

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Monday, 5 December 2022

Committee:
Southern Planning Committee

Date: Tuesday, 13 December 2022
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting. The Agenda is attached.

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:

<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard
Assistant Director – Legal and Governance

Members of the Committee

David Evans (Chairman)
Nick Hignett (Vice Chairman)
Caroline Bagnall
Andy Boddington
Roger Evans
Nigel Hartin
Christian Lea
Hilary Luff
Nigel Lumby
Tony Parsons
Ed Potter

Substitute Members of the Committee

Gwilym Butler
Pamela Moseley
Cecilia Motley
Kevin Pardy
Vivienne Parry
Claire Wild
Mark Williams
Paul Wynn

Your Committee Officer is:

Tim Ward / Ashley Kendrick Committee Officer

Tel: 01743 257713 / 01743 250893

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the minutes of the Southern Planning Committee meeting held on 15 November 2022

Contact Tim Ward (01743) 257713.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 5.00 pm on Thursday 8 December 2022

4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 Land Adjacent To Sainsburys Supermarket, Smithfield Car Park, Bridgnorth (21/01963/FUL) (Pages 5 - 40)

Erection of a 66 bed care home for older people, with associated car park, access and landscaping.

6 Building 10 Stanmore Business Park Bridgnorth Shropshire WV15 5HR (22/01264/FUL)

Change of use from training facility (D1) to general industrial (B2) and installation of ancillary plant and equipment (2 flue stacks, one water tank)

REPORT TO FOLLOW

7 Schedule of Appeals and Appeal Decisions (Pages 41 - 66)

8 Date of the Next Meeting

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday, 17 January 2023

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Committee and Date

Southern Planning Committee

13 December 2022

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 15 November 2022

2.00 - 3.15 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Tim Ward / Ashley Kendrick

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk Tel: 01743 257713 / 01743 250893

Present

Councillors David Evans (Chairman), Nick Hignett (Vice Chairman), Caroline Bagnall, Nigel Hartin, Christian Lea, Hilary Luff, Nigel Lumby, Tony Parsons and Ed Potter

82 Apologies for Absence

Apologies for absence were received from Councillors Andy Boddington and Roger Evans.

83 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 18 October 2022 be approved as a correct record and signed by the Chairman.

84 Public Question Time

There were no public questions

85 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

In respect of agenda item 5 Councillor Nigel Lumby declared that he was the Local Member and that he would make a statement and then withdraw from the meeting and take no part in the debate or voting.

In respect of agenda items 7 and 8 Councillor Christian Lea declared that he was the Local Member and that he would withdraw from the meeting and take no part in the debate or voting.

86 **Proposed Solar Farm to the south of Holyhead Road, Albrighton
(22/03068/FUL)**

In accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees, Councillor Nigel Lumby, Local Member made a statement and then left the meeting and took no part in the debate or vote

The Principal Planner introduced the application which was an application for the Construction and operation of a solar photovoltaic farm with battery storage and associated infrastructure, including inverters, substations, security cameras, fencing, access tracks and landscaping and with reference to the drawings and photographs displayed, he drew Members' attention to the layout proposed.

The Principal Planner confirmed that members had attended a site visit and drew Member's attention to the information contained in the schedule of late representations, and to a second submission on the planning portal by Councillor Lumby around food security which had been omitted from the schedule of late representations.

Andrew Gilson, local resident, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Ros Keeton, local resident, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Solicitor read out a statement from Dave Slatcher on behalf of Boningale Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Nigel Lumby, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Matt Lomax, (Applicant), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members commented that the proposed lay out was sympathetic and would not have an adverse effect on the surrounding area and that the benefits of the production of renewable energy, the net biodiversity and hedgerow gain, and the refurbishment of the Grade II listed Peppermill Farmhouse outweighed the impact on the green belt and the potential loss of productivity of the grade 1 and 2 farmland.

RESOLVED:

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in Appendix 1, a Section 106 agreement securing funding to refurbish the Grade II Listed Peppermill Farmhouse and the amendment of condition 22 to read: -

All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within 40 years of the date of first export of electricity from the Site and the Site shall be reinstated to agricultural fields. The Local Planning Authority shall be provided with not less than one week's notice in writing of the intended date for commencement of decommissioning works under the terms of this permission

87 Stiperstones Retreat Centre, Stiperstones, Snailbeach, Shrewsbury, Shropshire, SY5 0N (22/03255/FUL)

The Principal Planner introduced the application which was an application for the Temporary change of use from Methodist Church and Respite Centre to living accommodation and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

Councillor Heather Kidd, local Ward Councillor made a statement in favour of the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members welcomed the application which would provide accommodation for three generations of a Ukrainian refugee family.

RESOLVED:

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in Appendix 1

88 Roundabout Junction A442 Cann Hall Road, Mill Street and B4363 Wolverhampton Road, Bridgnorth, Shropshire (22/01698/ADV)

The Principal Planner introduced the application which was an advertising application for the erection and display of four sponsorship signs placed on the roundabout and with reference to the drawings and photographs displayed, he drew Members' attention to the location and proposed layout.

The Principal Planner reminded the meeting that this application had been deferred from the meeting in July to allow further discussion with Bridgnorth Town Council regarding the ongoing maintenance of the roundabout and that this matter had now been resolved.

RESOLVED:

That in accordance with the Officer recommendation permission be granted subject to the conditions set out in Appendix 1

89 A458 Stourbridge Road/Old Worcester Road Roundabout and A458/A442 Kidderminster Road Roundabout and A458/B4364 Ludlow Road Roundabout Bridgnorth Shropshire (22/03796/ADV)

The Principal Planner introduced the application which was an advertising application for the erection and display of four sponsorship signs placed on the A458 Stourbridge Road/Old Worcester Road Roundabout, the A458/A442 Kidderminster Road roundabout and the A458/B4364 Ludlow Road roundabout and with reference to the drawings and photographs displayed, he drew Members’ attention to the location and proposed layout.

RESOLVED:

That in accordance with the Officer recommendation permission be granted subject to the conditions set out in Appendix 1

90 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 15 November 2022 be noted.

91 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday, 13 December 2022

Signed (Chairman)

Date:



Committee and date

Southern Planning Committee

13th December 2022

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

<u>Application Number:</u> 21/01963/FUL	<u>Parish:</u>	Bridgnorth Town Council
<u>Proposal:</u> Erection of a 66 bed care home for older people, with associated car park, access and landscaping		
<u>Site Address:</u> Land adjacent to Sainsburys Supermarket, Smithfield Car Park, Bridgnorth		
<u>Applicant:</u> LNT Care Developments		
<u>Case Officer:</u> Grahame French	<u>email:</u> graham.french@shropshire.gov.uk	

Recommendation:- Approve subject to the conditions set out in Appendix 1 and legal agreement to deliver healthcare funding up to £83k (index linked).



Plan 2 - Location

REPORT

1.0 THE PROPOSAL

- 1.1 The application is for a three storey, sixty-six bed care home for the elderly with associated access, car parking and landscaping. The applicant LNT Care Developments provides assisted living accommodation for elderly clients. The overall height of the proposed building will measure about 8m to eaves level and 12m to ridge.
- 1.2 Access is proposed via an existing access off Old Bridgnorth, which is accessed by turning west north-west off the roundabout junction of Old Bridgnorth.
- 1.3 The scheme is developed in a configuration which enables the care home to provide for two types of care – general residential and residential dementia. Its plan layout and internal arrangement allows the home to be split into the separate care requirements.
- 1.4 A secure landscaped garden area will provide the main external amenity space for the respective elements of care.
- 1.5 The building is positioned to allow the main lounges at the centre of the building to maximise the views from the site across the cricket pitch to the west, whilst also allowing the residents a view over the car park, Old Smithfield and the market place with its associated activity and movement beyond. The smaller, end of corridor lounges which are located to the east of the site will also have a pleasant outlook over the landscaped gardens and towards the hospital.
- 1.6 The main entrance is situated on the internal courtyard area of the chevron shaped design, which provides a sitting out area/terrace for the café located in the main reception area and a balcony area for the tea room on the first floor.
- 1.7 The proposed development enables safe vehicular access to a contained and sheltered parking area in a secure relationship with the proposed building. This layout allows the car park and access to be overlooked by the office and reception, increasing security as well as being practical and convenient in terms of the day to day operation of the home. Direct and level access will be possible from the car parking areas, including disabled and drop off areas, serving the less mobile residents and visitors.
- 1.8 Lighting will be appropriately designed to deter intruders and reduce the fear of crime, particularly in the vicinity of the main access, car parking areas and all footpaths and associated areas to the care home building, including the service entrance points.
- 1.9 Boundary treatments are proposed that will provide secure boundaries and reasonable defensible space around the new facility. The entrance to the site will be relatively open, to create a non-institutional feel, with secure railings to enclose the main garden area.

- 1.11 The principal external amenity space for residents would be the enclosed garden surrounding the building. The soft landscaping would comprise trees, shrubs, flowerbeds and lawn and hard landscaping would also include attractively and amenably surfaced pathways surrounding the building for residents' use. These spaces would be secure and have direct access from the main lounges and quiet lounges at the ground floor level as well as individual bedrooms on the ground floor.
- 1.12 Internal amenity space has been designed to meet the provision of the Care Standards Act including 14m² for single bedrooms (excluding ensuite) and 4.1m² per resident for communal spaces.
- 1.13 A total of 24 No. car parking spaces are proposed, including 2 No. disabled/mobility spaces close to the main entrance as well as an ambulance/taxi drop-off area and 2 electric vehicle charging points. During the construction phase, it is proposed to utilise a temporary access to the public car park, in order to minimise disruption and separate construction traffic from public vehicles.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 The site lies to the west of Old Smithfield, immediately north of, and adjacent to Sainsburys supermarket. Old Smithfield is accessed from both the B437 to the north-east and Salop Street to the south. The site is located less than 0.5km to the north-west of Bridgnorth Town Centre and is immediately east of Bridgnorth Cricket and Hockey Club. Bridgnorth Medical Practice and Bridgnorth Community Hospital are situated to the north of the site (plan 1).
- 2.2 The site is in an urban location where there is a mixed form of development including retail and community uses, with residential and food and drink establishments slightly further afield. The River Severn with its associated amenities runs approximately 400m east of the site, and the main built up area of Bridgnorth surrounds the site on all sides.
- 2.3 The area to the south and east of the site is predominantly car parking, with the supermarket also positioned to the south. The buildings to the north are all community uses, including a health centre and hospital which are both of reasonable scale, although the health centre is the larger of the two in terms of height, being 4 storeys high.
- 2.4 The site is currently used for car parking. An existing planning permission for a retail development consisting of 5 retail units was approved by the Secretary of State under application 16/02739/FUL but lapsed on 13/6/21.

3.0 REASONS FOR COMMITTEE DECISION

- 3.1 The application has attracted objection from Bridgnorth Town Council and decision to refer the application to committee has been ratified by the Chair of the Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Bridgnorth Town Council – Objection. The Town Council objects to the proposal on the following grounds:

- i. The need for this specialist facility has not been demonstrated and as such it does not appear to meet the requirements of policy CS11. Further, if the facility relies on attracting residents from outside the Bridgnorth area for its commercial viability, this could place undue strain on local facilities and be unsustainable and not compliant with policy CS6.
- ii. We note that part of the site is within Bridgnorth's designated Town Centre, and that the part which is not would be regarded as "edge of centre" when considering proposals for town centre uses. The proposed use is not a Main Town Centre use, albeit that it may be considered "housing" in terms of NPPF paragraph 85a. We consider that developing this land for a non-town centre use may ultimately hinder the growth of Bridgnorth town centre and may be regarded as not an efficient use of land in terms of NPPF paragraph 123c. Given extant planning permissions for retail use of the site, evidence of the non-viability of development of the site for main town centre uses should be supplied.
- iii. No Heritage Impact Assessment has been provided. We consider that introducing buildings of this detailing and height to the edge of the Smithfield Car Park, adjoining the cricket ground, would detract from the openness of the street scene and could be detrimental to the nearby Bridgnorth Conservation Area.
- iv. We further note the loss of car parking that the proposal entails. Whilst we accept that the land is privately owned and there appears to be no obligation on private owners to provide public car parking, we do consider that there is likely to be an excess of car parking demand over supply in Bridgnorth at peak periods and feel that Shropshire Council should review this and put an appropriate transport and parking strategy in place for Bridgnorth as a priority.

