



Ministry of Housing,
Communities &
Local Government

Mr Alistair Ingram
Barton Willmore LLP
7 Soho Square
London
W1D 3QB

Our ref: APP/L3245/V/17/3174452

13 June 2018

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY ZIRAN LAND (BRIDGNORTH) LIMITED
LAND ADJACENT TO SAINSBURY'S SUPERMARKET, OLD SMITHFIELD,
BRIDGNORTH WV16 4EF
APPLICATION REF: 16/02739/FUL**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Karen L Ridge LLB (Hons) MTPL Solicitor who held a public local inquiry on 7-10 November 2017 into your client's application for planning permission for the erection of class A1 units, car parking, reconfigured access, landscaping and associated works, in accordance with application ref: 16/02739/FUL, dated 10 June 2016.
2. On 21 April 2017, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted for the development. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation. He has decided to grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the close of the inquiry

4. A list of representations which have been received since the inquiry closed is at Annex A. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.

Policy and statutory considerations

5. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
6. In this case the development plan consists of The Shropshire Council Core Strategy (CS) which was adopted in March 2011 and the Shropshire Council 'Site Allocations and Management of Development' (SAMDev) Plan which was adopted in 2015 (IR4.1). The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR4.2.
7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'); as well as the 'Bridgnorth District Council Retail Study – 2006 to 2021' and the Council's Draft Air Quality Action Plan.
8. In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Emerging plan

9. The Council is in the very early stages of a Local Plan Partial Review and the parties agree that only very limited weight can be given to the review at this stage (IR4.3).
10. Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. As the Review is still at a very early stage and likely to be subject to change, the Secretary of State gives it very limited weight.

Main issues

Retail impact due to the proposed units

11. For the reasons given at IR11.3-11.4, the Secretary of State agrees with the Inspector at IR11.4 that the proposal should be treated as being edge-of-centre for the purposes of the policy tests. He also agrees with the Inspector (IR11.5-11.8) that, as there are no other available or suitable sites which are sequentially preferable to the application site, the sequential test is passed; and he further notes that all three main parties are agreed on this matter.
12. The Secretary of State has gone on to give careful consideration to the Inspector's analysis of the retail context (IR11.9-11.15). He agrees (IR11.11) that the Bridgnorth District Council Retail Study 2006-2021 provides a respectable base upon which to conduct an assessment and with the Inspector's conclusion that the evidence indicates that the town centre is a viable and vital centre with no underlying issues.
13. For the reasons given at IR11.16-11.42, the Secretary of State agrees with the Inspector's conclusion at IR11.43 that the trade diversion from Bridgnorth town centre would be around 3%; but that that would not have a significant adverse impact on the vitality and viability of the town centre. He further agrees with the Inspector (IR12.1) that the proposal would act as a logical extension to the town centre and would improve the retail offer of the centre in terms of comparison goods retailing, thereby making a modest reduction in

the comparison goods expenditure currently leaking out of the district, improving the vitality of the town centre, and reducing travel to other centres. Overall, therefore, the Secretary of State gives the economic benefits moderate weight in favour of the proposal.

Retail impact due to a reduction in car parking

14. The Secretary of State has given careful consideration to the Inspector's analysis of the impact on retailing resulting from the reduction in car parking (IR11.44-11.103). He agrees with the Inspector that there would be no shortage of car parking spaces in the study area on weekdays (IR11.101), but that there would be a 40 space shortfall on Saturdays between 1200 and 1300 hours and a smaller shortfall of 6 spaces between 1300 and 1400 hours (IR11.102). However, like the Inspector, the Secretary of State notes that this analysis relates only to the 4 car parks in the study area; and he further agrees that the advent of live-time information on parking availability would bring a benefit in directing drivers efficiently to available spaces and could potentially encourage the use of alternative car parks or other transport modes to finish journeys into town.
15. Hence, the Secretary of State agrees with the Inspector at IR11.103 and IR12.2 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. He also agrees with the Inspector at IR12.3 that, although in combination the retail impact from trade diversion and car parking effects would be around £1.32m of comparison goods turnover, this would not amount to a significant adverse impact on the vitality and viability of the town centre.

Other matters

Air quality

16. The Secretary of State agrees with the Inspector (IR11.104-11.105) that the proposal would not compromise the objectives set out in the Council's Draft Air Quality Action Plan.

