



Appeal Decision

Hearing held on 25 November 2021

Site visit made on 25 November 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/L3245/W/21/3269206

Former Council Offices at Westgate, Bridgnorth WV16 5AA

- 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 South Staffordshire Housing Association Ltd against the decision of Shropshire Council.
 - The application Ref 20/02056/FUL, dated 20 May 2020, was refused by notice dated 20 January 2021.
 - The development proposed is demolition of existing buildings; erection of mixed residential scheme of 30 dwellings; highway works; landscaping scheme to include felling of trees; all associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal form named South Shropshire Housing Association Ltd as the appellant, whereas the applicant was South Staffordshire Housing Association Ltd. It has been confirmed that both housing associations are part of the same group, (Housing Plus), and that South Staffordshire Housing Association Ltd is the appellant.
3. The description of proposed development provided in the header above differs to that provided on the planning application form. However, parties agreed amendments to the proposal during the application process, which resulted in the alteration to the description. The amended description is that presented to the Southern Planning Committee on 19 January 2021. The appellant confirms the change in their statement and appeal form. My decision is based on the amended description.
4. Following the submission of the appeal a revised National Planning Policy Framework (the Framework) was published. The views of the main parties were sought regarding the relevance of any changes; no comments were received. I have taken account of the revised Framework in reaching my decision.
5. I was informed at the Hearing that the Council has submitted an up-dated Local Plan for examination. However, in light of the initial response received from the Planning Inspectorate to the submission, both parties agreed that there are no policies relevant to the appeal in the emerging Local Plan that are to be afforded any weight.

6. The appellant submitted an up-dated bat survey and assessment during the Hearing. The site conditions, findings and recommendations are very similar to those that informed the decision of Shropshire Council. The Council was happy for the information to be considered. I consider that no one would be prejudiced by me accepting the information at this stage. I have therefore taken the document into consideration in reaching my decision.
7. A certified copy of an executed section 106 agreement (s106) was submitted prior to the Hearing, which I shall refer to below as/where relevant.

Application for an award of costs

8. An application for an award of costs was made by South Staffordshire Housing Association Ltd against the decision of Shropshire Council. This application will be the subject of a separate Decision.

Main Issues

9. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, and
 - whether the proposed development would have an unacceptable impact on highway safety.

Reasons

Character and appearance

10. The site comprises buildings that were formerly the offices of Shropshire Council and the associated car parking and landscaped areas. There are mature and semi-mature trees, grassed areas and shrubs dispersed across the site. The land level is higher than that of the adjacent pavements and roads, with boundary/retaining walls located next to the footpaths along Wenlock Road and Ludlow Road. The existing access for vehicles and pedestrians is off Wenlock Road. Although there is an additional access point off Ludlow Road, this has evidently been prevented from being used for some time, with concrete bollards and 'no entry' signage erected to prevent vehicle usage. The site has been unoccupied for many years.
11. The site is located east of Bridgnorth town and sits between, and close to, the junction of Wenlock Road and Ludlow Road. The surrounding land use is predominantly residential. There is a single detached dwelling located immediately east of the site, which sits directly on the junction of Wenlock Road and Ludlow Road. The dwellings surrounding the site are primarily two-storey, detached and semi-detached, of varying designs and constructed of a mixed palette of materials. The properties opposite the site on Ludlow Road are sited within generous sized plots. However, the residential developments west of the site, on The Wheatlands and Huntsman's Close, and north-east of the site, on Westgate Drive, are denser, with smaller plot sizes and narrower spaces between the dwellings. The properties opposite the site on Ludlow Road front the road, whereas the dwellings opposite the Wenlock Road site boundary, on Westgate Drive, have their backs turned towards the road, with their rear gardens extending to the Wenlock Road edge.

12. I appreciate the Council's concerns regarding the proposed layout of the site, as the 7 dwellings fronting Ludlow Road would not be linked via a road or footpath to the rest of the dwellings within the heart of the site. Nor would there be a direct relationship with the proposed open spaces. However, I consider that the consistency in the design of the proposed dwellings and the external materials to be used would ensure that the various sections of the proposed development would have a cohesive appearance, and that the totality of the proposed development would form a cohesive part of the wider community. Also, utilising the disused, brownfield site would improve the appearance of the site, which would enhance the appearance of the area.
13. Additionally, there is a variation in residential layouts within the surrounding area. I also consider dwellings fronting Ludlow Road would reflect the layout and character and appearance of the street scene along this section of the road; and that retaining/utilising the open space along the Wenlock Road boundary would sit comfortably within the Wenlock Road street scene, which is bounded primarily with trees, hedges and shrubs. Furthermore, given the change in land levels and the presence of the single detached property located at the road junction, I consider the proposed layout appropriately responds to the site-specific circumstances, and optimises the potential of the site. I therefore consider the proposed layout would not appear out of keeping in the area.
14. Although the properties fronting Ludlow Road would not be directly linked with the proposed open spaces, I consider future residents would have access to suitable public open space within proximity of the site, for example at Crown Meadow. Regardless of the actual distance Crown Meadow would be from the site, having walked from the site to the facility during my site visit, I note that the walk would take less than 10 minutes. Furthermore, the route to Crown Meadow could be undertaken by crossing only one main road, with the provision of a suitable crossing point to allow future residents to cross Wenlock Road.¹
15. For these reasons I therefore conclude that the proposal would not harm the character or appearance of the area. As such, it would accord with Policies CS6 of the Shropshire Local Development Framework: Adopted Core Strategy-2011, (CS), MD2.2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan-2015, and paragraph 130 of the Framework. Collectively, and among other things, these policies require development to be designed to a high quality, respond appropriately to the layout of existing development and to take account of, and be sympathetic to, local context and character.

