



Appeal Decision

Site visit made on Monday 13 May 2019

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/L3245/W/18/3218397

Land at Innage Lane, Bridgnorth WV16 4ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Churchill Retirement Living against Shropshire Council.
 - The application Ref 18/02281/FUL, is dated 16 May 2018.
 - The development proposed is demolition of the existing buildings and redevelopment to form 50 retirement living apartments, including communal facilities, access, car parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing buildings and redevelopment to form 50 retirement living apartments, including communal facilities, access, car parking and landscaping on land at Innage Lane, Bridgnorth WV16 4ER in accordance with the terms of the application, Ref 18/02281/FUL, dated 16 May 2018, subject to the conditions in the schedule at the end of this decision.

Procedural matter

2. A Preliminary Ecological Appraisal submitted in relation to a revised application for the appeal site, validated on 15 March 2019, confirmed the need for further survey work in order to determine the effect of development on wildlife and to detail mitigation and enhancement measures. In response to the appellant's request, I agreed to delay the determination of this appeal on the basis that the survey work was received before the end of June 2019 and the Council was given the opportunity to consider it. The Ecological Assessment was received on 26 June 2019 and the Council was given a week in which to pass comment on it if it so wished. No comments were received.

Main Issues

3. On the basis of its appeal statement, report on the application and the absence of comment on the Ecological Assessment, the local planning authority has no objection to the proposed development. Given the previous dismissed appeal¹ for the same type of development on the site, and the third party representations received at application and appeal stage, the main issues in this appeal therefore are:
 - the effect of the proposed development on the character and appearance of the area, including heritage assets such as Innage Gardens Conservation

¹ Ref APP/L3245/W/16/3161114

Area, the Bridgnorth Conservation Area and the loss of buildings on the site; and,

- whether the proposed development should make an appropriate financial contribution towards off-site affordable housing provision.

Reasons

4. As the appeal site is located within the Key Centre of Bridgnorth the development of open market dwellings is supported by the spatial strategy of the Shropshire Local Development Framework: Core Strategy ('Core Strategy') and so is acceptable in principle.

Character and appearance

5. The character and appearance of the area is heavily influenced by the conservation areas located on both sides of the appeal site. The Bridgnorth Conservation Area to the south is the larger of the two and encompasses the town centre and its environs which contain well designed older and historic buildings. On the northern side of the appeal site is the Innage Gardens Conservation Area which is characterised by Edwardian and Victorian buildings of quality. The significance of both Conservation Areas is therefore architectural and historical.
6. The appeal site is occupied by three non-designated heritage assets (NDHAs): Innage Lea, an early 19th Century house; its outbuilding; and, 'The Barn'. The last of these three buildings has been heavily modified by modern showroom additions. The significance of the buildings, which make a moderate contribution to the character and appearance of the area, is due primarily to their location on what was historically the rural fringe of Bridgnorth and their association with the Apley Estate. The rest of the appeal site is largely occupied by commercial showrooms and hardstanding whose utilitarian design detracts from the setting of the NDHAs and the adjacent Conservation Areas. As a result, these latter features do not make a positive contribution to the streetscene.
7. For the reasons given by the previous Inspector in relation to 20th Century development within and around the site, I agree that the NDHAs do not materially contribute to the setting of either Conservation Area. When compared to the public benefits of providing 50 units of accommodation I find that the significance of the NDHAs does not justify resisting redevelopment of the appeal site.
8. In comparison to the previous scheme dismissed on appeal, the massing of the building along Innage Lane and Hospital Walk is better broken up into smaller parts through the use of a more varied roof line. As a consequence of this approach and the gradual increase in height from two storeys to three storeys from north to south along the Lane the proposed building complements the scale of development on both sides of the site. The removal of features such as the pastiche octagonal tower of which the previous Inspector was critical has also improved the quality of the building's design. Subject to the use of a condition requiring the approval of the profiles and sections of windows and doors, the use of UPVC in the proposed building would not be problematic.
9. Taking all these matters into account I therefore conclude that the proposed development in scale, layout and appearance would be well designed and would complement the character and appearance of the area, including the setting of the adjacent Conservation Areas, and that the removal of the

existing buildings which are NDHAs on the site would be acceptable. It would therefore comply with policies CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of the Site Allocations and Management of Development Plan (SAMDev) which seek high quality design and adopt a reasoned approach to the protection of the historic environment. It would also comply with the National Planning Policy Framework ('the Framework') which in relation to development affecting NDHAs requires a balanced judgement to be made.

