

REPORT

1.0 THE PROPOSAL

1.1 This is a revised application for a new clubhouse building following the refusal of a previous proposal (20/03978/FUL) earlier in 2021. The previous application was refused for the following reasons:

1. The proposal represents an inappropriate form of development which would be harmful to the openness of the Green Belt, which is contrary to Paragraphs 143, 144 and 145 of NPPF, Policy CS5 of the Shropshire Core Strategy (2011) and MD6 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015). No very special circumstances have been demonstrated of sufficient weight to outweigh this harm.

2. The site is susceptible to flooding being located within Flood Zone 3b and it is not considered that the exception test as per the requirements of the NPPF could be complied with. Therefore, the proposed development would give rise to an unacceptable flood risk and the proposal fails to comply with the Para155 to 163 of the NPPF (2019), Policies CS6 and CS18 of the Shropshire Core Strategy and Policy MD2 of the SAMDev Plan as well as Shropshire's Sustainable Design SPD.

1.2 The revised proposal seeks to address the reasons for refusal by reducing the area given over to hospitality and adding new changing facilities to replace the existing outdated facilities. The proposals have a floor area of 630sqm being roughly split 50/50 between changing facilities and hospitality. The current structures on site cover an area of 498sqm not including the marquee which is classed as a temporary structure and these will all be removed as part of the proposals.

1.3 The new proposals now incorporate changing facilities within the clubhouse which are considered appropriate development in the Green Belt as they are directly related outdoor sport. The social side of the proposals have been scaled back and are more akin to a replacement facility for the existing clubhouse on site rather than a major expansion of the hospitality facilities as previously proposed.

1.4 The building is again elevated above ground level due to the site being part of an active flood plain. The building will comprise of two storeys with a shallow mono-pitch roof at a maximum height of 7 metres at the east pitch side, and 5.5 metres at its west towards the riverside. The ground floor of the building will be a void, raising the building entirely from the ground, to mitigate the development's contribution to flooding, protecting both the contents of the clubhouse and improving the drainage and run-off across the entire site.

- 1.5 The original proposals included 76 car parking spaces, but this has now been reduced to 43 spaces including 4 disabled spaces.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is accessed via Bandon Lane from Mill Lane (A442). There is an existing single storey pavilion which is a wooden structure raised off the ground. In front of this is a temporary marquee which has consent to be on site between 16th March and 30th October till 2024. A variation of condition has recently been granted in light of Covid-19 advice from the Government to allow the marquee to remain in situ till 31 Oct 2022 without the need for its removal. The existing pavilion effectively screens the view of the marquee from the River Severn (west) along with existing tree cover on this side. The marquee is however more visible from the A442 (east) as it is viewed across the Rugby pitch which is located in front of it. To the south is the Malthouse building in use for a variety of non-residential uses and to the north is the Severn Park.
- 2.2 The site is located within the Green Belt and is also within the flood plain of the River Severn within flood zone 3b. The site is however located on the edge of the town centre and is located in an accessible location.
- 2.3 The site itself is open in character being a playing field with the pavilion being located at the far end of the pitch when looking from the A442. The site of the proposed clubhouse and changing facility is some 1.69 ha (4.17 acres) and comprises of the existing clubhouse, attached marquee, parking area, canoe store and the main BRFC pitch.
- 2.4 In terms of accessibility, the site borders the A442 Mill Street to the east, connecting the site to the rest of Shropshire and the A458. It is within walking distance to most of Bridgnorth's residents, encouraging sustainable routes to and from the facility and is also close to local shops and services.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Due to the previous site history the Principal Officer, in consultation with the Chair/Vice Chair, collectively consider that the application should be determined by the Planning Committee due to the material planning considerations raised by this case.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comment

- 4.1.1 **Bridgnorth Town Council (21-12-21)- Support:**
In reaching its decision the Town Council RESOLVED that the following comments be forwarded with the decision to the Local Planning Authority.

In considering this application we were concerned about the impact that this

relatively large-scale development might have on flooding, noise pollution and a wide range of environmental issues. On the other hand, we note the benefits that the facility will offer a well-supported and vibrant sporting club and the wider sporting community and that some balance of these competing demands would be preferable.

We did note that the statutory consultees have nearly all proposed sensible conditions to mitigate risk and/or make the application tolerable.

We are of the view that as well as providing improved facilities the planning applications as submitted does result in an improvement to the flood resilience of the building. Furthermore, we are of the view that due to the location of the building being in close proximity to other buildings it does not adversely impact on the amenity of Green Belt.

And,

Therefore, provided that those conditions proposed by the statutory bodies are embedded within any planning consent, we would support the development.

4.1.2 **SC Historic Environment** - The proposal affects a site that lies just outside of the Bridgnorth Conservation Area (Low Town). The former foundry works (Malthouse), Foundry Cottage and Malthouse Works lies to the south west (which are considered to be non-designated heritage assets as defined under Annex 2 of the NPPF, where these have industrial archaeological significance), along with The Bandon Arms Hotel, and other listed buildings that lie along Mill Street to the south-east are grade II listed. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, along with emerging policies SP1 and DP23 of the Submission Local Plan, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in July 2021 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

It is noted that this proposal follows 20/03978/FUL that was refused permission mainly through two grounds with regards to (i) inappropriate development within the Green Belt and (ii) development within a flood risk zone, given the sites proximity to the River Severn. As part of the revised proposal the principal building has been moved slightly to the south, along with removal of the MUGA and the provision of a further sports facility to the south of the site.

The following comments generally follow those previously submitted for 20/03978/FUL with some minor wording revisions/updates:

The proposed site is in a transitional area in terms of character and appearance with existing former industrial buildings Malthouse Works to the west, a Severn Trent pumping station to the east and the rugby pitches and play areas to the north with regards to the urban area of Bridgnorth and the rural hinterland to the north. The proposed contemporary design of the buildings is noted where there

are no principle objection in this regard. It is considered that the proposal shall have some visual impact upon the existing character and appearance of the conservation area and the setting of adjacent heritage assets. There is some concern with regards to the use of lighting, especially with regards to possible visual impact in terms of long-range views from the west (High Town) where this needs to be considered carefully along with relevant conditions, though it is acknowledged that the green sedum roofs should mitigate some of this visual impact.

Furthermore, the proposed facing materials including the proposed cladding should have a matt finish, along with the anthracite grey fenestration and the use of Staffordshire blue engineering bricks. The proposed glazing and PV panels should be of a non-reflective specification. These materials should be conditioned accordingly should approval be given. Revisions should be made in order to reflect the repositioning of the relevant buildings, along with potential incremental impact of the new facilities to the south of the site. It is noted that there is some submitted information in net additional footprint and volume, where this should also be covered as part of the HIA analyses. It would also be helpful to give further commentary of the potential impacts of the buildings citing the submitted visuals, especially with regards to long-range views from the west and from the High Town, where an additional visual from the High Town should be provided. It was noted in the HIA submitted for the 2020 application that the applicant considers that the proposal should 'blend in' with the surrounding historic environment (conservation area). Whilst there is a degree of concurrence with this, this is subject to the relevant and appropriate analysis in the HIA, how the proposal is an enhancement upon that of the existing buildings/structures on the site, along with any relevant conditions and mitigation with regards to the appropriate use of materials, lighting and landscaping etc, where further consideration of the paragraph 202 balance should approval be given. The proposal is recognised and acknowledged as to having some 'public benefits' with regards to enhanced sports provision/participation as part of the paragraph 202 (NPPF) balance.