4.2 Worfield & Rudge Parish Council (adjoining parish) – Objection. The Parish Council wishes to object to this application on the grounds that:

- larger corporate care companies (such as this applicant appears) are threatening the business of local care suppliers situated in Worfield & Rudge Parish and we worry for the economic challenges they may face as a result of applications such as this.
- There are ever concerning needs for more homes for younger people, particularly young families in the area and this development does not support that need.
- We are very concerned by the proposed loss of parking spaces in the town area of Bridgnorth.
- Infrastructure such as the medical practices in the area will suffer as a result of this type of housing.

- 35% of the local economy is received through hospitality and it is felt that this will suffer as a result of this application also.

4.3 Astley Abbots Parish Council (adjoining parish) – Objection. Astley Abbots Parish Council object to the development of the Old Smithfield car park for the following reasons:

- i. Loss of car parking for a busy market town. The application makes no mention of the economy of Bridgnorth.
- ii. There is no evidence in the application that there is a need for another care home in Bridgnorth. There is a claim the area is prime for such a home but no statistics or evidence to support this claim.
- iii. The site is a busy site with the delivery site for the supermarket one side, cricket club another and doctors surgery and hospital on a third. The fourth side appears to be going to be carpark. The site is not going to be tranquil for residents.
- iv. The site is also close to four schools. Three of which generate noise at playtimes and at the beginning of the school day and end of the school day. More disturbance for residents of a care home.
- v. Whilst there is evidence of public transport to Bridgnorth and around it there are vast areas of the surrounding area who have no bus service including parts of Astley Abbots Parish. It is simply not possible to use public transport to do carry out many day-to-day duties.

4.4 Shropshire Community Health NHS Trust (11/6/21) – Holding objection. A consultant for the Trust has written advising that a S106 contribution of £81,740 (index linked) should be secured in order to fund the level of additional healthcare provision likely to be required by occupants of the proposed facility for the first 2 years. This is based on the Trust's assessment of the level of healthcare required by occupants of equivalent facilities in Shropshire. Without this the Trust considers that the development would not be sustainable as it would place an unacceptable additional strain on local healthcare facilities. The full wording of the consultant's letter is reproduced in Appendix 2.

4.4ai. SC Conservation (26/11/21) - Objection - These comments supplement those previously submitted on 2/6/21 where there were objections with regards to the proposed layout, design (lack of appropriate detailing and local distinctiveness), along with the lack of a Heritage Impact Assessment (HIA).

- ii. With regards to the proposed, it is disappointing that the proposed layout has not been amended to a more intimate 'U' shaped courtyard/mews type arrangement which is more typical of Bridgnorth with the presence of long medieval burgage plots, where that would also bring the opportunity for better public realm, public open space, pedestrian and cycling provision and being able to break the parking up. Having consulted one of the 3D visuals, there is concern that the parking consists of one significant mass, dissected from the main block by a fence that

doesn't seem to make pedestrian access straightforward in terms of overall legibility, where the overall site needs to be more coherent. There is also concern with regards to legibility and that there needs to be more of a sense of arrival, where the layout needs to be amended to enhance this aspect.

- iii. Some of the proposed design details have certainly been improved with regards to having slight recesses in the brickwork and having a mixture between brick or render, though this may be aided by having subtle different brick types and textures. There are concerns with the end treatments with regards to it being hipped (where it should be gabled), where there are blank elevations. This could be enhanced by having false type recessed window openings with matching segmented headed brickwork articulation.
 - iv. Also the HIA is also still absent - whilst the site lies outside of the conservation area, it is considered that the proposal would have some impact upon its character and appearance as well as the setting of adjacent listed buildings.
 - v. Overall whilst it is acknowledged that the proposal has been improved with regards to some of the proposed architectural detailing such as window details (sills etc), there are still outstanding concerns especially with regards to the design of the proposed layout of the site and lack of HIA, where objection is upheld as previously submitted.
- 4.4bi. SC Conservation (26/11/22) - Having consulted the submitted Heritage Statement and the Design Justification letter, along with the revised drawings, there is still considerable concern with regards to the overall proposed footprint and layout, along with the design (hipped roofs and proposed width of entrance atrium area) has not been amended sufficiently. Whilst it is acknowledged and understood that there are certain constraints with regards to the effective management of these type of buildings, there is remaining concern with regards to the proposed layout and design of the building. Also having consulted the proposed visual of the ball catcher fence including the inclusion of PV panels on the building (particularly along the front facing elevations) compounds existing concerns. With regards to the submitted Heritage Statement, there is general concurrence that the existing gap site is not satisfactory and is capable of redevelopment with scope for enhancement, given past approval for redevelopment of this site (retail scheme) in 2016, though it is difficult to give direct or fair comparisons given the different type of buildings and their proposed use, where the policy background has also changed from 2016 especially with regards to design. However, there is disagreement with regards to potential impact to the existing character and appearance of the conservation area, along with the relevant setting of listed buildings. Overall it is considered that the proposed ball catcher fence and PV panels could have particular visual impact and harm, including from potential long-range views.
- ii. The proposed brick wall topped with railings on the revised site plan is noted along on the 3D visuals, though this may benefit from a separate technical/construction drawing. However there is concern with regards to the legibility and access from the car park to the entrance where an appropriate gap should be made so that there is more direct pedestrian access to the drop off point.

- iii. Overall whilst previous objection with regards to the lack of a Heritage Impact Assessment (HIA) is effectively withdrawn, there is objection with regards to the proposed design and layout of the building and the site, along with impact upon setting of the conservation area and listed buildings as previously submitted, where it is considered to consist of 'less than substantial harm (as defined under paragraph 202 of the NPPF).
- 4.5i. SC Archaeology (no objection) - The proposed development site is located on the edge of the Medieval town of Bridgnorth (Shropshire Historic Environment Record [HER] PRN 06044) as defined by the Central Marches Historic Towns Survey and a group of tenement plots to the west of High Street and north of Whitburn Street (PRN 05644 & 05645). The site of a post medieval Ropewalk and associated buildings (PRN 06929), which presumably made ropes for the barge trade, also lies to the southeast of the proposed development site. The proposed development site can therefore be deemed to have some archaeological potential, and any below ground archaeological remains may be impacted on by groundworks associated with the proposed development.
- ii. In the light of the above, and in relation to Paragraph 199 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a watching brief during ground works - including trenching for services and drainage - associated with the development. A Written Scheme of Investigation (WSI) for a programme of archaeological work (RPS Consulting, January 2021, JAC27024) has been submitted with this application and is considered acceptable. An appropriate condition is recommended.
- 4.6 SC Regulatory Services (No objection) - I would recommend that if permission is granted that a condition requiring that the acoustic insulation scheme for the proposed development as detailed in section 4 of the submitted David Garritt noise report and the provision of 2m high barrier fencing on the western boundary as recommended in section 7 of the report are implemented prior to occupation of the care home.
- 4.7 SC Drainage (12/05/21) - No objection subject to surface and foul water drainage condition and the following comments:
- i. The discharge rate calculations from the site for different storm events have not been provided. The site is classed as brownfield, therefore a 50% betterment to the current surface water flows should be provided in accordance with Shropshire Council requirements. The use of soakaways should be investigated in the first instance for surface water disposal. The betterment requirement will be assumed to have been achieved if all surface water is disposed of via soakaways. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100-year return storm event plus an allowance of 40% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

- ii. If soakaways are not feasible, drainage details and calculations to limit the proposed discharge, for the 1 in 100-year, 6 hour rainfall event must be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event as in accordance with the Non- Statutory Technical Standards for Sustainable Drainage Systems should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 40% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.
 - iii. Full micro-drainage simulation calculations should be submitted for approval.
 - iv. Details of the variable/ complex hydrobrake and chamber should be provided.
- 4.7i. SC Trees: No objection. I agree with the findings of the Arboricultural Report (ACS Consulting, November 2020) in that I consider the loss of 19 category 'C' trees of small size and generally low quality from within the existing car park to be an acceptable loss, providing new trees and shrubs are planted as appropriate, as part of a high-quality landscape scheme secured with any approved development. However, I do have concerns regarding the loss of 4 category 'B' trees, which, along with high quality category 'A' trees, Shropshire Council generally seeks to retain and protect within a proposed development. I would raise the question as to whether a slight amendment to the layout around the site access might be feasible, to allow the retention of the two category 'B' maple trees that flank the existing access (T20 and T47). These two semi-mature trees provide an attractive gateway to the site and it would be a shame to lose them unless absolutely necessary. (If retention of these trees was possible, the site layout, tree protection plan and arboricultural method statement would need to be amended accordingly).
- ii. I consider the key arboricultural issue to be the line of mature lime trees with the occasional maple that runs alongside the northern site boundary, identified as group G1 in the Arboricultural Report. This group of trees is located on the cricket ground and from my site visit the canopies extend over the proposed development site by up to 6m from the site boundary. In the Arboricultural Report the group has been designated as category 'B' on its arboricultural and landscape values, but I consider the row of trees collectively to be a very important feature in the local landscape and would therefore accord the group a category 'A' status for its landscape value.
 - iii. The impacts of the proposed development on group G1 during construction include access facilitation pruning and removal of existing hard surface (tarmac car park) and soft landscaping within the root protection area (RPA). The former comprises crown lifting to provide 3m ground clearance and I have no objection to this. Appendix 2 of the Arboricultural Report provides a method statement for the break-out by hand of the hard surface within the construction exclusion zone of G1, followed by ground protection using 'Tuff Trak' over a sharp sand blinding. Again, I have no objection to this proposed methodology, which if followed correctly should ensure no damage is caused to roots of trees within G1. Indeed, suitable amelioration of the ground and conversion to soft landscaping could enhance the rooting environment on this side of the row of trees.

- iv. However, I cannot see any submitted details as to how landscaping works are to be carried out within the RPA of G1 or other retained trees. The potential exists for any ground works to damage tree roots and therefore I would recommend the information be provided within a further method statement, or as part of detailed landscape plans. I would also recommend comprehensive details be provided as to ground preparation and planting pit specification for any new tree planting. The ground under the former car park is likely to provide a hostile rooting environment and will require substantial amelioration prior to planting. I would anticipate the use of load bearing structural soil cells, or similar approach, coupled with an air and water permeable surface dressing, in order to provide sufficient soil volume and adequate rooting environment for new trees within a hard surface.
- v. I note from the site plan (WV16 4EN A-03) that the proposed care home comes at its closest to 10m from the northern site boundary. As stated above, the canopy from group G1 was observed to extend up to 6m over the site boundary, leaving potentially only 4m between the building and the crowns of the trees, at their current size. I would generally consider this an insufficient amount of space to achieve a lasting successful juxtaposition between trees and a residential development. However, I note from the floor plans that the central part of the care home, which is closest to the trees, on each floor comprises a lounge / dining area and the 'chevron' nature of the design means that the residential wings of the development get progressively further away from the trees. For this reason I do not object to the proposed layout on arboricultural terms.
- vi. I would recommend attaching tree protection and landscaping conditions to any permission granted.
- 4.8 SC Ecologist: No objection. Site is an existing car park and significant trees are being retained as part of the scheme. Condition to secure gains for biodiversity and informatives are recommended (included in Appendix 1).
- 4.9 SC Highways - No objection (comments to be included in additional representations report).
- 4.10 Sport England (1/11/22) Objection.
- i. Many thanks for re-consulting Sport England on this application. From what I understand, the applicant has not made any design changes to the application since Sport England last commented on this application. They have provided a further supporting statement (attached) dated 11th October 2022. This covers various points, many of which do not relate to Sport England's comments. In respect of Sport England's objection, they express the view that the risk of ball strike is very limited (as per our previous comments, we disagree). Specifically, they comment that the following would provide mitigation:
- Increased tree planting on the boundary with the cricket club
 - Toughened glass to all windows on the north facing elevation on the first and second floors. This will be laminated glass of a thickness between 100–120 mm

bonded together with polyvinyl butyral, polyurethane or ethylene-vinyl acetate (exact specification to be agreed).

- Ball stop netting over the outdoor amenity space (fitted to a timber pergola type structure as shown on drawings WV16 4EN - A-03 (Rev B) - PROPOSED SITE PLAN, WV16 4EN - A-06.5 - 3D VIEW and WV16 4EN - A-06.6 - 3D VIEW and pictured below. The netting would be made from 2mm x 50mm square mesh, black polypropylene border cord, sewn to edges for extra strength and would remain in situ as a permanent fixture.

ii. Our comments are as follows:

Increased tree planting on the boundary with the cricket club

- Tree planting is not an effective form of mitigation against ball strike as it cannot provide an impenetrable barrier that would prevent a cricket ball entering the development.

