road.
 - Little has changed regarding the density and layout of the development.
 - Problems identified on Ludlow Road have not been addressed.
 - Conflict of interest with Shropshire Council acting as the authority for Planning and also the vendor selling the site.
 - Viability of scheme is affected by the price the site is being sold for as well as what can be built on the site; Shropshire Council should be acting for the long-term interests of the town and not their short-term financial gain.

- Proposed Ludlow Road development not in keeping with the style or density of existing housing on that section of road.
- Overlooking from the two proposed three storey houses on Ludlow Road; not in keeping and too densely positioned together.
- The turn left into Ludlow Road should be made sharper to slow vehicles down.
- Disappointed there has been no community engagement with the developer.
- Should just be trees/walls/railings/ landscaping fronting Ludlow Road and no houses, to address concerns and maintain the integrity and character of the road.
- Need accurate survey of traffic volume and speed on Ludlow Road before application finally decided; it is a main route into Bridgnorth town and also for through traffic towards Highley and Broseley.
- Revisions do not address concerns already raised about neighbour privacy; high density; and design, appearance and materials being significantly different to neighbouring properties and detrimental to character of area.

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 changes made to the site layout in response to the concerns raised by the Committee would create a more open, spacious feel to the centre of the development, providing it with a key focal point to complement the open space with established trees along the northern site boundary with Wenlock Road.
- 6.2.2 Adjustments to the row of eight dwellings on the eastern side of the main access road have changed a pair of semi-detached properties at the southern end of the row, opposite the central area of public open space, into two detached properties to assist in giving a more spacious feel to this area of the proposed development. It is a small reduction in the depth of the rear gardens to this row of dwellings which has enabled the proposed dwellings along the Ludlow Road frontage to be set back sufficiently from Ludlow Road to have tandem parking and a better balance to the

road, in terms of the proportion of access works taking up the road frontages to those plots. It is accepted that the revised treatment would better respect the character of the immediate area.

- 6.2.3 The architectural detailing of the proposed dwellings was not a factor in the reasons for the Committee deferring the application at the October 2020 meeting and these details remain unchanged. Minimum privacy distances would still be achieved across the site and with surrounding existing properties so the scheme is considered to adequately address privacy/overlooking concerns that have been expressed.

6.3 **Open Space and Landscaping**

- 6.3.1 The amount of open space in the proposed development has been increased by the creation of central green square/focal point at the 'T' junction within the development. Total proposed open space provision is now some 1656sqm.
- 6.3.2 The band of open space and tree planting along the road frontage with Tasley Bank/Wenlock Road has been retained as this area contains some significant trees and is an important part of the green corridor along Wenlock Road and down Tasley Bank which is a characteristic of this western approach to the centre of Bridgnorth. The open space area would be planted with new native trees.
- 6.3.3 It is also pertinent that within some 300 metres of the site is the large Crown Meadow recreation area which is available for informal recreation and is equipped with play equipment, as well being the location for tennis, bowls and football activities. While on-site Open Space provision is below the quantity that would normally be expected on a development of this size, 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 arguably a better measure of its value than its quantity. On balance it is considered the additional area of public open space now proposed at the centre of the development, in combination with the larger area along the Wenlock Road frontage which is a key feature to the quality of the Bridgnorth townscape, coupled with the relatively close proximity of the Crown Meadow recreation area, that the proposed on-site provision would be adequate in this case.

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. 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.”

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).

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.

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

- 6.5.2 The revisions shown on the amended site layout drawing in respect of the Ludlow Road frontage move the vehicular access of the plot closest to the junction of Ludlow Road with Wenlock Road further from that junction, easing visibility at that point. The amount of off- road parking in the development would remain a minimum of two spaces per plot. It remains the officer view that a refusal on the grounds of the proposed development being detrimental to highway safety could not be sustained in this case.

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. 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 and Drainage

- 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

- 7.1 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. The revisions made in response to the concerns raised by Committee at the October 2020 meeting are enhancements which improve the public realm within the development and the impact of housing on the Ludlow Road frontage. It remains important to note 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.
- 7.2 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. (This deficiency having now been addressed in part by the changes to the site layout to provide within it a central planted 'square' of public open space).
- 7.3 A Section.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. With the site still being in the ownership of Shropshire Council (The applicants are prospective purchasers) and Shropshire Council not being able to enter into a Section 106 Agreement with itself which all those with an interest in the land would need to sign), the recommendation to permit is subject to there being a Memorandum of Understanding with the Estates Team that on disposal of the site a

Section 106 Agreement will be required to secure the affordable housing; delivery and maintenance of the public open space and a financial contribution to be used for the Traffic Regulation Order.

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

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member

Cllr Les Winwood
Cllr Elliot Lynch

Appendices
APPENDIX 1 – Conditions
APPENDIX 2 – European Protected Species three tests form
APPENDIX 3 - Report to the October 2020 South Planning Committee

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.

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

adopted Type and Affordability of Housing Supplementary Planning Document (adopted September 2012 or any subsequent replacement of it); the retention and maintenance of public open space and a contribution to a Traffic Regulation Order to control on-street parking in the vicinity of the development.

Reason: To ensure the provision of affordable housing and open space in accordance with Development Plan policy and in the interests of highway safety.

20. No development approved by this permission shall commence until a photographic survey (Level 2 survey), as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice' of the interior and exterior of the buildings has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required before development commences to record the historic fabric of the buildings prior to development.

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.

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. 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.

Contact: Tim Rogers (01743) 258773

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.