The proposed demolition of both the 1962 timber pavilion, two containers and the corrugated asbestos Nissen Hut is noted, where the principle of removal/demolition of these structures have been agreed as part of the 2016 pre-application process, though the Nissen Hut should be subject to Level 2 recording prior to its removal which should be conditioned accordingly if approval is given.

Additional Comments

The revised Heritage Statement covers amendments as part of the latest iteration of the NPPF (2021) and analysis of amendments made since the original 2020 scheme in order to reduce potential impact upon the Green Belt and consideration of the site's location within a flood risk area in proximity to the River Severn.

The proposed amendments and composition of buildings is noted especially to

the north of the site as previously discussed. It is considered that the proposal shall have some inevitable visual impact where if approval is given should be mitigated through appropriate/relevant conditions, especially with regards to external materials and finishes, lighting and landscaping, where it may be considered as 'less than substantial harm' as defined under paragraph 202 of the NPPF. There is general concurrence that the use and enhancement of sports facilities is considered to be a 'public benefit' as well as the removal of the existing buildings and structures which do not contribute to the character and appearance of the conservation area along with other proposed amendments and reconfiguration of the site. Overall, this paragraph 202 balancing exercise needs to be taken account by the decision maker as part of the overall planning balance in addition to Green Belt and flood risk concerns.

Should approval be given conditions should be attached as recommended.

- 4.1.3 **Highway Authority** - The application is a resubmission of previous planning application 20/03978/FUL which was refused. The refusal grounds were not highway related.

The site is located in Bridgnorth low town, in a sustainable location from a transport perspective. Bandon Lane is a private lane leading off Mill Street. The proposed parking was seen as a betterment of the existing situation and the access junction with Mill Street acceptable to serve the development. 5 Sheffield stands for cycle parking are proposed, but not shown on the Master Site Plan drawing no. 19060/3C

From a highway's perspective, the development as proposed would be unlikely to cause 'severe harm' on the surrounding public highway network and a highway objection to the proposal could not be sustained.

However, the increased parking provision may increase the likelihood of conflict of traffic along Bandon Lane. It has previously been acknowledged that there are suitable passing places along Bandon Lane, however the developer is advised to consider further enhancement of the lane, such as widening or further passing places.

- 4.1.4 **Regulatory Services** - I would recommend that if permission is granted that the following conditions are applied in order to protect the amenity of local residents.

The sound insulation of the club house function room roof and glazing shall be constructed in line with the recommendations outlined in sections 6.11 and 6.12 of the submitted MEC noise report assessment 25932-04-NA-01 REV E.

The non-glazed walls of the clubhouse shall be constructed using cavity filled breeze block as outlined in section 5.24 of MEC noise report assessment 25932-04-NA-01 REV E. All fixed External Plant shall meet the noise emission targets as stated in section 6.4 and 6.5 of MEC noise report assessment 25932-04-NA-01 REV E. Music noise from the Club house shall not be clearly audible at the

boundary of any residential dwelling in the locality.

The outside seating area shall not be used between the hours of 23:00 and 7:00. When amplified or live music is being played in the function room all its external doors and windows shall be closed.

Prior to use of the function room a noise management plan shall be submitted to the local planning authority for approval in writing. The plan shall include full details of noise control measures that are to be implemented with respect to controlling noise emissions and ensuring compliance with relevant planning conditions from use of the function room. The approved noise management plan shall be implemented in full.

4.1.5 **County Ecologist** - I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out.

The ecology survey carried out by Salopian Consultancy (27th September 2020) found no signs of bats or other protected species in the building or the surrounding area. No further surveys were recommended. In the event a bat is found during works, works must stop and NE or a licensed ecologist must be contacted for advice on how to proceed.

Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area.

SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of a bat box/integrated bat tube will enhance the site for wildlife by providing additional roosting habitat.

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

4.1.6 **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.

1. The Environment Agency have been consulted and will be commenting on the Flood Risk and the Finished Floor Level in the Flood Risk Assessment Report.

2. The proposed surface water drainage in the Drainage Strategy Report is acceptable in principle, however, further site investigation should be carried out to confirm the depth of the groundwater table and the feasibility of infiltration SuDS scheme. Final proposed drainage details, plan and calculations shall be submitted for approval.

4.1.7 **Environment Agency** - Additional information from the agent (via email, dated

03/11/2021) which has provided additional clarity on certain elements of the Flood Risk Assessment. This further information has been forwarded to the LPA.

Whilst we would question the sustainability of a 'more vulnerable' development in an area of high flood risk, when considering the uses within Table 3 (Flood Risk Vulnerability) of the National Planning Practice Guidance (NPPG), we would ultimately not object to the proposals as submitted, based on matters within our remit. However, your Council should be satisfied with the Sequential Test and that the proposed development, including access/egress from the site, can be safely managed in a flood event in discussion with your Emergency Planning team.

Flood Risk: As previously stated the site is located in Flood Zone 3, which is the high risk zone and is defined for mapping purposes by the Agency's Flood Zone Map. In accordance with Table 1: Flood Zones within the NPPG Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises land assessed as having a 1 in 100 year, or greater, annual probability of river flooding.

The site is also falls on land within 'Zone 3b' (Functional floodplain) where 'More Vulnerable' uses should not normally be permitted (NPPG Table, Paragraph 067, 3 refers).

Notwithstanding the above we do recognised that this is a replacement of an existing building and the applicant is seeking to mitigate the acknowledged flood risk constraints on the site. Should your Council be satisfied that, sequentially, an alternative location is not viable, and are minded to support such a development in an area of high risk, there may be scope to redevelop the site subject to the applicant demonstrating that the proposals are safe and would not increase flood risk to third parties. The submitted Flood Risk Assessment has sought to address these points as discussed further below.

Sequential Test: The NPPF details the requirement for a risk-based ST in determining planning applications. The NPPF details the requirement for a risk-based Sequential Test (ST) in determining planning applications. See paragraphs 161–163 of the NPPF and paragraphs 18-19, 23-26 and 33 - 38 within the Flood Risk and Coastal Change Section of the NPPG.

The NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.

As stated above it should also be noted that parts of the site area may be classed as 'Zone 3b' (Functional floodplain', 1 in 20 year) where 'more vulnerable' uses, such as residential, should not normally be permitted (NPPG

Table 3, Paragraph 067).

Based on the scale and nature of the proposal, which is considered non-major development in accordance with the Development Management Procedure Order (2010), we would not make any bespoke comments on the ST. The fact that we are not providing comments does not mean that there are no ST issues, but we would leave this for the LPA to consider.