Toughened glass to all windows on the north facing elevation on the first and second floors

- We note that a written specification has been provided. Can the applicant demonstrate that this specification would be effective to withstand the impact of a cricket ball strike?
- The applicant has not addressed the points we raised below regarding open windows, replacement window units etc.

Ball stop netting over the outdoor amenity space

- We note that a written specification is provided for the netting with confirmation that this would be fitted over the pergola. We remain concerned that the plans and images still do not show this netting. The applicant has not addressed our point raised below regarding the impact on the unprotected areas of garden outside the pergola

iii. The applicant has not addressed our point regarding the potential impact of damage to the proposed solar panels on the north side of the roof structure (or the potential risk of injury to residents sitting below). We remain of the view that the mitigation being put forward would not be sufficiently effective to address the issue and so we have to maintain our objection.

Note, the applicant has provided further information in response and SE has been reconsulted. Any further response from SE will be reported to the committee.

4.11 Councillor Christian Lee (Bridgnorth) has been informed of the proposals.

Public Comments

4.12 The application has been advertised in accordance with statutory provisions. 208 representations have been received against the proposals. The main issues of concern can be summarised as follows:

i. Effect on existing health services: What evidence is there that the majority of the residents will be local (within 3 miles) so there will be no impact on GP services. the

only way that LNT will be able to recruit staff will be by poaching the staff of other local care homes.

- ii. Parking: What evidence is there that 24 parking spaces will be enough for 60 staff and 66 residents at peak times? A new parking survey should be conducted, at peak times, now that half of the car park has been barriered off. The building of the care home will take away 144 existing car parking spaces from the Old Smithfield car park. This would leave 136 car parking spaces for the general public. The main concern is one of the difficulty in parking in Bridgnorth especially on Fridays, Weekends; Bank holidays; Easter and Christmas. There are problems with the influx of tourists and visitors during the summer. On Saturdays (and part Sundays) Meredith's Yard car park holds a market. The car park is used by St Johns School for dropping off and collecting pupils. They have currently been stopped from doing this which exacerbates the problem at the Innage Road car park. LNT proposes a social care facility involving the local community. This would mean more car parking space needed for dependents and their carers over and above the 24 car parking spaces used by LNT staff and visitors. The public Car Park by Sainsbury's would be severely compromised by this development and the reduction in available car parking spaces. The car parking situation in Bridgnorth is dire especially at weekends and in the spring and summer. The District Plan of 1994, anticipating the supermarket development, stated "... the Smithfield area has considerable potential for meeting a significant proportion of the current and future parking needs of the town centre for shoppers, workers and visitors. It is considered that this potential should be maximised where possible". A lot has changed since 1994 but the importance of car parking to the economic viability of the town has only increased. There is already very limited parking available for visitors to our town and they will be driven away to outlying districts to shop, eat and socialise if this development goes ahead. In addition, where would patients park when having to visit the medical facilities, including Murray's pharmacy? We have a growing ageing population in Bridgnorth who cannot be expected to trek for miles when needing to see a doctor or pick up a prescription. Likewise parents with poorly children.
- iii. Design: The new outdoor pergola, covered in netting, doesn't seem like the most attractive situation for elderly and vulnerable residents. The location, next to a cricket club, is not the best place for a care home. Objections have been received to the scale of the proposed ball strike fence (this element has now removed from the design).
- iv. Cricket ball strike: The applicant's suggestion that the proposals would protect the public from ball strike issues should be removed. There is no guarantee that cricket balls are prevented from entering the space of the Care Home. It only takes one ball to harm a vulnerable person.
- v. Location unsuitable: The site is on the edge of the designated town centre which is quite unsuitable for a care home and would be better built away from the town centre. The development plan for Bridgnorth will contain several better sites which are sequentially preferable to this use of a badly needed car park. A care home on this site presents no benefit to the community whatsoever. Care homes can be sited absolutely anywhere, we don't need one on the Smithfield site.

- vi. No community benefits: The decision to allow five retail shops in the last application should not be a reason for the current application to be approved . It was estimated then that the impact of 5 retail shops would have a beneficial financial input on the economy of Bridgnorth. There will be no income generated here except for the owners of the care home facility. The section dealing with economic growth and benefits to the economy are mostly bound around the construction phase, which will be short lived and the ongoing period would be solely related on the benefits to the local economy through employment. However on the basis that they expect the employees to come from the local area these persons would already be contributing to the local economy so there would be no advantage.
 - vii. Questioning need: LNT Report states there is an 'under supply ' in the provision of care beds. I would argue there is an over-supply. In Bridgnorth we have the following facilities within a 10 mile radius Oldbury Grange Arden Grange Rectory Cove Danesford Grange. Lady Forester Nursing Home. Lake View Innage House. Plus 10+ in the Telford area.
 - viii. Overlooking: The plan of the three-story building overlooks St Johns Catholic School in Innage Gardens. Some inhabitants may be infirm or demented BUT there would be residents and staff who will be able to view the schools playing field from a three storey building.
- 4.13i. Campaign to Protect Rural England (objection): This is the wrong site and place for a retirement home. The applicant has already informed parents of a nearby school that they can no longer drop off or collect children from school. Where are they to go? The applicant has also stated that the few limited car park places left will not be available after 8.00 pm. What town do you know that closes at 8.00 pm? Will staff at the Bridgnorth Hospital have to leave wards unattended in order to move their only transport to where? No consideration whatsoever has been given to the numerous communities in the Bridgnorth District, near the borders who only have cars as transport, who have Bridgnorth as their town for services and goods.
- ii. The thousands of people will be forced to get supplies from over the borders into other counties taking much needed revenue out of Shropshire. The carrot has been dangled saying the Home will provide 50 new jobs. These will be odd shift hours, low pay that will not even cover transport costs, let alone the lowest Bridgnorth rent.
 - iii. Despite opposition building was allowed on the other side, next to the Hospital wall and this latest application will dwarf and hem the Hospital in. The blood donor sessions are well recorded for attendance, and people travel in and park at the Smithfield car park at present.
 - iv. Schools, Churches, Leisure Centre, Theatre, Cinema, The Haydn Festival, Choirs, Bands, musicians and the Severn Valley Railway, especially the war time events, when thousands attend- all need the parking spaces at Smithfield. All these events are well established. long before this applicant came to the fore. Parking is a major problem now and any loss of a single car parking space will be a disaster for Bridgnorth.

- v. The Bridgnorth Chamber of Commerce & traders have no money left in order to have a legal person to represent them. They are struggling to pay for the park and ride. Residents and others have already donated to keep the youth centre open for perhaps another year, because the Unitary Authority removed all the funding. A more suitable place for the Home would be the Westgate Office site. No proof has been given that another large retirement Home is needed in Bridgnorth. On these grounds the application is strongly opposed.
- 4.14i. Bridgnorth Cricket and Hockey Club (21/2/22): Bridgnorth Cricket and Hockey Club has been made aware that an amendment to Planning Application No 21/01963/FUL (PP-08834588) has been submitted for the erection of a 28-metre high net on its land, via with drawing WV16 4EN -A-09 and report LSUK.21-0629, both of which were sponsored by the applicant. Please be aware that this amendment to the Planning Application has been submitted unilaterally without any recourse to, or approval of, Bridgnorth Cricket and Hockey Club.
- ii. Please note that Bridgnorth Cricket and Hockey Club agrees with the statements made by Sport England against this amendment, and also objects to the amendment. It not only directly impinges on our playing area, but will directly impact on existing trees that are already subject to Tree Preservation Orders (TPOs). Cricket has been played at this venue without issue for over 150 years.

Note: The proposed netting has now been removed from the proposal.

5.0 THE MAIN ISSUES

- Planning and policy context
- Need / justification
- Design
- Heritage
- Parking
- Cricket ball strike
- Other environmental issues;

6.0 OFFICER APPRAISAL

6.1 Planning and policy context:

6.1.1 National Policy: The National Planning Policy Framework (NPPF) is a key material planning consideration. The NPPF supports directing development towards sustainable locations and the introduction of a mix of uses to create vitality and diversity. Preservation of the character and quality of townscape is stressed and high-quality design is required to ensure that places are attractive, useable, durable and adaptable. The NPPF is placing significant weight on the need to support economic growth through the planning system.

6.1.2 Para 80 of the NPPF reads: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.” The applicant advises that the proposals would generate additional employment and economic growth in the area, whilst providing a social care service.

6.1.3 The NPPF supports the Government’s objective of significantly boosting the supply of homes, and paragraph 61 states that “... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.” It emphasises the importance of good design in making places better for people to live in. The applicant advises that the proposals aim to address the present and future needs of an ageing population and contribute to the provision of a range, quality and choice of accommodation within the local community.

6.1.4 The NPPF states that planning applications that secure sustainable economic growth should be treated favourably and proposals should be accessible by a choice of means of transport/modes of travel. The applicant states that the proposals aim to maximise the use of sustainable modes of transport which are accessible due to the sites accessible location and to minimise the need to travel, by encouraging users of the care home both in terms of residents and staff to come from the local area.

6.2 Development Plan Policy:

6.2.1 Core Strategy: The Adopted Core Strategy Policies Map confirms that the Site is within the Development Boundary for Bridgnorth, adjoins the Town Centre boundary and is not subject to any other designations. Policy CS1 (Strategic Approach) sets out that Market Towns including Bridgnorth will maintain and enhance their traditional roles in providing services and employment. The applicant advises that the proposed development will provide an important community service as well as employment, and therefore adheres to this policy.

6.2.2 Policy CS3 (The Market Towns and Other Key Centres) advises that Bridgnorth will provide a focus for development within the constraints of its location on the edge of the Green Belt and on the River Severn. The town also acts as a key service centre for a sizeable hinterland which the, the applicant states, proposed care home would also serve.

6.2.3 Policy CS6 (Sustainable Design and Development Principles) highlights that all development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness, and which mitigates and adapts to climate change. The applicant has submitted a Sustainability Statement which sets out the measures that will be taken to secure sustainable design, construction and operation of the proposed development.

- 6.2.4 Policy CS7 (Communications and Transport) requires sustainable development to include for the maintenance and improvement of integrated, accessible, attractive, safe and reliable communication and transport infrastructure and services. The applicant states that the proposals comply with this policy due to the accessible location and the proposed Travel Plan.
- 6.2.5 Policy CS8 (Facilities, Services and Infrastructure Provision) promotes the development of sustainable places with safe and healthy communities where residents enjoy a high quality of life. The applicant states that the proposed care home will meet an identified community need, providing a valuable community service and would be in an accessible location.
- 6.2.5 Policy CS13 (Economic Development, Enterprise and Employment) supports the revitalisation of Shropshire's Market Towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands, in accordance with Policy CS3. Policy CS15 (Town and Rural Centres) states that Bridgnorth will act as a Principal Centre to serve local needs and wider service/employment needs of communities within their spatial zone. The applicant states that the care home would provide up to 60 local jobs and would also act as a catalyst for economic growth. Local businesses and services would be utilised by the home, both during construction and once operational.
- 6.2.7 Site Allocations and Management of Development (SAMDev) Plan (2015)
Policy MD2 – Sustainable Design – advises that must amongst other matters respond positively to local design aspirations; contribute to and respect locally distinctive or valued character and existing amenity; embrace opportunities for contemporary design solutions, which take reference from and reinforce local distinctiveness. The applicant states that the development is intended to enhance the area with design details echoing the local vernacular.
- 6.2.8 Policy MD8 – Infrastructure Provision – advises that development should only take place where there is sufficient existing infrastructure capacity, or where the development includes measures to address a specific capacity shortfall which it has created, or which has been identified. The applicant states that the proposed development is in a sustainable location on the edge of the town centre where it will benefit from existing infrastructure. The applicant has also agreed to make a financial contribution towards the cost of healthcare provision in the local area, to be secured by a Legal Agreement.
- 6.2.9 Emerging policy: An Inquiry is currently taking place into the emerging Shropshire Local Plan which will supersede the Core Strategy and SAMDev plans once adopted. The plan retains the role of Bridgnorth as a key Market Town providing a wide range of goods and services. There are no emerging spatial policies which would suggest that the site is inappropriate for the proposed use.
- 6.2.10 Planning history: The site is on previously developed brownfield land and benefits from planning approval 16/02739/FUL for Erection of 5 retail units, car parking, reconfigured access, landscaping and associated works which was approved on 13 Jun 2018. The permission was approved following a call in by the Secretary of State. Whilst it lapsed in 2021 it forms a relevant context to the current application.