Highway safety

16. As noted, the site is located east of Bridgnorth town and sits between, and close to the junction of, Wenlock Road and Ludlow Road. Ludlow Road is one of the main roads into/out of Bridgnorth from/to Ludlow; Wenlock Road links with the A458 by-pass and provides one of the main routes into/out of Bridgnorth from/to Shrewsbury.

¹ During the site visit all parties agreed that the proposed tactile crossing as indicated on the submitted plans would not be suitably positioned to link with the existing footpath on the northern side of Wenlock Road. However, should I have been allowing the appeal, details of a suitable crossing could have been secured via a condition.

17. The proposed 7 dwellings that would front Ludlow Road would all have direct access off/onto Ludlow Road. These properties would have their own driveway and most of their remaining front garden areas would be covered with grasscrete - a pervious, reinforced structure. Measurements of the driveways and front garden areas were provided at the Hearing. All but one of the driveways measure 10 m long x 2.5 m wide. The widths and depths of the proposed grasscrete areas vary, ranging between 3.8 m and 5.4 m wide and 8.4 m to 9.5 m long. The proposed landscape plan indicates that all but one of the front gardens of these properties would have a tree planted within it, and several would have a hedge planted between them along the front side boundaries.
18. Within these circumstances, although no boundary treatments or gates would be erected along the respective front boundaries of the dwellings, in the absence of any substantive evidence to demonstrate otherwise, it is my judgement that for most of the 7 properties proposed, cars would not be able to enter and leave the associated front driveways/gardens in a forward gear. I therefore consider it to be inevitable that cars would very often have to reverse out of most of the plots onto Ludlow Road, a manoeuvre that would be carried out with restricted visibility, even if vehicles were prevented from parking on the road in front of the proposed dwellings. For this reason, I believe the proposed access, turning and parking areas of the proposed dwellings that would front Ludlow Road would cause an unacceptable risk to highway safety, for pedestrians, cyclists and drivers.
19. I have referred above to an existing vehicle access off/onto Ludlow Road, which has been prevented from being used. I consider that even if this access was in use, the situation that would exist would not be comparable to that proposed, as cars would be able to enter and exit the existing site in a forward gear, in contrast to most of the proposed dwellings that would front Ludlow Road.
20. I acknowledge that a review of the Personal Injury Accidents data, (PIA), recorded within the study area confirmed that there has only been one accident during the relevant 5-year period. The submitted Transport Statement therefore concludes that there is no evidence to indicate any specific problems with the operation of existing junctions surrounding the site. However, the proposal would create a situation that does not currently exist to any great extent, ie cars having to reverse onto Ludlow Road within close proximity of the Ludlow Road/Wenlock Road/Westgate junction.
21. I note the appellant's suggestion that the situation of cars reversing onto the road from domestic curtilages already exists, as there are 7 dwellings on Ludlow Road opposite the site, close to the road junction. However, all parties agreed during the site visit that, of these 7 properties, it was likely only one did not have the facility for cars to enter and leave the dwelling's curtilage in a forward gear. The existing situation therefore contrasts with the proposed arrangement, where it is likely that occupiers of most of the proposed 7 dwellings would have to reverse onto the road. It is for this reason that I consider the proposal would create different circumstances to those that currently exist; circumstances I consider would significantly increase the chances of an accident occurring.
22. I accept that the proposal would generate far fewer vehicle trips than could be generated by the extant use of the site, and that the number of vehicles joining

the surrounding highway network from the proposal would be negligible. Consequently, the proposal would not have a detrimental impact on the flow of traffic on the surrounding highway network. Nevertheless, this does not alter the unacceptable highway safety issue I have found resulting from vehicles reversing onto Ludlow.