The LPA should consider the points made regarding the unsustainable use of the current Rugby Club buildings and how the economic impacts of constantly repairing it will be negated by the new proposals. The fact that the proposals could be seen to be providing betterment and wider environmental benefits, such as improved foul drainage and surface water drainage, improvement to noise control and the use of modern heating/power utilities when compared to the current and outdated should also be considered by the Council against the acknowledged flood risk impacts in this area.

Providing your Council are satisfied that the ST has been passed, then we can provide the following comments on the FRA.

Flood Risk Assessment (FRA): Following previous concerns the applicant has submitted a revised FRA (Geosmart, ref 73381.02R6, dated 29th September 2021) and associated flood storage document with a view to addressing the outstanding issues relating to flood risk.

As previously stated the 1% flood level, plus climate change allowance, should be used to inform the consideration of flood risk impacts, mitigation/enhancement and ensure 'safe' development. For 'more vulnerable' development the FRA should use the 'higher central' climate change allowance (30%) as a minimum to inform built in resilience.

Climate Change interpolation: In line with our latest area climate change guidance (updated August 2021), for 'major' development (as defined within The Town and Country Planning Development Management Procedure (England) Order 2015, we would expect a detailed FRA to provide an appropriate assessment (hydraulic model) of the 1% with relevant climate change ranges. However, for 'non major' development only, as proposed, in the absence of modelled climate change information, it may be reasonable to utilise an alternative approach. To assist applicants and Local Planning Authorities we have provided some 'nominal' climate change allowances within the 'Table of nominal allowances'.

The 1 in 100 year flood level at this location is 32.86mAOD (node 16448). For more vulnerable development the nominal figure of 850mm can be added to the 1 in 100 year flood event to derive the 1 in 100 year plus climate change figure of **33.71mAOD**. Any assessment should use this level to demonstrate safe development in relation to access and finished floor level considerations.

Finished Floor Levels (FFLs): The Environment Agency's Climate Change Guidance, page 3, it states that finished floor levels should be set no lower than '600mm' above the 1% river flood level plus climate change. Flood proofing techniques might be considered where floor levels cannot be raised (where appropriate). This 600mm freeboard takes into account any uncertainties in modelling/flood levels and wave action (or storm surge effects). In this instance FFLs would need to be set at 34.31mAOD although, as previously stated, a level of 34.01mAOD may be acceptable along with flood proofing to protect up to the 34.31mAOD level.

The additional information received via email (03/11/2021) does provide further explanation as to why the FFL has been set at 34.01mAOD. This clarifies the other planning considerations that have been factors in shaping the final proposal. The response has outlined in more detail the type of flood proofing measures proposed.

Condition: Finished Floor Levels (FFLs) should be set no lower than **34.01mAOD** which is 300mm above the design flood level of 33.71mAOD. Additional flood proofing measures to protect up to level of 34.31mAOD.

Reason: To protect the development from flooding over its lifetime, including climate change.

Note: The proposed FFL of 34.01mAOD comprises of the design flood level plus 300mm with flood proofing measures to account for the additional 300mm. Whilst we would not maintain an objection based on a level of 34.01mAOD we would advise that, if possible, the actual built FFL should be 34.31mAOD which would provide the full 600mm freeboard. It would be in the interest of the development to ensure it is safe for its lifetime, including with possible future changes as a result of climate change.

Flood Compensation: Should you be minded to support these proposals, and the location of the Club House is considered acceptable in principle, developers should demonstrate no increased flood risk to third parties and that, where possible, flood risk betterment can be offered. Developers should ensure that there is no loss of flood flow or flood storage capacity for flood events up to the 1% annual probability fluvial flood as a result of their development including an appropriate allowance for climate change (30% in this instance).

The information given in table 1 (pg.9 of FloodSmart Technical Note: Floodplain Storage) does help but isn't wholly clear. It is assumed that the 'existing total non-floodable area' (365 m²) represents the existing buildings footprint, although we understand that existing buildings are flooded during flood events but agree that they take some floodplain capacity.

Table 1 outlines the proposed structures in metres squared, with the club house and void given as 674m². With this in mind, we see that the proposed building footprint is larger than that of the existing building but appreciate that there will

be an overall net reduction in floodplain capacity due to the development being raised above the void space. On this basis, should your Council wish to support this application, the submission has confirmed no increased flood risk post development.

As outlined previously, for a development of this nature and with the existing site use in mind, we see this as an opportunity for site betterment. The floodplain upstream of Bridgnorth is extensive and any floodplain capacity impacts at the Rugby Club site will be negligible, hence why we have not required detailed modelling to be undertaken, alongside the fact that the building will be raised.

Voided Area: We note and understand the rationale for seeking to utilise a voided approach to flood risk mitigation in this instance (a replacement building). As previously stated the use of voids, stilts or undercroft parking as mitigation for a loss in floodplain storage should be avoided as experience shows that they become blocked over time by debris and the voids are often used for storage purposes. As, in this instance, this is a replacement building there may be scope to utilize such a method.

The importance of ensuring the void space can provide this capacity must be stressed again and this links directly to a commitment to ensure flood water can always pass freely under the building and the space it can fill not be inhibited by excessive equipment filling that void space.

The latest submission has confirmed that the voided area will be fenced to avoid potential trespassing issues in this space. Although we can appreciate motivations to prevent trespassing, it is important to stress again the importance of this space being kept clear so that flood waters can pass freely under the building. The proposed fencing should allow the ingress of flood water to ensure no loss of flood storage.

You may wish to consider, should permission be granted, a condition relating to the maintenance of the voided area to ensure that all blockages and trapped debris is removed. This will allow the free passage of water in times of flood and ensure no increased flood risk to third parties.

In regards to the mesh size of any fencing, we refer to the Environment Agency's guidance on installing fencing within the floodplain (under the Environmental Permitting Regulations 2016). The guidance requires a minimum of 100mm spaced mesh. Further information can be found here for fencing in the floodplain. <https://www.gov.uk/government/publications/excluded-flood-risk-activities-environmental-permits/excluded-flood-risk-activities#post-and-rail-or-post-and-wire-fencing-in-a-floodplain>

A flood risk activity permit for this fencing would not be required in addition to planning approval but this link gives information to outline the type of fencing appropriate in the floodplain to enable flood water to move freely.

Safe Access: Paragraph 054 of the NPPG advises on how a development might be made safe from flood risk. Paragraph 039 provides detail on access and egress. As detailed above, the FRA states that the 1 in 100 year fluvial flood level (including an allowance for climate change) is 33.71mAOD. Page 32 of the FRA provides detail of the proposed access from the site, and how it will be managed in a flood event.

Given our role and responsibilities we would not make comment on the safety of the access, or object on this basis. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the National Planning Practice Guidance (NPPG). Furthermore access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services.

Flood Evacuation Management Plan: The NPPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development. We do not normally comment on or approve the adequacy of flood emergency response and flood evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users if they sign up to the Flood Warnings Service. The NPPG places responsibilities on LPAs to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. We would advise that you take account of the guidance within NPPG Paragraph: 057 Reference ID: 7-057-20140306.