6.2.11 Policy conclusion: The site is located in an edge of centre location just outside of the retail centre of Bridgnorth. The proposed care home represents a form of residential development which is not considered inappropriate in this location, having regard to the Council's adopted housing policy. The proposals will give rise to economic development and employment opportunities. The accessible / sustainable central location also improves access to the range of goods and services available within the town centre.

6.2.12 Some objectors have expressed concerns that the proposals could be located elsewhere in a less central location. However, the applicant has justified the choice of this particular site and it is necessary to consider the current application on its merits.

6.2 Need /Justification:

6.2.1 The applicant advises that market research has identified this area as suitable for a new care home, and as having an undersupply in the provision of care beds. The site has good accessibility to public transport, amenities and services, both in the local vicinity and in Bridgnorth centre with its supermarkets, transport links, leisure and shopping facilities.

6.3 Design:

6.3.1 The building is designed to be of a more traditional nature and will incorporate materials such as brick, render and weatherboard cladding, with detailing and features that reflect the character of the area whilst also providing variety, interest and articulation to the elevations. The main roof is proposed in grey tiles to reflect the character of many of the properties in the vicinity of the site. The nature of the use means that the window pattern has some repetition; however the recessed nature of the windows as well as the artstone cills and vertical brick piers will provide interest and articulation to the elevations.

6.3.2 The building would have 'active' elevations and frontages being occupied at all times of the day. There would be a clear distinction between public and private space through the use of an appropriate boundary treatment. The main entrance is situated on the south facing elevation, overlooking the drop off area and car park beyond. The design allows the car park and access to be overlooked by the office and reception, increasing security as well as being practical and convenient in terms of the day-to-day operation of the home. The main entrance is situated on the internal courtyard area of the chevron shaped design, which provides a sitting out area/terrace for the café located in the main reception area and a balcony area for the tea-room on the first floor.

6.3.3 The building is positioned to allow the main lounges at the centre of the building to maximise the views from the site across the cricket pitch to the west, whilst also allowing the residents a view over the car park, Old Smithfield and the market place with its associated activity and movement beyond. The smaller, end of corridor lounges which are located to the east of the site will also have a pleasant outlook over the landscaped gardens and towards the hospital. An attractive enclosed

private garden/amenity space is provided for future residents of the facility and ground floor bedrooms on the northern elevation have direct access to the garden.

- 6.3.4 There is adequate distance to adjoining boundaries to prevent any undue or unacceptable overlooking or overshadowing. There are no residential properties immediately adjacent to the site therefore there will be no loss of residential amenity. The applicant states that the proposed building has been designed to a high quality in accordance with both local and national planning policy.
- 6.3.5 There will be significant amounts of landscaped amenity space around the care home and the building would directly overlook these spaces and have access to it from the ground floor lounges, main and secondary entrance, and some residents' bedrooms. 2,717 square metres of external amenity space would be provided which equates to a ratio of some 41m² per resident. New trees and shrubs would be suitably managed and protected. The existing trees on the northern boundary would be protected and maintained.
- 6.3.6 Design - Sustainability: The applicant advises that the building is designed around the operational needs of a care home, balancing experience gathered over decades of managing such uses with respect for the character of the site and its surroundings. Operationally, individual rooms exceed a minimum size with adequate communal space and facilities for residents. A series of lounge spaces; assisted bathrooms; and associated staff facilities are provided. The proposed design allows for a central 'hub' area with lounge and dining facilities that are an easily accessible distance from bedrooms in both wings of accommodation and on each floor.
- 6.3.7 It is stated that old care stock is becoming increasingly obsolete, accelerated by COVID 19, and much greater emphasis is being placed on the economic ability to continue to run the homes amongst rising energy prices. Steps have been taken to reduce energy demand. Externally the building has been designed with glazed areas to maximise access to natural light and to minimise energy requirements for lighting and heating in communal areas. All glazing would be specified to minimise heat loss and excessive solar gain. Other glazing in the corridors and stairwells will provide natural light into circulation areas, reducing the level of artificial lighting required.
- 6.3.7 Low energy luminaires and occupancy sensors would be used throughout the home in the communal areas, corridors, bathrooms, toilets and en-suites to minimise energy used. There would also be a control centre which will enable areas within the building to be isolated at night to further minimise energy use.
- 6.3.8 High levels of insulation will be provided to reduce the consumption of energy required for heating. The Building Regulations submission provides the Simplified Building Energy Model (SBEM) calculations relating to the energy efficiency of the building including the heating, lighting and orientation of the building. This requires a 10% increase in efficiency of the target provided for the building.
- 6.3.9 Ground Source Heat Pumps are proposed to provide heating and comfort cooling to the building, as well as assisting with hot water provision. Since the submission

of this application last year, LNT now also include photovoltaic panels on all care homes. The proposed PV panels would be integral to the roof of the care home, sitting flush with the roof covering rather than protruding above. The PV panels would be in addition to the Ground Source Heating system, which forms part of the original proposals. The applicant advises that the new specification enables the company to be the first care home developer and operator running purely off green energy, potentially operating at zero energy costs for future care providers with surplus energy stored on site in a battery to be used later or fed back into the grid.

- 6.3.10 Some representations object to the scale of the proposals and the loss of openness relative to the existing car park. However, the previous approval for retail buildings on this plot forms a relevant context. The building would be seen against the backdrop of mature trees on its northern margin and is not considered to be out of scale with the structures which adjoin it including Sainsburys to the south and the 4-storey hospital to the north. The sustainability credentials of the proposed building are noted and welcomed.
- 6.3.11 Some representations object on the basis that there may be overlooking of the playing field of St Johns Primary School from upper floor windows. The nearest upper storey windows are approximately 30m from the school playing field and views are restricted by the adjoining Bridgnorth Medical Practice building and mature trees and hedging on the site boundary. As such there is not considered to be an overlooking issue.
- 6.3.12 Overall, it is considered that the design of the proposed building is not inappropriate in this edge of centre location. (Core Strategy Policies CS5, CS6, CS17, SAMDev Policies MD12, MD13)

6.4 Economic Benefits:

- 6.4.1 The applicant advises that as well as meeting a housing need by providing a home for 66 local older people in need of care, the proposed development would also free up market value housing in the local area. Between 50 and 60 new jobs would also be created, with additional employment and opportunities being available to local businesses during the construction phase, as well as a multimillion-pound investment in the local economy. The economic benefits of the proposals are noted and weigh in favour of the proposals. (Policy CS13)

6.5 Heritage:

- 6.5.1 Section 194 of the NPPF advises that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness. (NPPF 197).

6.5.2 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. (NPPF 132). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (NPPF 134).

6.5.3 The site is 80m from the nearest part of the Bridgnorth Conservation Area and its associated listed buildings (see plan 1). However, any inter-visibility is very limited, and the site would be seen in the context of an existing parking area and Sainsburys. A Heritage Appraisal concludes as follows:

- The proposed development is not detrimental to the elements of the town identified in the Conservation Area Appraisal and the development of the site would eliminate the negative impact upon the conservation area caused by the gap in the frontage and poor condition of the car park. The redevelopment of the site intensifies the variety of uses in the area that in turn helps enhance the character of the area and the town centre and provides a suitable urban scale and density of built form for the area.
- The use of materials and design features appropriate to the area help assimilate the building into the surroundings, reflecting the character and appearance of the conservation area.
- It is considered that the proposed scheme will enhance the area and respond to the built form that currently exists.
- It is considered that the proposal is in line with the requirements of the NPPF and the use of local materials and inclusion of architectural features which appear throughout the town assimilates this development further with its surroundings.

6.5.4 SC Conservation consider that the amended design would be preferable as a more intimate 'U' shaped courtyard/mews and with a greater sense of arrival. They acknowledge that some of the proposed design details have certainly been improved with regards to having slight recesses in the brickwork and having a mixture between brick or render. They have reservations about the hipped end treatments and would prefer them to be gabled. A previous objection on lack of a heritage impact assessment has now been resolved.

6.5.5 The reservations of the conservation officer are noted. However, these are not objections. Conservation only maintained an objection on the absence of a Heritage Impact Assessment which has since been provided. The need for a functional design which confirms with the applicants' operational criteria for internal and external space is also recognised. In this respect the design of the proposed care facility is considered acceptable on balance. The comments of the Heritage Assessment on . (Core strategy policy CS15, SAMDev Policy MD13).

6.6 Highways and parking:

- 6.6.1 A significant number of the objections received in relation to the proposals relate to concerns about loss of existing parking provision which has been provided previously by the site. However, the site is privately owned, and the parking can be withdrawn at any time by the landowner. In deciding to approve a previous application for retail developments at the site (permission reference 16/02739/FUL) the Secretary of State agreed with the previous Planning Inspector that although the proposal would result in a reduction in car parking from current levels and would bring with it an increased demand, the impact of the proposal in terms of car parking reduction would not be significant in retail terms. Whilst this permission has recently lapsed the decision continues to form a relevant context to the current proposals.
- 6.6.2 The proposed care home would not in itself create an increased parking demand as has its own adequate parking provision. The public car park in front of the proposed site has also been reconfigured to provide 136 pay and display spaces (the area outside the site boundary, closest to old Smithfield) as agreed between the landowner and Shropshire Council. The applicant states that the small loss of public parking which has already occurred through the reconfiguration of the Smithfield car park will have less of an impact on parking levels in the town than the previously approved retail development.
- 6.6.3 The proposals would not result in any significant increase in traffic on the local highway network. Internal circulation and parking provision at the proposed site is considered satisfactory. Highways have not objected. It is not considered that a highway / parking-based refusal could be justified.

6.7 Cricket ball strike:

- 6.7.1 Sport England objected to the proposals on the basis that they may represent a constraint to the continued operation of cricket at the adjoining Bridgnorth Cricket Club. Initially the applicant proposed to erect a 38m high net fence along the boundary of the site and the cricket ground. The cricket club objected to this on the basis that the fence would be within their boundary and would reduce their playing area. There were also objections from local residents on the basis of visual impact.
- 6.7.2 The applicant has since amended the scheme to remove the proposed netting fence and is instead now proposing that the rear garden area comprises a large pergola secured by cricket netting. In response to further queries from Sport England the applicant has confirmed the following:
- that the netting would be cricket ball proof
 - that windows would open from the top and not the side
 - that glass would be cricket ball proof
 - that solar roof panels would be resistant to cricket ball impact
 - that additional planting would be undertaken within the site along the boundary with the cricket club

- that a communication protocol would apply where the company would communicate with the cricket club to ensure that access to peripheral garden areas outside of the netter pergola is prevented when matches occurring.



Plan 4 – netted pergola visualisation

- 6.7.3 Sport England has been re-consulted on this additional clarification. Any response will be reported to the committee. It is however considered that sufficient information has now been provided by the applicant to confirm that the risk of cricket ball strikes can be adequately mitigated. Furthermore, it is considered that the proposals represent an improvement relative to the current situation whereby there is no protection between this boundary if the cricket club and publicly accessible areas which have been used for parking.

7.0 CONCLUSION

- 7.1 The proposed care home would be located in an edge of centre location which is considered appropriate and sustainable for a proposal of this nature. The design of the care home has been amended in response to comments from the Conservation officer. It is considered that the design responds appropriately to its surroundings and can be accepted in this location which is adjoined to the north-east and south-west by structures of a similar scale and size. The sustainability credentials of the proposed building are to be welcomed. It is not considered that the proposals would lead to overlooking or privacy issues.
- 7.2 Whilst some representations suggest that the proposals should be located elsewhere it is considered that the applicant has justified this choice of site given the accessible location and access to a wide range of services. The applicant has undertaken due diligence and has confirmed that there is a significant demand for this type of care. The proposals will also generating significant employment which is supported by local and national planning policies.
- 7.3 Objections have been received regarding the loss of parking provision. However, the land is privately owned, and parking can be withdrawn at any time. This has

been accepted by the Secretary of State regarding a previous application for retail development on the same site. Re-marking of the remainder of the private parking site has increased the level of pay and display spaces in the area to the immediate east. Refusal on the grounds of loss of parking provision could not be justified.