Contribution towards the provision of off-site affordable housing

10. Policy CS11 of the Core Strategy currently seeks the provision of 20% affordable housing in new residential schemes in Bridgnorth. On the basis of the evidence provided to him the previous Inspector was not persuaded that the 55 apartment scheme for the elderly he was considering would be unable to make a financial contribution towards the provision of off-site affordable housing.
11. Since then the appellant has produced an updated viability report. The Council and its advisors, who were critical of the viability report on the previous scheme, accept that the current appeal proposal cannot support the provision of any on site affordable housing, or a contribution towards the same. In the absence of dispute in relation to this matter, and given the thoroughness demonstrated by the Council's experts in assessing viability matters in relation to development of the site, I have no good reason to disagree with the Council's position that no affordable housing contribution can be supported by the scheme.

Other matters

Highway safety

12. Adequate on-site parking is necessary in order to minimise highway safety problems associated with poor on-road parking and reduced intervisibility between pedestrians and other highway users. 22 parking spaces are proposed for the scheme. Given that the appeal site is located opposite a public car park, next to medical facilities and within easy walking distance of the town centre, I agree with the Council that such parking provision would be acceptable for the size of development proposed.
13. Whilst the access to the site is close to a bend, a 20mph speed limit applies and owing to the adjacent pedestrian crossing on-road parking is prevented close to the access. As a result, I am satisfied that there would be adequate opportunity for vehicles to safely exit the site and join the highway.

Living conditions

14. The south eastern elevation of the proposed apartment building would face Bridgnorth Hospital across the side boundary of the site. As a result, apartment windows within this element of the building would face windows in the hospital. However, the plans show that the tall mature hedge and trees along the side boundary which serve as an effective screen would be retained and conditions requiring the protection of existing trees and hedges could be attached to the permission. Moreover, the separation distances between the facing elevations would increase from approximately 14m at the western end of the buildings to around 20m at their eastern end. With the lower half of many of the hospital windows obscurely glazed and the blinds that I saw are in use, I therefore find that acceptable levels of privacy would remain.

Biodiversity

15. The Ecological Assessment, dated 19 June 2019, identifies that bats use parts of the site for foraging and commuting and that the house is used as a day roost by one bat. Hedgehogs were seen on the site, but no reptiles were observed.
16. Measures to mitigate the effect of development on bats, hedgehogs and birds during demolition, site clearance and construction are described in section 4 of the Assessment. This section also advises that once the development is complete appropriately designed external lighting, bird / bat boxes and the enhancement of remaining trees and soft landscaping with appropriate planting would provide foraging, commuting and nesting opportunities for the wildlife described.
17. Based upon the submitted evidence, I therefore find subject to the implementation of the measures described that biodiversity on the site would be protected and slightly enhanced. The proposed development would therefore comply with policy CS17 of the Core Strategy and policy MD12 of the Site Allocations and Management of Development Plan (SAMDev) which both seek to protect and enhance ecology.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

Conditions

19. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with. To define the permission and ensure that the onsite parking is commensurate with the likely demand occupation needs to be limited to people of retirement age.
20. To protect the living conditions of nearby residents and hospital patients, the hours of construction and demolition together with the location of external lighting need to be controlled. For the same reason, a Construction Method Statement is necessary.
21. To protect the trees and hedges on the site that are to be retained the Arboricultural Method Statement together with a tree protection plan need to be implemented. To protect and enhance biodiversity, bird and bat boxes need to be provided and precautionary, mitigation and enhancement measures carried out.
22. To encourage the use of sustainable modes of transport a Travel Plan is necessary. To ensure satisfactory drainage of the site and to avoid flooding a scheme for foul and surface water drainage is required.
23. To provide a record of Innage Lea in accordance with paragraph 199 of the Framework, a photographic survey needs to be carried out and appropriate steps taken to record and deal with any unknown evidence of historic character that is encountered during the development. Given that it has been assessed that the site has moderate potential for medieval and post medieval archaeology a programme of archaeological work is required.
24. As the site has had a mixture of uses over the years and the land occupied by the buildings has not been considered a land contamination assessment is required.