We would advise that the Flood Evacuation Management Plan (FEMP) should identify a flood level that will initiate evacuation of people and vehicles, and any subsequent closure of the building/car park. This trigger level should be when the access/egress is still 'dry' i.e. flood-free, to avoid any question of what is an acceptable level of flood risk to occupants. Appendix E includes a FEMP that has been used for the temporary marquee and which could be repurposed for the proposed development, in discussion with your Emergency Planning Colleagues.

Foul Drainage: In line with the Table in Schedule 5 (as amended by us) and in accordance with Article 16 - (1) (c) of the Town and Country Planning (Development Management Procedure) Order 2010, the Environment Agency (West Area) has no comments to make with regard to foul drainage, in respect of this application. You might seek the completion of the 'Foul Drainage Assessment Form' for your consideration.

4.1.8 **County Arborist** - I have reviewed the documents and drawings submitted in association with this application and wish to comment on arboricultural issues

related to the proposed development.

I agree with the findings and recommendations of the Arboricultural Appraisal (SC:516A, Salopian Consultancy Ltd, 27.09.2021) and have no objection to this application on arboricultural grounds, subject to suitable tree protection measures being adopted in advance of and during construction, as recommended in the report. The removal of one small group of heavily lopped Western Red Cedar to enable construction of the club house will have little impact upon the arboreal characteristics of the site and could readily be compensated through the planting of a new hedge along the western car park, as recommended in the tree report.

I would recommend attaching appropriate tree protection and planting conditions.

4.1.9 **Sport England** - It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of: all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#playing_fields_policy

Background

The rugby club submitted two planning applications in 2020 proposing a replacement pavilion and a separate building for a new sports hall and changing rooms. Planning consent was refused by the Council on grounds relating to green belt policy and flood risk. This new application provides revised proposals by the rugby club to consolidate the facilities into one building, and in so doing seeks to address the reasons for refusal.

The proposal and its impact on the playing fields

The proposal relates Edgar Davies Ground, which is the home of Bridgnorth Rugby Club. This application relates to the development of a new two storey clubhouse building, and associated car parking. The development would take place on an area of playing field to the western end of the site, to the west of the rugby pitch, such that the pitch itself would be unaffected. The development would replace an existing outdated timber building that is not considered to be fit for purpose, including a temporary marquee that was erected to provide a temporary solution for the club. The club's existing changing room facilities are not provided on site, being located off site at The Bull on Bridge Street. This is not ideal and involves players having to walk down the access drive from the changing rooms to get to the ground. The club proposes to include 4 team changing rooms within the new building, together with officials change, toilets, office, stores, kitchen and bar and a club room/social space. Having been consolidated into one building, the function space has reduced in size compared to the previously refused application.

The proposed new clubhouse is understood to be located within flood zone 3. Accordingly, the design of the clubhouse building reflects this, with a void at the ground floor, with the proposed new function/social space above. Access is provided via two external stairs and an access ramp from the southern end of the building.

The provision of a new clubhouse facility will bring a significant benefit to the sports use of the site, particularly to serve the use of the Rugby Club who not only use the Edgar Davies Ground pitch, but also two rugby pitches in the neighbouring Severn Park, such that the new clubhouse and associated car parking will become a well-used facility for the club. The provision of the function room will also assist the club's business plan, by providing a source of income.

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England **does not wish to raise an objection** to this application.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

Additional Non-statutory comments

Notwithstanding that the proposal does not adversely affect the existing playing

fields, in addition to commenting as a statutory consultee, the following comments are provided as advice in a non statutory capacity to ensure that the facilities are designed to be fit for purpose. Sport England has consulted RFU who have commented as follows:

RFU comments:

- *We would confirm that the revised application does incorporate both social space and changing facilities within one building, and that in principle the RFU would support this layout.*
- *The changing rooms should where practicable be in accordance with RFU Design Guide to Changing Rooms and Clubhouses, and should adhere with Sport England Design Guidance for accessible sports facilities 2010 (disability access)*
- *The club have confirmed to North Midlands RFU that funding has now been secured for the revised lower cost application.*
- *The RFU supports the revised location of a single building providing changing rooms, social space and on site car parking, and would suggest that the recommendations in (2) above be added as a condition to future proof the facilities.*

In addition, Sport England have consulted British Rowing and British Canoeing. The former have contacted the rowing club who have responded directly to Sport England as follows:

Design and Access Statement (Page 3):- As indicated above, whilst we appreciate the inclusion of provision for rowing club storage under the new club house floor, this is not a discussion the rowing club have been engaged in directly, to ensure the suitability of such provision. Rowing boats are very delicate and must be stored above any flood water, which is how our own boathouse was designed. As such we feel this is perhaps a misrepresentation of our intended use of the facilities

- *Drainage Strategy:- Whilst the document is extensive, we have been unable to find reference to the shared Pump and Sewerage system that was installed by the Rowing Club. Whilst management and responsibility was handed over to the Rugby Club in the last 5 years, due to their growth and need to increase pump capacity, Bridgnorth Rowing Club do still pay an annual fee for the Rugby Club maintaining this, with the agreement being that should the Rugby Club no longer wish to continue with this arrangement management and responsibility would return to the rowing club. It is unclear if this system is being replaced, retained or entirely overlooked and it is imperative we understand the plans for this as it will have a direct impact on the rowing club.*
- *In addition we ask for further clarification on how and where rain water and floor water will drain, including where the drains will be located.*

The rugby club have since provided some additional information that has been relayed to the rowing club, and their main concern relates to the drainage strategy. The Rowing Club have commented as follows:

- *The outstanding area for clarification is in relation to the Drainage Strategy, but more specifically how rain/flood water will drain and where such drains will be located if additional are required. We acknowledge that part of this is still to be confirmed, but this lack of clarity is causing the Committee some concern and reluctance to give full support to all aspects of the plan.*
- *To explain, there is currently a drainage outlet for flood water from the road and field that empties onto the Rowing Club's landing stage and then subsequently the river. At times this results in a safety hazard for our members when utilising the full length of our landing stage, due to the build up of contaminants making it slippery. Equally it's quite unpleasant for members to walk through, as the nature of the sport means we can sometimes be bare foot or in socks. We've lived with the current position, as it's not something that is a regular issue and equally has been in place for many years now.*
- *If there was to be additional flow through this drain, it may impact the club and our members substantially, increase the risk of erosion or other adverse affects to our landing stage and members safety. Alternatively the plans may call for additional water channelling to be installed, which again if the case may impact our landing stage or surroundings during and after installation. All of which is not really confirmed in the plans we have seen so far.*
- *Taking the above into account, we really must ask for a more finalised plan to be produced in this area, so that we can fully assess the impact and ensure we are able to continue utilising our Landing Stage as we do now.*

Given the above comments, Sport England would ask that these points are given appropriate consideration in the Council's assessment of the application.

In respect of the demolition of the storage buildings, it is understood that one of these has been used by the canoe club, and whilst I have not received a response from British Canoeing to this application (they expressed support to the previously refused application which was proposing boat storage at the ground floor), it would be prudent to establish whether the loss of this storage building would leave the canoe club with sufficient storage space?