- 7.4 An objection from Sport England on the grounds of concerns about potential cricket all strike has been addressed by further information provided by the applicant, including the proposal to construct a netted pergola and to employ cricket ball proof glass.
- 7.5 The applicant has agreed to accept a legal agreement providing appropriate funding for healthcare.
- 7.5 Overall, it is considered that the proposal represents an appropriate and sustainable design and use in this edge of centre location which is compliant overall with relevant local and national policies. Approval is therefore recommended subject to the recommended conditions and legal agreement.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

- 8.1 Risk Management: There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

- 8.2 Human Rights: Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities: The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS:

9.1 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.

10.0 BACKGROUND:

10.1 Relevant planning policies:

10.2.1 Relevant Policies include:

- Policy CS5 - Countryside and the Green Belt:
- Policy CS6 - Sustainable Design and Development Principles
- Policy CS8 - Infrastructure provision positively encourages infrastructure, where
- Policy CS13 - Economic Development, Enterprise & Employment
- Policy CS16 - Tourism, Culture and Leisure
- Policy CS17 - Environmental Networks

10.4 Site Management and Allocation of Development Document

Relevant Policies include:

- MD2 - Sustainable Design
- MD7b - General Management of Development in the Countryside
- MD8 - Infrastructure Provision
- MD11 - Tourism facilities and visitor accommodation
- MD12 - The Natural Environment
- MD13 - The Historic Environment

10.5i. Emerging Development Plan Policy

The Regulation 19: Pre-Submission Draft of the Shropshire Local Plan (2016 to 2038) was submitted to the Secretary of State for examination on 3rd September 2021. The emerging Local Plan is at an advanced stage of production currently in the Examination Stage. Shropshire Council have issued responses to initial questions raised by the Planning Inspectorate. Dates for the Examination in Public of the Shropshire Local Plan (2016 to 2038) have been scheduled. The emerging policies may attract some weight as part of the determination of this planning application.

- v. Other relevant policies contained within the emerging Local Plan include:
- Policy S2: Strategic Approach
 - Policy SP4: Sustainable Development
 - Policy SP10: Managing Development in the Countryside
 - Policy SP12: Shropshire Economic Growth Strategy
 - Policy DP12: The Natural Environment
 - Policy DP16: Landscaping of New Development
 - Policy DP17: Landscape and Visual Amenity
 - Policy DP18: Pollution and Public Amenity
 - Policy DP21: Flood Risk
 - Policy DP22: Sustainable Drainage Systems
 - Policy DP23: Conserving and Enhancing the Historic Environment
 - Policy DP26: Sustainable Infrastructure
 - Policy DP29: Mineral Safeguarding

11.0 RELEVANT PLANNING HISTORY:

- 21/01963/FUL Erection of a 66 bed care home for older people, with associated car park, access and landscaping PDE
- PREAPP/15/00570 Construction of 6 no retail units with associated service yard and car parking on existing car park site 29th July 2016
- 16/02739/FUL Erection of 5No retail units, car parking, reconfigured access, landscaping and associated works GRSOS 13th June 2018
- 18/04391/AMP Amendments to planning permission 16/02739/FUL to include minor alterations to the approved building layout, reduction in retail floorspace by 531 sqm to 2,044 sqm gross, and increase in car parking provision to rear of service yard by 8(No) spaces. GRANT 1st November 2018
- 21/01963/FUL Erection of a 66 bed care home for older people, with associated car park, access and landscaping PDE
- BR/APP/FUL/05/0668 Variation of condition 1 and removal of condition 4 on planning permission ref 04/0974 approved 06/01/05 GRANT 20th September 2005

Appeal

- 17/02543/CALLIN Erection of 5No retail units, car parking, reconfigured access, landscaping and associated works GRSOS 13th June 2018

12.0 Additional Information

Link to application:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QRO4OZTMDN00>

List of Background Papers: Planning application reference 22/02151/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr Richard Marshall
Local Member: Cllr Christian Lea, Cllr Kirstie Hurst-Knight
Appendices: Appendix 1 – Conditions.

APPENDIX 1

STANDARD CONDITIONS

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 carried out in accordance with the approved plans and details.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

- 3a. All pre-commencement tree works and tree protection measures detailed in the approved Arboricultural Report (ACS Consulting, November 2020) and its Arboricultural Method Statement (Appendix B) and Tree Protection and Retention Plan (ARB-4171-Y-300) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

- b. The development shall be implemented in accordance with the approved Tree Protection and Retention Plan (ARB-4171-Y-300) and the approved Arboricultural Method Statement (Appendix B, Arboricultural Report, ACS Consulting, November 2020). 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.

4. 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 tree 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 LPA. 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.

5. The approved tree planting scheme shall be implemented as specified and in full prior to first use of the development for its intended purpose. 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, in the opinion of the LPA 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.

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

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

7. 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.

8. Prior to any development on site details will be submitted to the local planning authority and approved in writing with regards to boundary treatments. Detail will be carried out as approved prior to occupation of the development hereby approved.

Reason: In consideration of the amenity and visual landscape of the surrounding area.

9. No development shall take place (including demolition, ground works and vegetation clearance) until a plan showing features for wildlife to be integrated into the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- i. Location and specification for the erection of a minimum of 12 bird nest boxes suitable for common bird species including tit species, robin (open fronted) and house sparrow (sparrow terrace boxes), as well as integral swift boxes (minimum 3) and starling boxes.
- ii. Location and specification for the erection of a minimum of 12 bat boxes suitable for crevice dwelling bats.

The plan shall be carried out as approved.

Reason: To ensure the provision of features for biodiversity enhancement are integrated into the development.

10. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work either in accordance with the written scheme of investigation (WSI) submitted with this application or such other as shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

11. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall be implemented fully in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway safety and to protect the local amenity.

12. Prior to the development hereby permitted being first brought into use the car park shall be constructed, drained and marked out fully in accordance with the approved plans; thereafter the car park shall be kept free of any impediment to its intended use for the lifetime of the development.

Reason: To provide adequate on-site parking and servicing space to serve the development

13. Prior to the development hereby permitted being brought into use, the access to the site from Old Smithfield shall be fully constructed in accordance with the approved details.

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

14. Upon the development hereby permitted being first brought into use/occupied the Travel Plan shall be implemented in accordance with the approved Transport Statement & Travel Plan document dated March 2021.

Reason: To reduce carbon emission and promote health benefits.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

15. The development hereby approved shall be used as a 'Care home for Older People' and shall not be used for any other purpose within Use Class C2 of the Town and Country Planning (Uses Classes) Order 1987, as amended, or any equivalent use class(s) that subsequently replaces this Order

Reason: In the interests of the protection of residential amenity and the surrounding locality.

- 16a. Acoustic insulation for the permitted development shall be provided prior to occupation of the care home as detailed in section 4 of the submitted David Garritt noise report.
- b. Provision of 2m high barrier fencing on the western boundary of the site shall be provided as recommended in section 7 of the noise report prior to occupation of the care home.

Reason: In the interests of residential amenity.

INFORMATIVES

- If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new access run onto the highway.*
- The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.*
- The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. All vegetation clearance should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should carry out the check. Only if there are no active nests present should work be allowed.*
- 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.*

If your proposed project requires Building Regulations Approval or you are unsure whether it does please contact us on 01743 258710, email buildingcontrol@shropshire.gov.uk or visit our website <https://www.shropshire.gov.uk/building-control/> for pre-application advice

- As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>*

APPENDIX 2

SHROPSHIRE COMMUNITY HEALTH NHS TRUST (11/6/21)

FULL COMMENTS OF PLANING CONSULTANT - HOLDING OBJECTION

We are Planning Consultants for the Shropshire Community Health NHS Trust (SCHT) and are instructed to make representations in respect of the above-mentioned planning application. There are concerns that the proposal will result in pressure on an already over-stretched local healthcare provision, without the capacity to provide for the needs generated by a proposal of this scale. Therefore, the Trust is seeking a financial contribution towards provision, and we look forward to a formal response from the Local Planning Authority in that regard. In the meantime, please accept this letter as a holding objection to the proposal, pending the response to the requirement for a financial contribution. We would request that the following points are taken into consideration in the consideration of this planning application:

1. The representation to this planning application is submitted in the context of consideration and account being taken of the implications of development on critical and statutory healthcare infrastructure. Of fundamental concern is the potential impact that this proposal would have on the Community Teams, regarding demand and capacity, that are already struggling with caseload numbers and demand. These specific issues have also been raised through the concerns/objections by the GP practice (Bridgenorth Medical Practice).
2. The Trust considers that the proposal will result in the need for additional healthcare infrastructure and in that regard, it is noted that the planning policy framework contains an acceptance, in principle of the relevance, of contributions towards healthcare provision associated with growth in demand. Indeed, the supporting justification of the Draft Pre-Submission Plan, as set out in Policy DP25 Infrastructure Provision, paragraph 4.226 states:
 2. 'To ensure the viability of development, Policy DP25 provides a clear prioritisation for the use of CIL funds. In the first instance the statutory and critical needs of a development that are required to make a development acceptable should be met. This includes necessary education provision directly resulting from the development, as well as contributions to local and strategic highway improvements and the provision of additional health facilities. Where the CIL derived from a scheme is not required to meet the needs of that development, the CIL will be used to fund wider priorities identified in the relevant Place Plan.' (our emphasis)
3. It is contended that it is vital for additional healthcare infrastructure requirements to be addressed against the proposed development; particularly as this development will generate a specific locational and additional healthcare requirement.
4. In terms of background, a representative from the Council has attended the One Public Health (OPH) NHS Trusts' estates meetings, to coordinate bids for central funds for development. At those meetings, matters of future infrastructure needs and the possibility of seeking Community Infrastructure Levy (CIL) and Section 106 contributions has been raised, in connection with healthcare infrastructure and/or funding shortfalls. This representation is submitted against that background.

5. The Shropshire Community Health NHS Trust (SCHT) provides a range of community-based health services for adults and children in Shropshire, Telford and Wrekin, and some services to people in surrounding areas. Services range from district nursing and health visiting to physiotherapy and specialist community clinics.
6. A reorganisation is currently in progress which will result in a partnership between the Council and Social Care providers. This will mean that there will be shared responsibility between the Council's and the NHS Trusts to ensure sufficient infrastructure is available, accessible, and maintained with sufficient capacity to serve the whole community.

National Planning Policy Framework, February 2019

7. The National Planning Policy Framework (NPPF), February 2019 set out the overarching planning policies against which local planning policy is set and of relevance to this proposal is the following.
8. Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development.
9. Paragraph 8 identifies three overarching objectives for the planning system: an economic, social and an environmental objective. These objectives include having accessible services that reflect current and future needs and support communities' health, social and cultural well-being.
10. Chapter 8 'Promoting healthy and safe communities' identifies, at paragraph 91, that planning policies and decisions should aim to achieve healthy, inclusive and safe places, which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.
11. Paragraph 92 requires that planning policies and decisions should provide the services the community needs including local services to enhance the sustainability of communities and residential environments. At sub-paragraph b) it states that need to take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

Planning Practice Guidance

12. Paragraph: 144 Reference ID: 25-144-20190901 states that the Community Infrastructure Levy (the levy) can be used to fund a wide range of infrastructure, including healthcare and social care facilities. The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.
13. Paragraph: 166 Reference ID: 25-166-20190901 confirms that developers may be asked to provide contributions for infrastructure in several ways. This may be by way of CIL or S.106 agreements.

Shropshire CIL Annual Infrastructure Funding Statement For the reported year 2019-20 (1st April 2019 - 31st March 2020) December 2020

14. The Annual Infrastructure Funding Statement for the reported year 2019-20 states on page 10 that, 'CIL income from new development can be spent on anything that constitutes "infrastructure" as defined by Regulation 216 of the 2008 Planning Act and the CIL Regulations (as amended). This includes but is not limited to roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities, and open spaces.' (our emphasis)
15. It is therefore clear that the local authority accept that medical facilities are legitimate recipients of developer funding, as defined by the CIL regulations.

Planning for Patients: The Role of Section 106 Planning Contributions January 2020

16. The 'Planning for Patients: The Role of Section 106 Planning Contributions', January 2020 prepared by Reform Public Spending, authors Claudia Martinez and Lily Brown explains that, as part of the recent reviews of NHS funding mechanisms, there has been increased attention on the role of planning obligations and how developer contributions might be used to help meet the capital needs of the healthcare estate when growth places additional pressures on services.
17. The report advises that between 2013 and 2019 thirty-six percent of the Local Planning Authorities who responded to a Freedom of Information request had secured funds for healthcare infrastructure via S106 agreements amounting to over £87 million. This clearly demonstrates that there is an acceptance by local planning authorities that healthcare infrastructure is a legitimate recipient of developer funding.