23. I also accept the appellant's observation that even if vehicles could enter and exit the proposed plots on Ludlow Road in a forward gear, there is no suitable means by which future occupiers of the dwellings could be made to do so. However, I consider the situations of not being able to do so and choosing not to do so are not comparable situations. I consider it more likely that future residents of the proposed dwellings fronting Ludlow Road would drive into and out of their plots in a forward gear if the opportunity to do so was provided, as it would be safer to do so.
24. I appreciate that the location of the site would provide opportunities for future occupiers of the proposed dwellings to access a full range of services, facilities and employment opportunities by modes of transport other than the private motor vehicle. However, due to, for example, the design and size of the proposed dwellings that would front Ludlow Road, I consider it highly likely that future occupiers of these dwellings would still be car owners/users.
25. I note that the Local Highway Authority (LHA) did not object to the proposal, subject to suggested conditions and a planning obligation being secured to contribute towards the cost of implementing a Traffic Regulation Order (TRO). The consultation comments of the LHA suggest that the TRO would consist of double yellow lines along Ludlow Road and Wenlock Road, to prevent cars parking within the vicinity of the proposed main access/egress into the site and the individual access/egress points for each of the proposed dwellings fronting Ludlow Road.
26. I note that the submitted, executed s106 does not specify the works that would be carried out in respect of the TRO. Notwithstanding, although I accept that double yellow lines would contribute to the safe flow of traffic along Ludlow and Wenlock Roads within the vicinity of the site, a TRO of this nature would not prevent vehicles from reversing out onto the road from the plots of the proposed dwellings that would front Ludlow Road. Consequently, such measures would not mitigate against the unacceptable highway safety issue I have found.
27. I therefore conclude that the proposed development would create an unacceptable highway safety issue. As such, the proposal would not accord with Policy CS6 of the CS or paragraphs 110 and 111 of the Framework, which, among other things, require developments to provide safe and accessible access points for all users, to effectively mitigate against any significant impact on highway safety and to refuse developments that would have an unacceptable impact on highway safety.

Other Considerations and Planning Balance

28. The proposal would provide 30 dwellings, 6 of which would be affordable, which the Council has accepted would be secured by the s106. I attach considerable weight to the contributions the proposal would therefore make towards the housing needs of the area, including affordable dwellings. There would also be economic benefits associated with the construction phase and from the

contribution future residents would make to the local economy. I also attribute considerable weight to such economic benefits. However, I consider the benefits outlined do not overcome the unacceptable harm I have found with regard to highway safety.

Other Matters

29. The site is located around 200 m west of the Bridgnorth Conservation Area boundary, (CA), and there is a Grade II Listed Structure, a Conduit Head, located close to the corner of Ludlow Road and Westgate, sited on the boundary of the adjacent pavement and residential garden.
30. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, and to give considerable importance and weight to the desirability of preserving the setting of any Listed Buildings.
31. Although I consider the site to be located within the wider setting of the CA, I believe the setting in this location does not substantially contribute to the significance of the CA. Moreover, I am satisfied that the setting of the CA would not be harmed by the proposal. Additionally, I consider the proposed dwellings fronting Ludlow Road to fall within the wider setting of the Listed Structure, rather than its immediate setting. I believe the wider setting does not contribute to the significance of the Listed structure and, moreover, that the proposal would not result in a change that would be harmful to the wider setting of the Listed structure. I therefore conclude that the proposal would preserve the character and appearance of the CA and would not harm the setting of the Grade II Listed Conduit Head.
32. I have referred above to the submitted s106 in relation to issues discussed. For completeness, I also note that the agreement includes measures for the future management of the open spaces within the site. However, as I have concluded that even if a TRO consisting of double yellow lines was implemented within the vicinity of the proposed access points, such a measure would not overcome the highway safety issue I have identified. As I am dismissing the appeal for this reason, it is not necessary for me to conclude on the matter of whether the obligation meets the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations.

Conclusion

33. Notwithstanding my conclusion regarding character and appearance, for the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sian Griffiths	Director, RCA Regeneration
Sepp Sargeant	Head of Development, Housing Plus Group

FOR THE LOCAL PLANNING AUTHORITY:

Tim Rogers	Interim Planning & Development Services Manager, Shropshire Council
Cllr Robert Tindall	Member of Shropshire Council Southern Planning Committee
Cllr Andy Boddington	Member of Shropshire Council Southern Planning Committee

OTHER INTERESTED PERSONS:

Kerry Bolister	Director of Development, Housing Plus Group
Dunya Fourie	Planning & Enforcement Officer, Shropshire Council
Ben Williscroft	Conservation Officer, Shropshire Council
Ros Williams	Bridgnorth Town Council
Karen Sawbridge	

DOCUMENTS SUBMITTED PRIOR TO, DURING AND FOLLOWING THE HEARING

1. Statement of Common Ground – signed and dated October 2021
2. Section 106 legal agreement – signed and dated 8th November 2021
3. Statement from the Council: Planning obligations and the Community Infrastructure Regulations – dated 16th November 2021
4. Up-dated bat survey and assessment provided by ERAP (Consultant Ecologists) Ltd, dated 24th November 2021
5. Confirmation of the size of the proposed driveways and grasscrete areas for each of the proposed dwellings fronting Ludlow Road.

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