Summary and Conclusion

Whilst Sport England do not wish to object to the application, we would ask that these matters are appropriately addressed prior to determination of the application and any appropriate conditions included to ensure an appropriate drainage solution.

4.2 Public Comments

4.2.1 Objections

3 representations objecting to the proposals have been received the reasons for objecting can be summarised as follows:

- Out of character with surroundings
- In the wrong location
- Unacceptable in the Green Belt

- Noise and disturbance from the use and from the use of the car park
- Current Planning conditions being ignored
- detrimental to residential amenity due to proximity to nearby dwellings
- Conditions should be attached to mitigate against noise breakout and enforced
- The flooding issue still remains and has not been dealt with
- Increased traffic and parking problems
- The previous reasons for refusal in relation to the impact on the Green Belt and issues around flood risk still remain valid

Support

4.2.2

174 representations in support of the application have been received these can be summarised as follows:

- New facilities are much needed to replace existing dilapidated ones
- New building will be more aesthetically pleasing than existing structures
- Will support a wide range of community activities
- Will act as a hub for the community
- Has been designed to mitigate against future floods
- Will encourage future participation in sport leading to a healthier population
- New facilities will enable the club to progress to the next level
- Bridgnorth as a town will benefit economically and socially from a success club with modern facilities
- Building will be more energy efficient than existing facilities thus reducing its impact on the environment
- The construction can mitigate against external noise transmission
- Current situation is not sustainable due to ongoing costs arising from flood damage
- The proposal will create local construction jobs as well as long term employment opportunities
- Will enhance tourism
- Will be a more controlled environment than at present thus eliminating noise and disturbance to neighbours
- Will allow the club to consolidate its assets on a single site as opposed to multiple sites

5.0

THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Flood Risk and Drainage
Residential Amenity
Highways
Historic Environment
Ecology
Economic and Community Benefits

6.0

OFFICER APPRAISAL

6.1 **Principle of development**

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.1.2 The relevant Development Plan Policies are provided within the Shropshire Core Strategy (2011); Site Allocations and Management of Development Plan (2015); Sustainable Design SPD (July 2011); and National Planning Policy Framework (NPPF) (2021). Those policies of relevance to the proposal are considered below as part of the appraisal.
- 6.1.3 The site is within the designated Green Belt where there is a presumption against inappropriate development, which by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 147 of the NPPF).
- 6.1.4 Para 148 of the NPPF goes on to state “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”
- 6.1.5 Policy CS5 of the Core Strategy states that development will be strictly controlled in the Green Belt in line with national policy. The policy does however make an exemption in relation to “Required community uses and infrastructure which cannot be accommodated within settlements.” that said this is essentially a replacement social facility which is an ancillary use to the primary use which is outdoor recreation and sport. The changing room element incorporated in the proposals are an incidental use which are deemed appropriate in the Green Belt to support outdoor sport.
- 6.1.6 Policy MD6 relates to development in the Green Belt and states “In addition to meeting the general requirements that apply in the countryside as set out in Policies CS5 and MD7a and MD7b, development proposed in the Green Belt must be able to demonstrate that it does not conflict with the purposes of the Green Belt.
Further to these requirements the following development will be supported:
*Development on previously developed sites, which would not have a greater impact on the openness of the Green Belt than the existing development, providing
the development is for employment or economic uses, defence uses, local community use or affordable housing; and the development enhances the site and its contribution to the landscape setting.*
- 6.1.7 The proposal includes for the removal from site of some existing structures such as two storage containers, the nissen hut and the existing clubhouse pavilion. The

temporary marquee will also no longer be required; however this is not a permanent structure and was permitted on a temporary basis by the LPA to allow the club to generate additional funds to develop a new permanent facility.

- 6.1.8 Advice provided to the applicant has always been that any replacement building or buildings which has no greater impact on the openness of the Green Belt may be considered appropriate in Green Belt policy terms, but anything substantially larger could not be supported. The proposals that have been submitted have been scaled back from the previous scheme and also now include changing facilities which are considered appropriate development in the Green Belt to support outdoor sport. The new social facility is not considered to be disproportionate in size to the existing facility it will replace and it is therefore considered acceptable in terms of its impact on the Green Belt.
- 6.1.9 The Edgar Davies Ground besides being situated in the Green Belt and is also within the flood plain of the River Severn. The National Planning Policy Guidance (NPPF) advises that within the Green Belt there is a presumption against inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, but then continues to list a number of exceptions. Three of these exceptions would be relevant to the proposals and these are:
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would have no greater impact upon the openness of the Green Belt and the purpose of including land within than the existing development.
- 6.1.10 Shropshire Core Strategy policy CS5 and Site Allocations and Management of Development (SAMDev) Plan policy MD6 (Green Belt) do not conflict with the NPPF in terms of the principle of outdoor sport and recreation facilities within the Green Belt. A key consideration however is the scale of the proposed facilities which would be associated with the sports pitches, in comparison with the buildings to be replaced, and any intensification of use through the introduction of additional facilities.
- 6.1.11 From the supporting documentation the proposals incorporate changing facilities, showers and grounds maintenance store, which are deemed an incidental and acceptable form of development in terms of sports provision in the Green Belt. The proposed function room would be a direct replacement and upgrade on facilities currently available on site. The proposals represents a 26% increase in floor area which is considered appropriate given that the new changing facilities

are an appropriate and incidental use for outdoor sport and the social facilities replace existing ancillary uses on site.

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

- 6.2.1 The proposed facilities to support the existing sports pitch should be restricted to a scale that ensures the new buildings would have no greater impact upon the openness of the Green Belt than the existing structures that would be replaced, in accordance with the above bullet points of paragraph 145 of the NPPF. The volume of the new buildings should not exceed that of the buildings to be demolished and, ideally, the heights of the new structure(s) should not exceed the maximum height of the structures to be demolished. Normally, the new buildings would be in close proximity, with a partial footprint overlap, to ensure that they would have no greater impact upon the openness of the Green Belt.
- 6.2.2 In this particular case whilst the development will result in the removal of existing structures in the form of the existing clubhouse, the nissen hut and two containers, the volume of the new building would exceed the volume of the structures to be replaced. In addition, the height of the new building makes it much more prominent in the landscape than the existing structures. The building has been raised to respond to flood risk issues which effect the site, however by responding to one issue another issue in relation to impact on the openness of the Green Belt has been created.
- 6.2.3 The applicants have sought to argue that the existing marquee that has been permitted on a temporary basis should count towards the volume they are allowed in terms of the new building in the Green Belt, but this argument cannot be attributed any significant weight as it has always been made clear that the marquee is not an appropriate permanent structure in the Green Belt and as such it was conditioned that it would only remain on site between March and October each year for a 5 year period. A more recent application to relax this condition was granted in light of the pandemic to allow the marquee to remain in situ during the forthcoming winter, however it would need to be removed the following winter. Consent was granted for the marquee to allow the Rugby Club to raise funds to finance a new permanent clubhouse, however the scale of that development and its impact on the openness of the Green Belt remain a primary concern.
- 6.2.4 Section 12 of the NPPF is concerned with achieving well designed places. It states at paragraph 130 that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish and maintain a strong sense of place; to optimise the potential of sites to accommodate an appropriate amount and mix of development; and to create places which are safe, inclusive and accessible and which promote health and well-being, providing a high standard of amenity for existing and future users. It also states, however, that permission should be refused for poor design that fails to take into account the opportunities available

for improving the character and quality of an area. At paragraph 134 it advises that in determining applications great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

6.2.5 Core Strategy policies CS6 and CS17 are concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by SAMDev Plan policy MD2.