Shropshire Strategic Infrastructure Implementation Plan December 2020

18. The 'Strategic Infrastructure Implementation Plan' (SIIP), December 2020, prepared in support of the Draft SLP, provides a table of 'Priority A' infrastructure projects, as identified within the 18 Place Plans for the county - all other more localised projects, reference needs to be made to the 18 individual Place Plans. Healthcare is recognised as a critical statutory infrastructure need.

Department of Health and Social Care Health Infrastructure Plan 2019

19. The Department of Health and Social Care Health Infrastructure Plan, 2019, foreword by Matt Hancock, Secretary of State for Health and Social Care, states that, '...NHS infrastructure is more than just large hospitals. Pivotal to the delivery of more personalised, preventative healthcare in the NHS Long Term Plan is more community and primary care away from hospitals. That requires investment in the right buildings and facilities across the board...'
20. Paragraph 3 of the report emphasises that, 'Capital spend on NHS infrastructure is essential to the long-term sustainability of the NHS's ability to meet healthcare need, unlocking efficiencies and helping manage demand. It is also fundamental to high-quality patient care, from well-designed facilities that promote quicker recovery, to staff being better able to care for patients using the equipment and technology that they need...'

Healthcare Infrastructure requirements arising from the proposed scale of population growth in Shropshire County.

21. In order to maintain the current level of healthcare service provision, the SCHAT would need to provide greater capacity than is currently available. They are therefore seeking a contribution to meet the needs of the healthcare provision associated with the proposal now under consideration.
22. Inevitably, there will need to be infrastructure, staff, training, uniform, and equipment costs, associated with the requirement to provide health care for the residents of the proposed development. The proposal is a residential care home and, therefore, unlike a nursing home where care provision is largely catered for, there will be calls upon the already over-stretched local NHS services.
23. The Trust has assessed the potential requirements of this proposal against the demand for services that has arisen from a similar Residential Care Home within the Trust delivery area. Over a 12-month period, the comparable establishment, involved 1834 Community Healthcare Service appointments/visits at an estimated cost of £40870. Therefore, the Trust is looking for the development to deliver a financial contribution towards the provision of services to its residents, covering those costs for a period of two years in the sum of £81,740.
24. It is vitally important that the implications of the increase in demand for delivery of care is factored into the consideration of this proposal and funding sought through the medium of a S106 obligations and/or Community Infrastructure Levy.
25. Existing alternative funding streams do not take account of the demand on Community Healthcare Services and in the absence of this development financially contributing, the proposal is likely to place an unreasonable burden on available capacity, with the inability of the existing service to cope with the demand. Hence the request for a financial contribution confirmed in paragraph 23 above.

Do the Healthcare Infrastructure Requirements arising from the proposed scale of growth Satisfy the Tests Set out in the CIL Regulations?

26. In the case of SCHAT healthcare infrastructure contributions, it is submitted that any contribution request would satisfy the 3 tests set out in the CIL Regulations, which are also restated under Paragraph 56 of the National Planning Policy Framework (NPPF), and are:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

27. Taking each of the three tests in turn:

Is the contribution necessary to make the development acceptable in planning terms?

28. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7), with paragraphs 20, 28, 34, 91 and 92 together confirming that amongst other things sustainable development means securing a healthy environment through the delivery of health infrastructure to meet the needs of communities.

29. Direct planning harm is likely to result if necessary funding is not forthcoming. Communities would be more vulnerable with access to healthcare facilities and services inequalities, as existing resources would be unable to efficiently provide necessary Community Healthcare Services. There is concern, around a lack of capacity to respond to immediate and preventative health needs, prejudicing the health and well-being of those communities directly affected i.e., in this case the occupants of the proposed Residential Care Home.

Is the contribution directly related to the development?

30. The SCHAT Health Care Service demands from the proposal are quantifiable based on the additional capacity and facilities required to meet the need of 66 residents of the proposed development.
31. The planning harm caused by insufficient funds for suitable buildings, staff, equipment, training, and associated kit (such as uniforms) could be a reduction in the quality and efficiency of the service with a potential knock-on adverse effect on health and well-being. Without the necessary funding towards the NHS Trusts' infrastructure to service the proposed development, it is considered that the proposal would be less sustainable with a potential for a reduction in health.
32. Mitigation of the planning harm caused by the proposed development can only be delivered by maintaining adequately maintained and equipped healthcare facilities.

Is the contribution fairly and reasonably related in scale and kind to the development?

33. It is considered that the healthcare demands that this proposal will generate are known by comparison with the demands and needs of existing residential care homes within the Trust area. In healthcare terms, the Trust has direct and quantifiable experience of what demands arise from comparable residential care homes and it is considered that that can be the only satisfactory way of determining the need likely to arise from as-yet to be built development. The use of comparative statistics is a common approach used to identify the impact of uses within an area on most public services.

Summary

34. There is Council recognition in the Draft SLP Policy DP25, Shropshire Places Plans and Infrastructure Implementation Plan of the need to ensure that funding is secured for necessary additional healthcare facilities directly resulting from development, as well as arising from the scale of development proposed in the Local Plan, through the mechanisms of CIL, S.106 obligations. This recognition is an acceptance in principle of the relevance and significance of such issues, in delivering sustainable and healthy communities.
35. The Trust maintains, however, that in order to be consistent with national policy, it is essential that the need to ensure that proportionate funding is secured to mitigate the impact of development on healthcare infrastructure, arising from the proposals.
36. It is contended that the proposed development will inevitably have implications for the delivery of services for adult social care, and community-based health services including district nursing and health visiting, physiotherapy, and specialist community clinics.

37. The NPPF confirms that sustainable development includes securing a healthy environment through, amongst other initiatives, the delivery of healthcare infrastructure needed by communities. Paragraph 20(c) of the NPPF specifically states policies should deliver development that makes sufficient provision for community health facilities.
38. The Secretary of State and Inspectors have accepted the need to support healthcare infrastructure through CIL and S.106 contributions in the context of a number of recent Local Plan Examinations and appeal decisions with the importance of S106 contributions highlighted in the 'Planning for Patients' reform public spending report.

We would be grateful if you would acknowledge receipt this holding objection on behalf of SCHAT.

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Agenda Item 7

SCHEDULE OF APPEALS AS AT COMMITTEE 13 December 2022

LPA reference	21/03828/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Phyllis Botfield
Proposal	Erection of a 3 bedroom self-build dwelling on infill plot
Location	Proposed Dwelling North Of Westhope Lyth Bank Shrewsbury Shropshire
Date of appeal	17.08.2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	Dismissed
Costs awarded	
Appeal decision	

LPA reference	22/01124/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Brindley
Proposal	Residential development of 3No. new dwellings with associated infrastructure following demolition of existing barn
Location	Roundabout Farm Roughton Bridgnorth Shropshire
Date of appeal	07.11.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/02972/CPL
Appeal against	Certificate Not Lawful
Committee or Del. Decision	Delegated
Appellant	David Howard
Proposal	Application for a Certificate of Lawfulness for proposed conversion of existing detached garage into ancillary
Location	Coppice Cottage Knowlegate Ludlow Shropshire SY8 3AJ
Date of appeal	08.11.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/02113/VAR
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Budgen
Proposal	Variation of Conditions No.3 and removal of Condition No.s 6 and 7 attached to planning permission 21/03663/FUL dated 17 February 2022
Location	Eaton House Eaton Constantine Shrewsbury Shropshire SY5 6RF
Date of appeal	11.11.2022
Appeal method	Householder Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/03998/FUL & 19/03997/LBC
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr D Price
Proposal	Conversion of and alterations to public house/inn to form two dwellings (including demolition of rear extensions); conversion of and alterations to holiday accommodation block to form one dwelling (including demolition of rear
Location	Boars Head Hotel Church Street Bishops Castle SY9 5AE
Date of appeal	08.07.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	15.11.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	22/00527/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Mark Pritchard
Proposal	Outline application with all matters reserved for the erection of a pair of semi-detached dwellings (resubmission of application 20/03697/OUT)
Location	Land West Of 13 Beech Street Woodhill Highley Shropshire
Date of appeal	16.08.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	21.11.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	21/04271/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Thomson
Proposal	Conversion of existing Dutch Barn to provide 1No. dwelling
Location	Proposed Residential Conversion Of Dutch Barn At High Barns Six Ashes Shropshire
Date of appeal	21.11.2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/03024/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Prime Oak Ltd
Proposal	Erection of single storey oak framed extension to rear (modification to previously approved 22/01069/FUL)
Location	Green Oak Barn Faintree Bridgnorth Shropshire WV16 6RQ
Date of appeal	21.11.2022
Appeal method	Householder Fastrack
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/03048/VAR
Appeal against	Non-Determination
Committee or Del. Decision	Delegated
Appellant	Mr Alf Murray
Proposal	Removal of Condition No. 2 attached to planning permission SS/1/05/17285/F dated 12 September 2005 (resubmission)
Location	Longville Arms Longville In The Dale Much Wenlock Shropshire TF13 6DT
Date of appeal	12.04.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	25.11.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	21/05809/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Bakshinder Chatha
Proposal	Outline application for the erection of a detached dwelling and garage (all matters reserved)
Location	Old ROC Post Church Road Dorrington Shrewsbury Shropshire SY5 7JL
Date of appeal	02.12.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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Appeal Decision

Site visit made on 18 October 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/L3245/W/22/3300965

Westhope, Lyth Bank, Shrewsbury SY3 0BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Phyllis Botfield against the decision of Shropshire Council.
 - The application Ref 21/03828/FUL, dated 4 August 2021, was refused by notice dated 20 December 2021.
 - The development proposed is the erection of a 3-bedroom self-build dwelling on infill plot.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is suitable for a new residential dwelling.

Reasons

3. Policies CS3, CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS) and Policies MD1 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan (the SAMD) direct development primarily towards larger settlements but also support some development at smaller settlement types, including Community Hubs. Outside of these areas, residential development is more strictly controlled, and in particular Policy CS5 relates to development in the countryside and green belt. This policy only supports new residential development within the countryside where it would maintain or enhance the vitality and character of the countryside and improves sustainability, by way of economic and community benefits. Although providing a preferred list of development it does not preclude the consideration of new, open-market dwellings in the countryside.
4. In this instance, the appeal site is located at the edge of Lyth Bank which, whilst clearly a settlement, is not one of the recognised settlements for the purposes of the policies above. The site is outside of, and not related to, the settlement boundaries for any of the recognised settlements set out by the policies above, including Bayston Hill. Therefore, although the appeal site is not isolated and sits at the edge of Lyth Bank, for the purposes of the policies set out above, it is considered to be within the open countryside. Moreover, given it is bounded by development on only one side, it is clear the proposed dwelling would not comprise infill development.

5. The proposed new dwelling would be sited within an existing area of residential garden and as such would not adversely affect the operation of any rural businesses, including agriculture, to the detriment of the vitality of the countryside. Moreover, as the proposal is fairly limited in scale and would be read as an extension to an existing settlement, I do not find that it would unacceptably harm the intrinsic rural character of the countryside.
6. However, from the evidence before me and my observations on site, it is clear that Lyth Bank does not provide any services or facilities. Future occupiers would therefore not be able to meet their daily typical needs, such as shopping, education and employment, without traveling to more distant settlements.
7. There are no pavements or streetlights linking the site to larger settlements, such as Bayston Hill. Pedestrians would therefore have to walk in the carriageway which is narrow and could lead to conflict with motor vehicles. This would be especially so during the hours of darkness or inclement weather. It is therefore likely that the route would be difficult and unsafe for future occupiers, especially vulnerable occupiers, to walk or cycle. Although the appellant has referred to a bus stop within a 10 minute walk of the appeal site, it is not clear how accessible, given the above, this would be or how regular the bus service is. This context would cumulatively put pressure on occupiers to make use of private motor vehicles to reach services and facilities.
8. Although there would be a very temporary and limited economic benefit resulting from the construction works associated with the proposal, given the nature of Lyth Bank, I find it very unlikely to be beneficial to the rural community. Moreover, as there are no services or facilities within the community, there would be no long-term uplift as a result of the spending power of future occupiers. The proposal would therefore not support the rural community via economic means.
9. Increasing the population of the settlement may have some modest benefits to the social life of the community, but given the scale of the development this would be very limited, especially as there are no community spaces that I have been made aware of that could accommodate, or benefit from, an increase in residents.
10. As the appeal site is located outside of any settlement boundaries in an area with poor access to services and facilities, future occupiers would be reliant on private motor vehicles to meet their daily needs. Therefore, whilst the proposal may provide social benefits to the Lyth Bank and not harm the character or vitality of the countryside, it would not be an effective use of land and conflicts with the locational strategy of the development plan for sustainable development.
11. Given the appeal site's location, and that it would not meet any of the exceptions or criteria set out within the development plan, I conclude that it is not within a suitable location for a new dwelling, future occupiers would also not have reasonable access to services and facilities. The proposed development is therefore contrary to ACS Policies CS3 and CS5 and SAMD Policies MD1 and MD7a as outlined above. The proposal would also conflict with the housing strategy set out under Section 5 of the National Planning Policy Framework (the Framework), and in particular Paragraphs 78 and 79 on rural housing.