Heritage considerations

17. For the reasons given at IR11.106-11.108, the Secretary of State agrees with the Inspector that, as the proposal would close the gap between Sainsbury's and the Health Centre in a respectful manner, it would represent a small improvement to the setting of the Bridgnorth Conservation Area, thereby satisfying the statutory and framework tests. The Secretary of State gives this moderate weight in favour of the proposal. For the reasons given at IR11.109, the Secretary of State agrees with the Inspector that the proposal does not contribute to the significance of the Innage Gardens Conservation Area or form part of its setting. He also agrees with the Inspector at IR11.110 that the programme of works set out in the Written Scheme of Investigation for the adjoining site of archaeological interest could be secured by condition (see Condition 7 at Annex B).

Fallback and other material considerations

18. For the reasons given at IR11.111-11.116, the Secretary of State agrees with the Inspector at IR11.117 that the landowners could exercise their rights to reduce the car park to provide 136 spaces without any further proceedings or, alternatively, that the risk of forfeiture proceedings is more than a theoretical possibility. He therefore also agrees that, if either of these scenarios came to pass, they would represent a worse position than that proposed as a result of the application scheme and are therefore material to any determination.

Planning conditions

19. Having considered the Inspector's analysis at IR10.1-10.6, the recommended conditions set out at the end of the IR and the reasons for them, and national policy in paragraph 206 of the Framework and the relevant Guidance, the Secretary of State is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

20. Having had regard to the Inspector's analysis at IR10.7-10.10, the planning obligation dated 8 November 2017, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010 as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR10.7-10.10 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework.

Planning balance and overall conclusion

21. For the reasons given above, the Secretary of State considers that the application is in accordance with the development plan policies referred to in paragraph 6 above and with the development plan overall, and that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
22. The Secretary of State therefore concludes that planning permission should be granted, subject to conditions.

Formal decision

23. For the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for the erection of class A1 units, car parking, reconfigured access, landscaping and associated works, in accordance with application ref: 16/02739/FUL, dated 10 June 2016.
24. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
25. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

Right to challenge the decision

26. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act

27. A copy of this letter has been sent to Shropshire Council and the Bridgnorth Chamber of Commerce, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Annex A Schedule of representations

SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
Alistair Ingram Barton Willmore	8 February 2018
Steve Robbins Bridgnorth Chamber of Commerce	8 February 2018
Sue Bailey Gough Bailey Wright	19 January 2018

Annex B List of conditions

- (1) The development hereby permitted shall be commenced before the expiration of three years from the date of the grant of planning permission.
- (2) The development shall be carried out strictly in accordance with the following plans and drawings, unless otherwise varied by condition in this permission:
 - Site location plan: SK14/69/11
 - Site plan: SK/69/12 revision G
 - Ground floor plan: SK14/69/13 revision E
 - Roof plan: SK/69/14 revision B
 - Proposed elevations: SK14/69/16 revision E
- (3) Construction and/or demolition works shall take place only between 0800 hours to 1800 hours on Mondays to Fridays, and between 0800 hours to 1300 hours on Saturdays. No works shall take place on Sundays, Bank Holidays or any other public holidays.
- (4) The development hereby permitted shall be for no more than five A1 retail units, of which no single unit shall have a gross floor space greater than 806 square metres (including mezzanine floor space) and no more than 186 square metres of the total gross floor space of the whole development hereby permitted shall be used as a coffee shop.
- (5) No deliveries or collections to or from the retail units shall be received or despatched between the hours 0900 hours to 1800 hours on any day of the week (including Bank Holidays and Public Holidays).

PRE-COMMENCEMENT CONDITIONS

- (6) Prior to the commencement of the development hereby approved, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout all periods of construction and demolition and shall include details of the following:
 - Details regarding the loading/unloading and storage of plant and materials used in constructing the development;
 - Provision of parking for the vehicles of site personnel, operatives and visitors;
 - Construction traffic arrangements and routeing.
- (7) No development approved by this permission shall commence until the implementation of a programme of archaeological work has been secured in accordance with the Written Scheme of Investigation (WSI) submitted by CgMs Consulting and dated March 2016.
- (8) Prior to the commencement of any above ground works, samples and details of the materials to be used in all external surfaces (walls, roofs and other external areas) and the hard-surfacing of all areas (including the car park and public walkways) shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out only in accordance with the approved details.