6.2.6 It is considered that this setting would be able to satisfactorily accommodate a building of the scale proposed. The building composition, detailing and the materials proposed (The final choice of which can be conditioned on any approval) would be a satisfactory blend of the modern and traditional. The inclusion of a central area of PV panels on the mono pitch roofed, flanked by a sedum roof on either side, would add to its energy efficiency and ecological credentials. It would be visually attractive and distinctive and appropriate to the setting.

6.3 **Visual impact and landscaping**

6.3.1 A primary purpose of the Green Belt is maintaining openness. The new building has been repositioned to be closer to the existing malthouse building, it will be elevated above ground level to prevent future flooding issues which currently impact the existing clubhouse on site. The new structure will therefore be more conspicuous due to its elevated height however, its relationship to the existing mill building means that it will reduce its impact in the landscape as this will provide a backdrop to the new structure.

6.3.2 Clearly, this does present some potential conflict with Green Belt policy in terms of impact but given that the facility is essentially a replacement of the existing clubhouse along with new improved changing facilities it is considered that the proposals meet the exceptions set out in Green Belt policy for facilities associated with outdoor sports provision.

6.3.3 The amount of car parking on site has been reduced to 43 spaces including 4 disabled bays. Whilst, this will have limited impact on the openness of the Green Belt its appearance needs to be carefully considered.

6.4 **Flood Risk and Drainage**

6.4.1 The site is within Flood Zone 3b and sits within the functioning flood plain of the River Severn. The clubhouse element of the proposal is considered to be a vulnerable use and whilst the building has been elevated above the expected flood water level, this does not address how people would escape the building in a flood emergency situation. The nature of the use means that users may well have had a drink and when considered alongside its likely peak use in the hours of darkness this poses further potential dangers to users.

6.4.2 That said there is an existing facility on the site which needs to be taken into

account, however if you were building a such a facility now you would not located in a flood plain and as such it is considered that there are better locations for the clubhouse which are not subject to the same level of flood risk.

- 6.4.3 Para 159 of the NPPF makes clear that inappropriate development in areas at risk of flooding should be avoided with development directed to areas less at risk. Para 160 goes onto state that strategic policies should be informed by Flood Risk Assessment and given the site is within the flood plain of the River Severn the area has been designated as Green Belt both to protect the green corridor that runs through Bridgnorth on the south side of the river and to prevent inappropriate development within a high flood risk area.
- 6.4.4 Para 162 of the NPPF goes on to state that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.' It is considered that across Bridgnorth there are sites which could accommodate a such a facility which are neither located in a high flood risk zone or the Green Belt, however the availability and deliverability of these sites in the context of the Rugby Club requirements is questionable and given this is essentially an upgrade on the existing facilities already on site it is not considered that the proposals will result in a worsening of the current situation in terms of safety.
- 6.4.5 Policy CS6 and CS18 require that new development is designed to be adaptable, safe and accessible to all, to respond to the challenge of climate change. Whilst the site is within flood zone 3b, and it is known that the site is prone to regular flooding, the building has been designed to raise it above the anticipated flood level so that it is much more resilient than the existing facilities which are regularly subject to flood incidences and resulting damage. In addition, the removal of existing structures from the ground will increase flood storage capacity on the ground so it will actually result in an improvement to the current situation.
- 6.4.6 Policy MD2 identifies that development should incorporate Sustainable Drainage techniques, in accordance with Policy CS18, as an integral part of design and apply the requirements of the SuDS handbook as set out in the Local Flood Risk Management Strategy.
- 6.4.7 On the basis that the site currently falls within Flood Zone 3b, having regard to the Environment Agency Maps. The PPG is clear that for the application to be acceptable with regard to flood risk both the sequential test and exceptions test are required to be passed.
- 6.4.8 The Framework and the PPG require a sequential, risk-based approach to the location of development. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. It also indicates that a sequential approach should be used in areas known to be at risk from any form of flooding. The PPG states that for the purposes of applying the Framework, the 'areas at risk of flooding' are principally land within Flood Zones 2 and 3. Development should not be permitted if there are reasonably available sites

appropriate for the proposed development in areas with a lower probability of flooding.

- 6.4.9 The PPG advises that, in applying the Sequential Test, the aim is to steer new development to Flood Zone 1, these being areas with a low probability of flooding. Only where there are no reasonably available sites in Flood Zone 1 should reasonably available sites in Flood Zone 2 be considered. If the Sequential Test demonstrates that it is not possible for development to be located in zones with a lower risk of flooding the Exception Test may have to be applied. As such national policy on flood risk is concerned with ensuring the location of development is appropriate in principle before considering flood resilience and flood mitigation measures.
- 6.4.10 The submitted Flood Risk Assessment provides substantive evidence to demonstrate that there are no other sequentially preferable sites available. It is the aim of national and local planning policy to steer new development to areas with the lowest risk of flooding. Consequently, it is considered that the proposal has satisfied the requirements of the sequential test.
- 6.4.11 The sequential test must be passed before the exception test can be applied. I have therefore not applied the exception test as set out in paragraph 160 of the Framework.
- 6.4.12 Whilst there is existing development on the site encouraging the continued and long term use of the site with the construction of a new permanent facility in Flood Zone 3b needs to be carefully considered.
- 6.5 **Residential Amenity**
- 6.5.1 The Rugby Club have for a number of years had a temporary marquee on site in which they hold various events. The use of the marquee has been the subject of persistent complaints from residents concerning late night noise over a sustained period of time. Regulatory Services have actively monitored the situation throughout and have worked proactively with both residents and the Rugby Club to put a mitigation strategy in place to ensure residents amenities are not unreasonably impacted by the activities on site. Unfortunately, despite the best endeavours of Regulatory Services officers, these complaints have continued despite no serious breaches of controls ever being detected.
- 6.5.2 The recent pandemic has seen the club utilise the marquee for additional activities such as fitness classes and an outdoor bar. The playing field has also been utilised as an outdoor beer garden and this has also resulted in complaints from residents although it is not considered that any breaches of planning conditions placed on the use of the marquee have occurred following investigation. However, what is clear is that the site has been used in a more intensive manner during the pandemic and this was not something that could have been envisaged when the temporary consent for the marquee was granted. This has obviously upset some neighbours, but as previously stated it is not apparent that any breaches of planning controls have resulted from this increased

activity on site. Much of this activity has been during daylight hours or early evening and the planning conditions were imposed to limit late night disturbance from specific late-night events such as musical events and parties rather than these other activities.