Other Matters

12. Appellant is on the self-build register, the Council has a statutory duty to provide sufficient land to accommodate self-build and custom build dwellings. It has not been demonstrated that the Council's provision is insufficient. I therefore give this matter neutral weight.
13. I am also mindful that the dwelling would meet the needs of the appellant with regards to care and living close to family members who can provide it. I note also that the design of the dwelling could accommodate adaptations to help with potential mobility issues arising in the future. However, these matters are personal circumstances, that are likely to change, and the dwelling, along with the above harm, would likely be permanent.
14. The appellant has made reference to two recent permissions that they consider to be similar to the proposal before me. I have only been provided with the Council's Delegated Management Report and so I cannot be certain of the complete circumstances of each case. Although, both examples are relatively close to the appeal site, I find that they are located in markedly different locations given that both are within villages, namely Longden¹ and Bayston Hill². Of particular note in this is regard is that Bayston Hill is a location where new residential development is directed by the development plan. Moreover, the permission at Longdon Hill relates to the erection of an annex, rather than a discrete dwelling. Consequently, neither permissions have been determinative in my consideration of this appeal.

Planning Balance and Conclusion

15. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling. The scheme would also lead to a small and time-limited economic benefit during the construction phase, as well as some social benefits resulting from future occupiers. Given the small scale of the proposal, these benefits attract moderate weight.
16. Although the proposal may not result in harm to the character and appearance, or vitality, of the countryside, this is not a benefit in itself and therefore I afford these matters neutral weight.
17. Conversely, the location of the proposal outside of both a recognised settlement and with poor access to services and facilities would undermine the Council's plan-led approach to the delivery of housing. This matter attracts significant weight and outweighs the benefits associated with the proposed development.
18. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR

¹ Permission reference 22/01079/FUL

² Permission reference 21/03387/FUL

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Appeal Decisions

Site visit made on 14 September 2022

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal A Ref: APP/L3245/Y/20/3250533

Boars Head Hotel, Church Street, BISHOPS CASTLE, SY9 5AE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Darren Price against the decision of Shropshire Council.
- The application Ref 19/03997/LBC, dated 5 September 2019, was refused by notice dated 11 February 2020.
- The works proposed are redevelopment of the Boar's Head and Curly Tail to include the following: -Change of use and alterations to The Boar's Head to form 2 dwellings, including demolition of rear extensions. Change of use and alterations to The Curly Tail to form a single dwelling, including demolition of flat roofed extension. Erection of a pair of semi-detached cottages. Associated site works and landscaping.

Appeal B Ref: APP/L3245/W/20/3250529

Boars Head Hotel, Church Street, BISHOPS CASTLE, SY9 5AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Darren Price against the decision of Shropshire Council.
- The application Ref 19/03996/FUL, dated 5 September 2019, was refused by notice dated 11 February 2020.
- The development proposed is redevelopment of the Boar's Head and Curly Tail to include the following: -Change of use and alterations to The Boar's Head to form 2 dwellings, including demolition of rear extensions. Change of use and alterations to The Curly Tail to form a single dwelling, including demolition of flat roofed extension. Erection of a pair of semi-detached cottages. Associated site works and landscaping.

Decisions

1. The appeals are dismissed.

Preliminary Matter

2. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Procedural Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. The official listing refers to the Boar's Head Inn. However, the public house is referred in other documentation, including the applications as the Boar's Head Hotel. I use this name throughout my decision letter. However, I treat them both as one and the same.

5. The description of the proposal is not accurate. It is clear from the evidence that the appeal before me relates to the conversion of the Boar's Head Hotel to two dwellings; the conversion of the Curly Tail to form one dwelling; and the erection of one new dwelling rather than the two semi-detached properties set out in the description. I note this change has not been amended on the appeal forms accompanying Appeal A and Appeal B.
6. This revised scheme was that on which the proposals were determined, and I have done likewise.
7. Following my site visit I wrote to both parties to request their consideration of the impact, if any, of the proposed change of use of the public house on its significance as a heritage asset, together with the impact on the historic fabric of the internal works resulting from its physical sub-division. As such, no party would be prejudiced by my considering these matters.

Main Issues

8. The main issues are whether the works would preserve a Grade II listed building, the Boar's Head Inn, its setting, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Bishop's Castle Conservation Area; the effect of the loss of the public house and guest accommodation on the social and economic vitality of wider community; and whether the proposals would provide satisfactory living conditions for future residents in terms of private outdoor amenity space and access to open space.

Reasons

Heritage Assets

9. The substantial public house fronts Church Street on the corner with Station Street in a prominent location in the midst of the historic streetscape of Bishop's Castle. The Boar's Head Hotel was listed in 1985 and dates from the seventeenth century. It was originally constructed as a timber building, but in the mid-nineteenth century it was refaced with a stucco finish over limestone rubble, and with a partial underbuild. In addition, there are a number of twentieth century extensions to the rear which have little architectural or historic significance.
10. The appellant states that the Boar's Head was originally built as a coaching inn to serve the Bishop's Castle. Nonetheless, notwithstanding that the Historic England listing suggests that the Hotel had originally been built as a private home, it is widely acknowledged that it has functioned as a public house as part of the cultural fabric of Bishop's Castle for centuries and was first licensed in 1642. Consequently, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the historic legibility of the form and the function of the building with special regard to its communal and historic value as a public house. In addition, the historic fabric of the building, including its layout also contributes to its historic significance.
11. A former seventeenth century outbuilding has been extended and converted to provide holiday accommodation associated with the Boar's Head Hotel. This lies along Station Street and is read as part of the historic curtilage of the Hotel.

12. The proposals would change the use of the public house to two dwellings. The appellant maintains that there would be little harm to the listed building as there would be limited impact on the fabric of the building. I accept that the removal of the twentieth century additions at the rear would be an improvement on the current situation, and that some of the interventions such as the proposed partition of the bar area at ground floor level could be reversible, and that significant unsympathetic works took place in the 1980s including the removal of internal walls at ground floor and exposure of the stone walls. Nevertheless, the cumulative impact of the loss of historic fabric, such as through the insertion of an oak staircase of generic modern design with subsequent unavoidable destruction of 2.5 sq m of ceiling, including possibly original oak floorboards and the puncturing of two walls around the boiler room to provide easy access from the proposed kitchen to the proposed dining room would result in harm to the fabric of the building. As would, further puncturing of the wall of the existing kitchen to allow the bottom treads of the stairs, which are said to date from the nineteenth century, to be turned to provide access to the first floor of the second unit, together with the provision of French doors to access garden 2 which again would result in the loss of fabric of an external wall.
13. Similarly, at the first floor, little justification has been provided for removing the lath and plaster between the timbers which form an internal wall to bedroom 4 and the removal of the existing timber partitions which whilst described as modern, have some evidential value in relation to the layout and history of the public house and which are clearly not contemporary. The blocking up of the internal window above the stairs, the door to Bedroom 4 and the opening to the corridor within the timber frame and a new separating wall which would obscure the timber framing would all impact on the ability to view and understand the historic fabric of the Hotel. Moreover, no detail has been provided of how the services would be treated, such as any down and vent pipes to the new bathroom in dwelling 1.
14. All external signage is intended to be removed. This loss of a clear physical manifestation of its historic use as a public house would result in harm to its evidential value as a coaching inn. However, this harm could be overcome through an appropriate condition requiring the retention of some signage.
15. The removal of the ceiling in the kitchen would allow the exposure and repair of the original timber framed wall to the building. There is nothing before me to suggest that this repair could not take place independent of the wider scheme before me. Therefore, it does not weigh in favour of the proposed development.
16. Given the nature of the movements associated with a public house, or coaching inn, the rear of the public house would historically have been both physically and visually busy. Indeed, as part of my site visit, I noticed extensive timber fencing at the rear consistent with the more utilitarian services which are of necessity associated with public houses. Consequently, given the temporary nature of the fencing, and that the detailed design could be controlled by condition, the fencing would not harm the architectural or historic significance of the listed building.

17. The proposed works would result in four individual self-contained dwelling units on the site. This would alter the historic character of the site, by altering both the predominant use and the density of development.
18. I am aware that neither the Council's conservation officers, nor the response by Historic England raised any substantive concerns relating to the proposed works. Notwithstanding these comments, given my finding above, I consider that the above physical interventions which I consider to result in harm to the historic fabric of the building, including to its historic legibility, together with the loss of communal and historical value following the proposed loss of the Hotel from the communal life of Bishop's Castle, and the loss of ready public access within the Boar's Head hotel, would harm both significance and the special historic interest of the listed building.
19. As much of the physical fabric would remain unaltered, I find that the degree of harm would be less than substantial.
20. The physical conversion of the Curly Tail holiday accommodation to one dwelling, including the demolition of the flat roof single storey extension and weather boarding of the stone gable would result in no harm to the setting of the Grade 2 listed building, given that the mass of the building would revert to its original barn like form. However, the proposed enclosed boundary treatment to the garden area, together with the car port associated with the new dwelling would appear incongruous and present a physical and visual barrier between the former barn and public house. This would considerably temper the functional link to the public house and thereby adversely impact on its historic significance.
21. However, the proposed single new house which would lie in a similar position to the line of the proposed kitchen in dwelling no 2 would directly face onto the service area. It would ape in scale and position the outbuildings that would have historically served the public house, and which can be seen through the map regression provided. As such, given that it directly fronts onto the service area and can be read as having a functional link to the public house, it would not have an adverse impact on the setting of the listed building.
22. Given my conclusion relating to the garden area related to the conversion of the Curly Tail, I conclude that the proposed works as a whole would result in harm to the setting of the listed building. However, this harm would be less than substantial.
23. The Bishop's Castle Conservation Area is tightly drawn along the historic core of Bishop's Castle which is a small medieval settlement on the Welsh borders. From my site visit it was clear that it is a bustling settlement, characterised by the services which it provides to a rural hinterland, including public houses and shops and is a significant and attractive tourist attraction, building on its attractive townscape. The Boar's Head Hotel sits on a significant corner site in the lower end of Bishop's Castle on flat terrain. Its substantial size and prominent position, together with its centuries old use as a public house and coaching inn makes a positive contribution to the perception of Bishop's Castle as a historically important centre.
24. The proposed works would not have a substantive impact on the external appearance of the building. Nonetheless, the change of use to dwellings would alter the character of the buildings from a publicly accessible building, which

- contributes to the vitality of the centre to private homes. This in turn would have an adverse impact on the character of the Conservation Area. This adverse impact, although low, would amount to less than substantial harm.
25. Given my conclusions above, I find that the proposal would fail to preserve the special interest of the listed building and the character of the Bishop's Castle Conservation Area. Consequently, I give this harm considerable weight and importance and weight in the planning balance of these appeals.
26. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. As set out above, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
27. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial because he has been unable to operate the business viably or to find a purchaser. In addition, the proposed conversion and construction of a new dwelling would result in four additional dwellings, albeit the Boar's Head Hotel provides accommodation for the landlord. Therefore, the works would contribute a net gain of three residential units. For the reasons set out below, I am not persuaded that the continuation of the use of the Boar's Head Hotel could not be successfully made viable in different circumstances. Consequently, whilst I am aware of the position in which the appellant finds himself, this is a private matter, and its resolution does not provide a public benefit. When combined with the limited contribution to the housing supply from the three additional units, this would not outweigh the harm that I have identified in relation to the setting of the listed building, the listed building itself, nor the Conservation Area.
28. As the proposed works would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and would be contrary to policies CS6, CS17 of the Shropshire Core Strategy (CS) adopted in 2011, and policies MD13 of the Shropshire Council Site Allocation and Management Development Plan (SAMdev) adopted 2015, which require development to protect and enhance the historic environment.