- (9) No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into use.
- (10) No development shall commence (including works of vegetation/site clearance, ground levelling and demolition) and no equipment, materials or machinery shall be brought on to the site, until a Protection Scheme has been submitted to, and approved in writing by, the Local Planning Authority. The Protection Scheme shall include details of the trees, woody shrubs and hedges to be retained on the site, as well as measures for their protection and the protection of vegetation adjacent to the site. The scheme shall be based upon the Heads of Terms of the Arboricultural Method Statement at appendix 2 of the Arboricultural Report by acs consulting dated April 2016 and shall include an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP) prepared in accordance with, and meeting the minimum standards recommended in *British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations* or any version which supersedes it.
- (11) All pre-commencement protection measures detailed in the approved AMS and/or TPP shall be fully implemented to the written satisfaction of the Local Planning Authority before development commences and before any development-related equipment, materials or machinery are brought onto site. Thereafter the approved measures shall be maintained throughout the periods of demolition and construction of the development, unless such time as all equipment, machinery and surplus materials have been removed from the site. The development shall be implemented in strict accordance with the approved AMS and/or TPP. Any tree protection area fenced in accordance with this condition shall be treated as a construction exclusion zone and as such vehicles shall not traverse this zone, materials shall not be stored or placed within this zone, ground levels within the zone shall not be altered and no excavation shall take place within this zone, without the prior written consent of the Local Planning Authority.
- (12) Prior to the commencement of development hereby permitted a service management plan shall be submitted to, and approved in writing by, the Local Planning Authority. This plan shall include details of the measures to prevent delivery vehicles entering the area immediately to the rear of units 4 and 5 as depicted on site plan SK14/69/12 Revision G. The approved measures shall be kept in place for the duration of the retail use.
- (13) Notwithstanding the details shown on drawing reference SK14/69/12 Revision G (site plan) and drawing 1008 001 Revision B (Landscape Strategy), prior to the commencement of development hereby permitted, details of the pedestrian link from the rear car parking area to the front of the retail units shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include:
- A marked, and lit, pedestrian route to the rear of the car parking and motorcycle spaces; and
 - A marked, and lit, pedestrian link to the side of unit 5 which shall be a minimum of 1.8 metres in width.
 - Details of surveillance and other design features to ensure safe design and prevent crime within the rear car parking area and the pedestrian link.
- The pedestrian link and other features shall be provided in accordance with the approved details prior to first occupation of any of the retail units hereby permitted and shall be permanently retained thereafter.

- (14) Prior to the commencement of development, a temporary car park management plan (depicting public car parking on the site to be provided at all times during the construction period) shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include details of the following:
- A minimum number of car parking spaces;
 - Management arrangements including financial charges and the enforcement of such arrangements;
 - The location and access of the car park during construction phases;
 - Any protective barriers necessary to separate the public areas from the construction site.

The approved temporary car park management plan shall be implemented in full prior to the commencement of development and adhered to throughout the construction period.

- (15) Prior to the commencement of development, details of the raised platform at the vehicle access point to the rear car park depicted upon plan SK14/69/12 Revision G shall be submitted to, and approved in writing by, the Local Planning Authority. The platform shall be constructed in accordance with the approved details prior to the first retail unit coming into use.

CONDITIONS PRE-OCCUPATION OR DURING DEVELOPMENT

- (16) Prior to the first use of any of the retail units hereby approved, a tree planting scheme, prepared in accordance with *British Standard 8545:2014 Trees: From Nursery to Independence in the Landscape- Recommendations*, or any version superseding it, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall include the following:
- (a) Details of the trees and shrubs to be planted in association with the development, including species, locations and density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
 - (b) Details as relevant of the specification and location of the barriers to be installed (and/or measures to be undertaken) for the protection of ground reserved for the planting identified in (a) above and details of a timescale for implementation of all of these measures.
- (17) The approved scheme of tree planting and other measures required by condition (10) shall be implemented as specified and in full within the timescale approved by the Local Planning Authority. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies, is uprooted or removed, or, in the opinion of the Local Planning Authority becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted in the same location during the first available planting season thereafter.
- (18) Prior to any of the retail units hereby permitted first being brought into use, a suite of artificial nesting boxes suitable for a range of species shall be erected on the buildings in accordance with details which have been submitted to, and approved in writing by the Local Planning Authority. The details shall include the types and locations of the boxes.