6.5.3 It also however needs to be remembered that whilst this site is situated in the Green Belt it is also adjacent to the town centre which has numerous licensed premises, hot food takeaways and other late night uses and as such ambient background noise levels in the locality are higher than might be expected in a more suburban or countryside location. Therefore, whilst residents have a right to enjoy a quiet and peaceful existence they have also chosen to live in/close to a town centre for the convenience of the amenities it offers and as such the downside to this is that noise and disturbance is more likely to occur.

6.5.4 The internal areas of the new facility can be acoustically insulated to prevent external transmission of sound, the external areas present significantly greater problems in terms of controlling noise and disturbance emanating from the use particularly late at night and the use of such areas could be limited by condition. That said the outdoor area has been significantly reduced from the previous proposals and is now a narrow viewing balcony facing the pitch which means that the building will act as an acoustic barrier to sound transmission from its use.

6.6 Highways

6.6.1 The number of car parking spaces on site has been significantly reduced as vehicular access has been problematic in the past particularly on match days when vehicles have been parked along Bandon Lane thus impeding the free flow of traffic to and from the ground. The reduction in spaces should both encourage the club to control who can park on the ground as well as discourage others from parking along Bandon Lane as they can't get on the ground.

6.7 Historic Environment

6.7.1 The site abuts the conservation area and also the Malthouse building. Whilst it is considered that the modern design and elevated nature of the new clubhouse will have an impact on the historic environment. It is considered that this impact is likely to amount to less than substantial harm and as such given the public benefits that will be derived from the development, it is felt that on balance these will outweigh any perceived harm resulting from the proposals. Accordingly, it is considered that appropriate conditions can mitigate any impact on the historic environment.

6.8 Ecology

6.8.1 The proposals will result in the removal from site of two existing container units, the existing timber pavilion structure and a Nissan hut. The application site largely comprises of amenity lawn/sport pitch and hard standing these habitats are considered to be of little ecological merit.

6.8.2 No evidence of other protected species apart from bats have been identified during the course of the study, therefore the proposal is not considered to be

limited by any other ecological constraints.

- 6.8.3 The proposal has the potential to provide significant enhancements to the site as an ecological asset through the incorporation of both bird and bat boxes into the built form and new hedgerow planting.

6.9 **Economic and Community Benefits**

- 6.9.1 The rugby club is an integral part of the life in Bridgnorth offering a vital community facility, from a sports, entertainment and economic perspective as a place that encourages a healthy active lifestyle. It employs a total of 21 full and part-time staff and provides a space for observing competitive sporting events. Currently, 10 local sports and social groups use the BRFC facilities. On top of this, the rugby club has always allowed access to the general public to Severn Park across all sports pitches, as a space for local to enjoy greenspace in the heart of Bridgnorth.

6.10 **Very Special Circumstances**

- 6.10.1 Previous attempts at trying to find a new location on the periphery of the town did not result in a positive outcome for the club resulting in wasted time and expense. The opportunity for relocating the rugby club to an alternate site as an option has been considered carefully, however it become clear when viewing Shropshire Council's most up to date SLAA Employment Sites (2018), there are not any appropriate alternate sites that meet the basic requirements of the rugby club. To maintain the integrity and sustainability benefits associated with the rugby club's central location in the town, a comparable site would have to be identified. Figure 6 shows the Strategic Land Availability Assessment (SLAA) Employment map for Bridgnorth. The only potential comparable sites are BRD012 (Land South of Stourbridge Road) and BRD003 (Land North of Cantern Brook).
- 6.10.2 For both BRD012 and BRD003, as well as being far less central and sustainable than the current rugby club site, both sites suffer from steep gradients that would be completely inappropriate for the rugby club, which requires a flat surface for playing conditions.
- 6.10.3 Further, as potential employment sites, the price of the land is likely to be out of the reach of the rugby club, who, as a organisation in the process of become a charitable organisation, do not operate for profit.
- 6.10.4 Beyond this, Bridgnorth Rugby Club have operated at their home ground on Bandon Lane since 1963, a year after the club was established, with close links to neighbouring sports clubs, such as the rowing club. This historic link to the site should not be overlooked as a place that local residents hold strong affiliation to, being a facility that has resulted in many high performing athletes being developed, some of which have gone on to perform at competitions such as the Commonwealth Games.
- 6.10.5 The benefits of the investment in the club and redevelopment it will result in, the proposed development contributes significantly to the economic and cultural life of

Bridgnorth, as a town that prides itself on its sporting community network, that cannot realistically be transplanted elsewhere.

- 6.10.6 In the case of this application, the existing clubhouse has become expensive to repair from flood damage, that the economic viability of the club has been put in doubt. Significant damage was caused during the floods of 2020, forcing BRFC to use £10k of grant from Sport England and a £10k grant from the RFU to help repair the damage – which totalled in excess of £50k. It would be more of a benefit to the community at large if such public money could be spent on sporting projects rather than repairing flood damage to old buildings.
- 6.10.7 Taken together, the issue of there being no alternative locations; the continuous costs associated with repairs as a result of flood damage; the increase in local employment; the social benefits of the improvement to the quality of the sporting and changing facilities and the improvements to the appearance of the buildings are all capable of being considered as very special circumstances.
- 6.10.8 Given the relatively small amount of additional development the proposal will result in, it is clear that the very special circumstances presented above are capable of outweighing harm, by reason of inappropriateness.

7.0 CONCLUSION

- 7.1 Bridgnorth Rugby Club was founded in 1962 and has become an important fixture in the social fabric of the town over the years. The senior team of the club play at the Edgar Davies Ground on Bandon Lane and this currently houses a rather ramshackle collection of accommodation for the club which is clearly not fit for purpose. The Green Belt location of the site along with it being an active flood plain mean that the club have struggled over the years to develop facilities to match their ambitions.
- 7.2 The current clubhouse on site is a tired and substandard facility that struggles to meet the needs of the club and its community, with limited space for spectators and players. The historic flooding on the site has contributed to regular destruction and loss of equipment and stock from the kitchen and functional areas of the clubhouse. Recent floods in 2020 have caused damage in excess of £50k in repair costs of which the club has been forced to use £10k of grant from Sport England and a £10k grant from the Rugby Football Union (RFU) to help repair the damage. On numerous occasions the changing facilities at the Bridgnorth Rowing Club, some 100m from the site, have had to be used, with players having to walk to the pitch from the boathouse. The need for a new and improved clubhouse and changing facility is now desperate.
- 7.3 Both national and local planning policy guidance seek to restrict inappropriate development in the Green Belt unless there are 'Very Special Circumstances'. However, the provision of changing facilities for outdoor sport is one of the few types of development that is considered appropriate in the Green Belt. Therefore, in effect it is the social element of the development that is deemed inappropriate in terms of Green Belt policy, however given that there is an existing clubhouse

on site, this also needs to be considered in the round as a replacement facility would in all likelihood be considered acceptable provided it was of a similar size and use.