Loss of community facility

29. The Boar's Head Hotel, as a large public house in a prominent location, with associated holiday accommodation, does and has the potential to contribute to the vitality of Bishop's Castle. This is identified within Policy CS 15 as a Key Centre to serve a rural hinterland. The importance of public houses to communities is made explicit within paragraphs 84 and 93 of the Framework.
30. I note that there is nothing to suggest that the designation of the business as an Asset of Community Value has been pursued. Nonetheless, this does not undermine the contribution of such facilities to the health of the community. I have been made aware, unsurprisingly, given the historic nature of the town,

that there are already a number of established public houses within Bishop's Castle, and at the time of the applications that two bed and breakfast businesses were on the market. However, I have no further details before me relating to how these were marketed and am aware of further applications for more accommodation suggesting a market for additional tourist beds. Moreover, whilst I would agree that the loss of the Boar's Head Hotel would not seriously undermine the community and vitality of the town, and that compensatory provision may come forward elsewhere, this high bar, in itself, is not the test laid out in Policy CS8 of the CS, nor the approach supported by the Framework.

31. I have been provided with information relating to the profitability of the enterprise, the most up to date which relates to 2019, and previous attempts to diversify the business. I have also been provided with the sales particulars. However, there is no substantive evidence before me that the public house could not, in different circumstances, be successfully operated and thereby serve as a community facility and contribute to the quality of life of residents and visitors. Indeed, the correspondence from both sales agents makes this clear. Consequently, given the prominent location within the core of Bishop's Castle and its complementary role within the social and economic fabric, there is no evidence before me to justify the loss of the community facility within a Key Centre, contrary to policies CS8, and CS15 of the CS and paragraphs 84 and 93 of the Framework, which protect existing community facilities.

Living conditions

32. Each dwelling would provide appropriate levels of internal space. However, the garden area associated with the units would be relatively small in comparison to the floor area. Nonetheless, in the context of the site-specific circumstances of a town centre site and the conversion of a listed building the levels of private amenity space would not be unacceptable. Similarly, whilst the proposals would not contribute to open space at a level consistent with policy MD2 of the SAMdev this would not be determinative.

Other Matters

33. I am aware that both applications were refused contrary to officer recommendation and that neither Historic England nor the Council's Conservation Officer raised objections to the amended proposals. Nonetheless, I have determined the applications on their merits on the basis of the evidence before me.
34. In coming to my conclusion, I have been aware of the letters of support which have reiterated points which have already been considered in the bulk of my Decision.

Conclusion

35. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

Louise Nurser

INSPECTOR

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Appeal Decision

Site visit made on 25 October 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/L3245/W/22/3301168

Land West of 13 Beech Street, Woodhill, Highley WV16 6HL,

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mark Pritchard against the decision of Shropshire Council.
 - The application Ref 22/00527/OUT, dated 4 February 2022, was refused by notice dated 24 May 2022.
 - The development proposed is described as 'Outline application with all matters reserved for the erection of a pair of semi-detached dwellings (resubmission of application 20/03697/OUT).'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved for future consideration. I have consequently treated the submitted drawings as being for illustrative purposes only.

Main Issues

3. The main issues are:
 - The effects of the proposal on the character and appearance of the area; and
 - Whether appropriate living conditions would be provided for future occupiers of the proposed development and maintained for the occupiers of 13 Beech Street, with particular regard to daylight and garden area.

Reasons

Character and appearance

4. The appeal site is a corner plot at a junction of Beech Street and Ash Street, forming the side garden of 13 Beech Street. Beech Street and Ash Street are characterised by residential properties of mixed styles, sizes and forms. The dwellings on Beech Street are, predominantly, set behind front gardens as are the dwellings on Ash Street in the vicinity of the site.
5. The site, together with several other open corners on Beech Street and a number of long rear gardens that can be glimpsed between properties, provides a sense of spaciousness. This openness is a significant characteristic of Beech Street that positively contributes to the character of the area. The soft edge provided by the appeal site enhances the street scene.

6. Whilst the appeal site could accommodate two dwellings in a position that would maintain the building line, the proposed scheme would, nonetheless, remove a key space which contributes to the spacious character and appearance of the surroundings. Furthermore, due its close relationship with the side elevation of 2 Ash Street and the limited plot size, the form of development would give rise to a cramped appearance at odds with the prevailing character of the area.
7. I note that the side elevation of 11 Beech Street and its driveway, on the opposite corner of Ash Street to the appeal site, extends to Ash Street and does not have an open side garden. This does not, however, reduce the importance I attach to the soft edge formed by the appeal site in its current form.
8. Overall, the proposed dwellings would have a significant detrimental effect on the street scene and the spacious character and appearance of the area. I am mindful that the appeal site is not affected by any landscape or heritage designation, is not within a Conservation Area, an Area of Outstanding Natural Beauty or the Green Belt, and is not near to any listed buildings. However, this does not alter my findings in this regard.
9. The large green space adjoining Ash Street and Oak Street contributes to the open character of the wider area. However, it is not readily apparent in views from Beech Street and as such does not reduce the importance of the open corner of the appeal site to the sense of spaciousness of Beech Street.
10. Even if a 2 metre high boundary treatment and/or outbuilding were to be erected on the appeal site utilising permitted development rights, as suggested by the appellant, that the scale and massing of the proposal would be greater and more harmful as a result. Such a possibility would not, therefore, justify development that I find to be harmful to the character and appearance of the area.
11. My attention has been drawn to other development on corner plots in the wider area. However, these differ from the case before me as there is a greater space between the side of the identified properties and the highway than could be achieved on the appeal site given its limited scale. Any loss of open corner plots that has occurred in the wider area does not justify such loss on Beech Street.
12. Consequently, I consider that the proposal would cause unacceptable harm to the character and appearance of the area. Therefore, it would fail to accord with Policy CS6 of the Shropshire Core Strategy (CS) and Policy MD2 of the Shropshire Site Allocations and Management Development (SAMDev) Plan which seek to ensure, amongst other things, that new development is designed to a high quality which respects and enhances local distinctiveness. It would also be contrary to the design aims of the National Planning Policy Framework (the Framework).

Living conditions

13. The indicative plan shows the dwellings fronting onto Beech Street with their rear gardens backing onto the side boundary of 2 Ash Street. The remaining garden to 13 Beech Street although not extensive would provide sufficient space to be utilised and enjoyed by the occupants.

14. The indicative plans show the rear elevations of the proposed dwellings facing the side elevation of 2 Ash Street. The two-storey extension to 2 Ash Street is very close to the rear boundary of the site. What are likely to be relatively short rear gardens would therefore be closely enclosed by No 2 and the proposed dwellings. Consequently, the amount of daylight reaching the proposed rear gardens would be substantially reduced, thereby affecting the quality and amenity value of the space. This would be to the detriment of the living conditions of the future occupiers of the proposal. Even if the proposed dwellings were to face towards Ash Street, the same issue would arise due to the proximity of the side elevation of 13 Beech Street.
15. No 13, and the other properties identified by the appellant at para 4.13 of the statement, however, back onto rear gardens with angled views to adjoining buildings and such gardens are not as enclosed as the proposed gardens would be. In any event, the fact that the amount of daylight reaching existing properties may be affected by their neighbours is not a reason to allow unacceptable development.
16. As the proposed dwellings are likely to be sited next to, and broadly in line with, No 13, the amount of daylight reaching the remaining garden and windows of that property would not be materially and harmfully reduced.
17. I conclude that, while living conditions at No 13 would not be harmed, the proposal would not provide appropriate living conditions for future occupiers of the proposed development with regard to daylight. Therefore, it would fail to accord with CS Policy CS6 and SAMDev Plan Policy MD2 which seek to, amongst other things, achieve good standards of sustainable design and safeguard residential amenity. It would also be contrary to such aims of the Framework.

Other Matters

18. I acknowledge that the Council has raised no concerns regarding the principle of residential development on the appeal site. In addition, I note that there were no third-party comments, objections from consultees and that the Parish Council support the application. However, these factors do not outweigh the harm that I have identified.

Conclusion

19. For the reasons set out above, having considered all the policies drawn to my attention, I concluded that the proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR

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Appeal Decision

Site visit made on 22 June 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Appeal Ref: APP/L3245/W/21/3289513

Longville Arms, B4371 From Wall Under Heywood Darby Lane To Former South Shropshire District Boundary Easthope, Longville In The Dale, TF13 6DT

- 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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mitchells Electricals (Mr Alf Murray) against Shropshire Council.
 - The application Ref 21/03048/VAR is dated 17 June 2021.
 - The application sought planning permission for the conversion of outbuilding to provide holiday let unit without complying with a condition attached to planning permission Ref 1/05/17285/F, dated 12 September 2005.
 - The condition in dispute is No 2 which states that: "a) No person, family or group of persons shall occupy any part of the holiday accommodation hereby approved for a period of more than 4 consecutive weeks; b) Not less than 10 weeks shall elapse between each period of occupancy by the same person, family or group of persons"
 - The reasons given for the condition is: "To ensure that the development approved is not used to establish a permanent residential use, contrary to Policies SDS3, SDS4 and ED3 of the South Shropshire Local Plan".
-

Decision

1. The appeal is dismissed and planning permission is refused.

Applications for Costs

2. An application for costs was made by Mitchells Electricals (Mr Alf Murray) against Shropshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council have not provided an up to date statement, instead using the statement for a previous appeal¹ at the site. It would appear, that had the Council determined the application, they would have refused it. The Council's objections to the removal of the holiday use restriction condition would have been on the grounds of inadequate amenity standards for a residential dwelling and adverse living conditions for future occupants due to the shared access arrangement, no outside amenity space and proximity to the main public house building resulting in the potential for noise and disturbance to the occupants of the appeal building. The Council also objects to the removal of the condition on the grounds that no affordable housing contribution is being offered or that

¹ APP/L3245/W/20/3254576

removal of the condition would not adversely affect the vitality of the pub and the local community.

Main Issue

4. The main issue is whether or not the changes to the disputed condition would fundamentally affect the description of development of the planning permission originally granted.

Reasons

5. Relevant advice is set out in the Planning Practice Guidance 'Flexible Options for Planning Permissions'. This explains² that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. The guidance makes it explicit that section 73 cannot be used to change the description of development.
6. *Finney v Welsh Ministers & Others [2019] EWCA Civ 1868* (Finney) sets out that a section 73 application may not be used to obtain planning permission that would require a variation to the 'operative' part of the planning permission, in other words, the description of development for which planning permission has already been granted. It follows from Finney that where amending a condition would result in a conflict between the new condition and the description of development, then that particular amendment is beyond the powers under section 73 and cannot be made.
7. Having regard to the principles of the Finney judgement, the original permission was specific in allowing only holiday let use and, from that, condition 2 stated that no person, family or group of persons shall occupy any part of the accommodation for a period of more than 4 consecutive weeks and there must be a 10 week gap between each period of occupancy by the same person or group of persons. The reason for that condition clearly stated that it was imposed in order to ensure that a permanent residential use was not established.
8. The proposed removal of condition 2 seeks to predominantly allow the use of the building as a residential dwelling. The removal of the condition would allow persons occupying the building to do so as their permanent residence.
9. This would be a fundamental alteration of the development already approved and permit a development, beyond the scope of what was previously considered acceptable, and likely to result in changes to the character and nature of the use. Setting aside any merits to the changes, the proposals would result in a discrepancy with the original description of development and, were I to allow them, there would be a knock-on-effect in altering the terms of the original planning permission.
10. Whilst no new buildings or other physical development are proposed, the appeal scheme would represent a material change of use and therefore constitute development under section 55 of the Act. However, the proposed variation of condition would fundamentally conflict with the description and extent of the original planning permission.

² Reference ID: 17a-017-20140306

11. The proposal therefore cannot be considered as a minor material amendment under section 73 of the Act. The effect is to dismiss the appeal, although it is open to the appellant to apply for planning permission for a revised development. To permit the variation proposed under this appeal would fail to accord with the principles set out in Finney. The appeal must therefore be dismissed on that ground, and without any consideration of the substantive planning matters that arise. In this case, those that relate to living conditions, affordable housing and vitality and viability of a public house and the community.

Conclusion

12. For the reasons set out above, I dismiss the appeal.

Tamsin Law

INSPECTOR

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