- (19) Prior to any of the retail units hereby permitted first being brought into use two electric vehicle charging points shall be provided in a location in the car park which has been approved in writing by the Local Planning Authority. The charging points shall be installed as approved and shall be maintained and retained for a period of at least 10 years from the date of installation.
- (20) Prior to any of the retail units hereby permitted first being brought into use the car parking spaces depicted on Site Plan: SK14/69/12 Revision G shall be constructed and laid out with materials which have first been approved in writing by the Local Planning Authority.

END OF CONDITIONS



Report to the Secretary of State for Housing, Communities and Local Government

by Karen L Ridge LLB (Hons) MTPL Solicitor

an Inspector appointed by the Secretary of State

Date: 14 February 2018

Town and Country Planning Act 1990

Shropshire Council

Application by

Ziran Land (Bridgnorth) Limited

Inquiry Held on 7, 8, 9 and 10 November 2017

Land adjacent to Sainsbury's Supermarket, Old Smithfield, Bridgnorth WV16 4EF

File Reference: APP/L3245/V/17/3174452

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File Ref: APP/L3245/V/17/3174452

Land adjacent to Sainsbury's Supermarket, Old Smithfield, Bridgnorth WV16 4EF

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 21 April 2017.
- The application is made by Ziran Land (Bridgnorth) Limited to Shropshire Council.
- The application Ref. 16/02739/FUL is dated 10 June 2016.
- The development proposed is the erection of class A1 units, car parking, reconfigured access, landscaping and associated works.
- The reason given for making the direction was in the light of policy relating to the power to call-in planning applications the Secretary of State concluded on the facts of this case that it was appropriate to do so.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: *the consistency of the proposal with the development plan; its consistency with policies in the National Planning Policy Framework, in particular those set out in Section 2, Ensuring the Vitality of Town Centres and any other matters the Inspector considers relevant.*

Summary of Recommendation: That planning permission for the development is granted subject to the conditions outlined and with the benefit of the obligations in the section 106 agreement.

Background and Procedural Matters

- 1.1 A pre-inquiry meeting was held to discuss administrative and procedural arrangements on the 15 August 2017¹. The Inquiry sat on 7, 8, 9 and 10 November 2017. I undertook unaccompanied site visits to conduct an inspection of the site and its surroundings and the wider Bridgnorth area before the Inquiry and whilst it was in progress. I also visited the site and Bridgnorth on a Saturday in December 2017 and during a weekday in January 2018 during the times requested by the parties.
- 1.2 The Council has considered the proposal at a committee meeting on two occasions. In accordance with its officer's recommendation, on the second occasion the committee resolved to approve the development and grant planning permission². The resolution is dated 7 March 2017 and was made prior to the decision of the Secretary of State to call the application in for his own determination.
- 1.3 The local Bridgnorth Chamber of Commerce (the Chamber) applied for and was granted Rule 6 party status³ and duly appeared at the Inquiry. The Chamber opposes the grant of planning permission on the grounds that it would have a significantly adverse impact on the vitality and viability of the town centre by virtue of trade diversion and by reason of the loss of parking.
- 1.4 A Statement of Common Ground (SCG) was agreed between the Applicant and the Council.

¹ A note of the meeting appears at CD J.5 and directions at CD J.6.

² Officer's reports and minutes of committee meetings at CD D.1.1/2 and D.2.1/2.

³ Rule 6(6) The Town and Country Planning (Inquiries Procedure)(England) Rules 2000.