- 7.4 The Environment Agency have withdrawn their original objection to the proposals following dialogue with the applicant and the LLFA are content with the proposals. Clearly, the site will remain prone to flooding on a regular basis and this has resulted in the clubhouse being elevated above the ground to alleviate the risk of flooding impacting the new facilities. However, the need to raise the clubhouse off the ground means that it is inevitably more visually prominent and has a greater impact on the openness of the Green Belt. Therefore, there is a need to take a pragmatic approach in relation to the development as the nature of the site means that it is simply impractical to build on the ground as the facility will suffer regular flood events and the club will continue to incur significant repair costs associated with these.
- 7.5 Therefore, given that the new facility will replace existing structures on site and will be built on stilts this could increase the flood capacity of the site over and above its existing capacity. However, the impact on the openness of the Green Belt is likely to be greater however it is considered that this can be offset by the changing rooms being appropriate development, the clubhouse replacing the existing bar facilities and the reduced risk of the facility being flooded providing the 'very special circumstances' to justify the proposed development.
- 7.6 In summary, it is considered that the proposals will not result in a disproportionate increase in facilities on site which would conflict with national and local Green Belt policies and as such given the clear benefits that the community will derive from this upgraded facility it considered that 'Very Special Circumstances' can be demonstrated in this case to allow the development to proceed.

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:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD6 - Green Belt & Safeguarded Land

MD7b - General Management of Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

11/03770/FUL Alterations and improvements to existing pavillion including extension to side, new entrance at rear with ramp access, installation of 3 windows and erection of 5 floodlights to training area

GRANT 29th November 2011

12/03282/FUL Alterations and improvements to existing pavillion including extension to side, new entrance at rear with ramp access, installation of 3 windows and erection of 5 floodlights to training area

GRANT 24th October 2012

19/00700/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the temporary siting (5 years) of an events marquee GRANT 9th August 2019

20/03978/FUL Demolition of existing buildings and erection of replacement club house building and function room REFUSE 5th March 2021

20/05031/VAR Variation of condition no.2 (time constraints) pursuant of 19/00700/FUL to allow for the approved marquee to be erected throughout the calendar year GRANT 12th January 2021

21/01291/DIS Discharge of conditions 8 (flood evacuation plan) and 9 (lighting plan) on planning permission 19/00700/FUL DISPAR 30th April 2021

21/02300/VAR Removal of Condition No.9 (external lighting plan) attached to planning permission 19/00700/FUL dated 09/08/2019 GRANT 1st July 2021

21/04696/FUL Demolition of existing buildings and erection of replacement club house building and function room (revised scheme) PDE

BR/APP/FUL/08/0114 Installation of replacement floodlights GRANT 1st April 2008

BR/APP/ADV/05/0347 Erection of non-illuminated sign GRANT 5th July 2005

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

Arboricultural Appraisal

Drainage Strategy

Flood Risk Assessment

Ecological Appraisal

External Lighting Impact Assessment

Planning Statement

Transport Statement

Heritage Impact Assessment

Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Cllr Christian Lea

Cllr Kirstie Hurst-Knight

Appendices

APPENDIX 1 - Conditions

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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. 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 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development.

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

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and paragraph 180 of the NPPF.

5. 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, trees, and hedgerows. 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.

6. The demolition of the Nissen Hut approved by this permission shall not 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/ 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 building prior to development.

7. a) All pre-commencement tree works and tree protection measures as detailed in Section 2 (Arboricultural Impact Assessment), Section 3 (Arboricultural Method Statement), Appendix 5 (Tree Protective Barrier), Appendix 6 (Ground Protection) and Plan 2 (Tree Protection Plan) of the approved Arboricultural Appraisal (SC:516A, Salopian Consultancy Ltd, 27.09.2021) shall be fully implemented before any development-related equipment, materials or machinery are brought onto the site.

b) Thereafter the development shall be implemented in accordance with the Arboricultural

Method Statement (Section 3) and Tree Protection Plan (Plan 2) of the approved Arboricultural Appraisal (SC:516A, Salopian Consultancy Ltd, 27.09.2021). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

8. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape - Recommendations, or its current version, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

9. The approved planting scheme shall be implemented as specified and in full no later than the end of the first planting season (November to February inclusive) following completion of the development. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

10. Finished Floor Levels (FFLs) should be set no lower than 34.01mAOD which is 300mm above the design flood level of 33.71mAOD. Additional flood proofing measures to protect up to level of 34.31mAOD.

Reason: To protect the development from flooding over its lifetime, including climate change

11. The development hereby permitted shall not be brought into use until the proposed resurfacing to Bandon Lane, as shown in Figure 8 of the Transport Statement, is completed and thereafter maintained.

Reason: To ensure that the development should not prejudice conditions of safety nor cause inconvenience to other highway users.

12. The development hereby permitted shall not be brought into use until 5 double Sheffield stands for cycle parking have been provided.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport.

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

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

14. The sound insulation of the club house function room roof and glazing shall be constructed in line with the recommendations outlined in sections 6.11 and 6.12 of the submitted MEC noise report assessment 25932-04-NA-01 REV E. The non-glazed walls of the clubhouse shall be constructed using cavity filled breeze block as outlined in section 5.24 of MEC noise report assessment 25932-04-NA-01 REV E. All fixed External Plant shall meet the noise emission targets as stated in section 6.4 and 6.5 of MEC noise report assessment 25932-04-NA-01 REV E.

Reason: In the interests of Residential Amenity

15. When amplified or live music is being played in the function room all its external doors and windows shall be closed.

Reason: In the interests of Residential Amenity.

16. Prior to first use of the function room a noise management plan shall be submitted to the local planning authority for approval in writing. The plan shall include full details of noise control measures that are to be implemented with respect to controlling noise emissions and ensuring compliance with relevant planning conditions from use of the function room. The approved noise management plan shall be implemented in full.

Reason: In the interests of Residential Amenity

17. The outside balcony area shall not be used between the hours of 23:00 and 08:00 the following day.

Reason: In the interests of Residential Amenity

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. By virtue of the Town and Country Planning Act 1990, your attention is drawn to the following statutory provisions and Code of Practice relating to the needs of disabled people: Sections 4, 7 and 8A of the Chronically Sick and Disabled Persons Act 1970, Disability Discrimination Act 1995, BSI Code of Practice BS5810:1979 relating to Access for Disabled to Buildings, and the Building Regulations 1992 Approved Document M. Please ensure that you are taking account of these requirements.

3. The discharge of surface water to a water course requires the prior consent of the ENVIRONMENT AGENCY under the Control of Pollution Act 1974 and the Water Act 1991.

4. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.

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

6. 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.

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. Bats

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately

halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Any chemical treatment of timbers should not take place between the beginning of October and the end of March and no pointing or repairs of any gaps or crevices which cannot be easily seen to be empty should take place between the beginning of October and the first week in April, to minimise the possibility of incarcerating bats.

If timber treatment is being used then the Natural England's Technical Information Note 092: Bats and timber treatment products (2nd edition) should be consulted and a suitable 'bat safe' product should be used (see <http://webarchive.nationalarchives.gov.uk/20160913000001/http://publications.naturalengland.org.uk/publication/31005>).

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

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