25. In order to ensure that the development complements its surroundings further details on materials to be used on external surfaces and details of all windows and doors are required. The proposed landscaping needs to be implemented in a timely manner and for any planting to become well established it needs to be well maintained.
26. In the interests of highway safety, further details on the design, construction and drainage of the access, parking and turning areas are required.
27. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.
28. Following the site visit, to accord with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the appellant was invited to comment on conditions 6 to 11. As a response was not received, in accordance with Regulation 2(1)(b), consent for these pre-commencement conditions has been deemed to have been given.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 30027BN/P-300, 30027BN/P-301, 30027BN/P-302, 30027BN/P-303, 30027BN/P-304, 30027BN/P-305, 30027BN/P-306, 30027BN/P-307, 30027BN/P-308, 30027BN/P-309 A, 30027BN/P-311
- 3) Demolition and construction work shall not take place outside the following times: - Monday to Friday 0730hrs to 18.00hrs, Saturday 08.00hrs to 13.00hrs and not at any time on Sundays, bank or public holidays.
- 4) The landscape works shall be carried out in full compliance with the approved plan and schedule in the first planting and seeding seasons following the completion of the development. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.
- 5) The development shall be implemented in accordance with the approved Arboricultural Method Statement (Section 2 and Table 2 of the Arboricultural Appraisal and Method Statement, 15423-AA5-CA, Barrell Tree Consultancy, May 2018) and the approved Tree Protection Plan (15423-BT6, Barrell Tree Consultancy).
- 6) No development approved by this permission shall commence until a pre-demolition photographic survey has been submitted to and approved by the Local Planning Authority. The photographic survey shall include in particular previously unrecorded areas of Innage Lea.

- 7) No penetrative ground works or ground re-profiling approved by this permission shall commence until a programme of archaeological work has been secured based on a specification (written scheme of investigation (WSI)) submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall thereafter be carried out in complete accordance with the approved specification.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials and timing of traffic movements to and from the site;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction; and,
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 9) Prior to commencement of development and before any development-related equipment, materials or machinery are brought onto the site, a final Arboricultural Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority, in accordance with Section 2.5 of the approved Arboricultural Method Statement (Arboricultural Appraisal and Method Statement, 15423-AA5-CA, Barrell Tree Consultancy, May 2018). The development shall be carried out in accordance with the approved Arboricultural Construction Method Statement.
- 10) No development, with the exception of site clearance works, shall take place until a scheme for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before first occupation of the development.
- 11) (a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- (b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

- 12) Prior to the construction of the new access, parking and turning areas, details of their design and construction, together with details of the disposal of highway surface water shall be 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 building(s) occupied and the access, parking and turning areas shall be maintained thereafter free of any impediment to their designated use.
- 13) Prior to the first occupation of the development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented within one month of first occupation of the development. The travel plan measures shall relate to the entirety of the whole site, and reflect the appropriate uses of the site.
- 14) The external facing materials shall comprise of the palette of materials specified in the materials key of the approved elevation drawings, or any alternative schedule of materials which has first been approved in writing by the Local Planning Authority prior to their first use in the development. The development shall be carried out in accordance with the approved details
- 15) Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 16) Prior to their installation in the building, details of all external windows and doors including their materials, finish, profiles, sections and depths of external reveals shall be submitted to and approved in writing by the Local Planning Authority. All doors and windows shall be installed in complete accordance with the approved details.
- 17) If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered during the course of building works, an appropriate record, together with recommendations for dealing with it in

the context of the scheme, shall be submitted to and approved in writing by the Local Planning Authority.

- 18) Prior to first occupation of the building, details for the provision 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 details shall include the erection of:

- A minimum of 5 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species;
- A minimum of 20 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).

The boxes shall be sited in accordance with the latest guidance and thereafter retained for the lifetime of the development.

- 19) Other than where there is conflict with condition 18, the precautionary, mitigation and enhancement measures identified in Section 4 of the Ecological Assessment (dated 19 June 2019) carried out by Tyler Grange shall be implemented during the demolition, site clearance and construction phases of the development with enhancement measures completed prior to first occupation of the building.
- 20) The apartments hereby approved shall be occupied solely by persons aged 60 or over, and any partners of those persons of at least 55, or a widow or widower of such a person.
- 21) 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 development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

-----End of Conditions Schedule-----