- 1.5 An executed agreement⁴ under section 106 of the Act (the s106 agreement) was made between the Applicant, the landowners and the Council and is before the Inquiry. It contains covenants to pay a car park signage contribution prior to the commencement of development and a promise to share occupation of the car park with the Council by way of licence. The Applicant does not dispute the necessity for the obligations.
- 1.6 The Council submitted a proof from Dr Andrew Wrigley who provided written evidence on heritage and design matters. Since his evidence was uncontroversial he was not called to give oral evidence and he was not cross-examined. The Chamber had submitted a proof with appendices from Mr Cooksey but chose not to call him as a witness. His proof of evidence is to be treated as a written representation from a local resident in a private capacity. Mr Cooksey also chose to make oral representations on his own behalf as a local resident.
- 1.7 Following the close of the Inquiry the Chamber contacted the Planning Inspectorate with further information relating to 3 separate matters⁵. One of the matters related to a query about signatures on the copy section 106 agreement being redacted and does not take the evidence any further. A second concern was raised about the veracity of information given on walking distances from various points. I indicated that I had conducted full site visits and would rely upon my own impressions
- 1.8 The third matter related to information about Parking Contravention Notices (PCNs) supplied to a local newspaper by the Council under a Freedom of Information Act (FOI) request. The basis on which the information was provided was clarified by the Council during the Inquiry. This led to a further article in the local newspaper. In these circumstances I accepted this additional information together with the newspaper article and invited comments upon it from all parties⁶. Comments have been received from all three parties and included as Inquiry Documents 19, 20, 21 and 22. All of the comments have been taken into consideration.
- 1.9 I have noted the concern of the Chamber that, in answering the FOI request, the Council gave erroneous information or that there was a material non-disclosure of some description. The Council has now produced the original requests and it is clear that it answered the request in good faith. I am satisfied that the additional comments have finally cleared up any misunderstandings between the parties.

The Site and Surroundings

- 2.1. The site location plan and proposed plans are at CD A.2. The boundary of the application site is identified in red on the site location plan drawing reference SK14/69/11. The computer generated images at CD B.1 provide a sense of the

⁴ Inquiry document 10.

⁵ See the email of 14 January 2018 timed at 22.31

⁶ Email from The Planning Inspectorate to all parties dated 24 January 2018 timed at 11.06

context in which the proposed development would be situated and how it would look in relation to existing development.

- 2.2. The application site comprises some 0.87 hectares of an existing surface level car park, commonly referred to as the Smithfield car park. The car park is owned by Sainsbury's and operated by the Council pursuant to a licence agreement⁷. The car parking licence agreement between Sainsbury's and the Council allows Sainsbury's to alter the configuration of the car park to carry out the development of the land under a previous planning permission for a DIY unit with 136 car parking spaces. The Council's position is that Sainsbury's would be able to reduce the parking on the site to 136 spaces without the need for any further planning permission.
- 2.3. The application site is immediately adjacent to a Sainsbury's supermarket and a further car park associated with that use. The Bridgnorth Hospital and Northgate Health centre lie immediately to the north of the site, with the town centre lying to the east. The site is accessed via 'Old Smithfield' which travels north connecting into the northern routes around the town. A pedestrian link runs from the car park to Whitburn Street which connects into the eastern end of the High Street.
- 2.4. The site is within the development boundary for Bridgnorth. The south and western parts of the site fall within the defined Town Centre boundary of Bridgnorth and the remainder of the site adjoins this boundary and is not subject to any designations on the Proposals Map.
- 2.5. Bridgnorth town is centred upon two key shopping areas separated by the River Severn, High Town and Low Town. The main part of the town is on the higher ground of High Town with the main shopping streets running off Northgate. Bridge Street runs over the river Severn and provides linkages to the Low Town area which contains a smaller selection of shops.

The Proposal and Planning History

- 3.1 The application relates to a proposal for the erection of five modern units, car parking, a reconfigured access, landscaping and associated works. The proposal involves 5 x Class A1 retail units containing floorspace of 2,575 square metres (gross) as well as 158 car parking spaces which would include 11 disabled parking bays. Unit 1 is proposed to be a coffee shop (186 square metres) with the remaining 4 units to be occupied by Class A1 comparison goods retailers occupying a total gross floorspace area of 2,839 square metres. The 4 identified retailers are Peacocks, Mountain Warehouse, Poundstretcher and Pets at Home.
- 3.2 The application was supported by a Design and Access Statement, Planning Statement, Retail Assessment, Statement of Community Involvement, Transport Statement, a Written Scheme of Investigation for Archaeological Works, Arboricultural Report and layout drawing, Landscape Strategy Plan, Drainage Summary Statement and a Phase I Desk Study and Phase II Geo-Environmental Investigation⁸.

⁷ CD B.2 Existing Car Park Management Agreement

⁸ Core Documents A.7 to A.17 inclusive

- 3.3 The proposal is represented by details depicted on the Site Plan⁹, the Ground Floor Plan¹⁰, the Roof Plan¹¹, Typical Sections¹² and Proposed Elevations¹³.
- 3.4 Full details of the planning history of the site are set out in section 3.0 of the Statement of Common Ground and accompanying documents are to be found in section G of the Core Documents (CD). They are relevant to any consideration of the fallback position and will be considered in detail later in this report.
- 3.5 Briefly I record that compulsory purchase proceedings were commenced in or around 1992 to acquire land including the application site for the purposes of a car park. Proceedings were discontinued when the land was acquired by negotiation. The rebuttal evidence of Ms Townsend sets out the position in full. Subsequently the land was acquired by Sainsbury's. In April 2005 outline planning permission was granted. This permission relates to a larger parcel of land which includes the application site. It was for a DIY retail warehouse and associated garden centre, extension to Sainsbury's store, erection of 4 retail units, construction of car parking and relief road, relocation of indoor market and provision for dedicated outdoor market. Reserved matters approvals have been given for some of the elements of this permission and the Council and Applicant agree that implementation has taken place¹⁴. The Chamber does not accept that there is a realistic fallback position.

Planning Policy

- 4.1 The development plan, for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004, includes The Shropshire Council Core Strategy (CS) which was adopted in March 2011 and the Shropshire Council 'Site Allocations and Management of Development (SAMDev) Plan adopted in 2015. The Bridgnorth Place Plan 2015-2016¹⁵ which summarises and prioritises local infrastructure needs to support sustainable development for the town of Bridgnorth and is acknowledged as forming part of the local plan. The Bridgnorth Town Plan identifies the need to retain free short term parking on the High Street. It does not identify any other issues in car parking as a priority.
- 4.2 The policies which are most relevant include:
- CS policy CS1 which sets out a strategic approach to development, including the delivery of 27,500 new homes over the plan period 2006-2026, as well as 290 hectares of employment land. It records that Shrewsbury acts as a sub-regional centre and that Market Towns and other Key Centres will maintain and enhance their role in terms of providing services and employment and continuing to function as Main service centres. Bridgnorth is identified as a Market Town in the east.

⁹ SK14/69/12 Revision G [CD A.2.2]

¹⁰ SK14/69/13 Revision E [CD A.2.3]

¹¹ SK14/69/14 Revision B [CD A.2.4]

¹² SK14/69/15 Revision B [CD A.2.5]

¹³ SK14/69/16 Revision E [CD A.2.6]

¹⁴ § 4.10 Statement of Common Ground

¹⁵ CD E.5.2

- CS policy CS3 concerns 'Market Towns and Other Key Centres' and states that *"The Market Towns and other Key Centres will maintain and enhance their roles providing facilities and services to their rural hinterlands, and providing foci for economic development and regeneration"*. Bridgnorth is defined as a 'Principal Centre'.
- CS policy CS6 sets out the 'Sustainable Design and Development Principles' of the plan, it requires *"proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and the use of public transport can be maximised and the need for car based transport to be reduced"*.
- CS policy CS7 concerns 'Communications and Transport' and seeks to *"meet, social, economic and environmental objectives by improving accessibility, managing the need to travel, offering options for different travel needs and reducing the impacts of transport"*.
- CS policy CS8 seeks to protect existing facilities, services and infrastructure, as well as promoting the timely provision of additional facilities.
- CS policy CS13 'Economic Development, Enterprise and Employment' reiterates the thrust of CS3 placing emphasis upon *"Supporting 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"*.
- CS policy CS15 'Town and Rural Centres' acts to *"support the delivery of appropriate comparison and convenience retail...In accordance with national planning policy, and having taken into account sequential and impact assessments where relevant, town centres will be the preferred location for new retail, office and other town centre uses"*.
- CS policy CS17 seeks to identify and protect environmental assets.
- CS policy CS18 sets out principles in relation to sustainable water management.
- SAMDev policy MD1 'Scale and Distribution of Development' provides that *"sustainable development will be supported in Shrewsbury, Market Towns and Key Centres..."*
- SAMDev policy MD2 provides guidance as to what constitutes 'Sustainable Design' indicating that proposals need to demonstrate that they are *"Protecting, conserving and enhancing the historic context and character of heritage assets"* and *"demonstrate there is sufficient existing infrastructure capacity..."*.
- SAMDev policy MD8 'Infrastructure Provision' requires 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"*.

- SAMDev policy MD10a provides a presumption in favour of retail proposals within Primary Shopping Areas. Outside such areas policy MD10b requires an impact assessment to be undertaken for retail proposals in excess of 300 square metres.
 - SAMDev policy MD12 seeks to protect the natural environment by requiring Habitats Regulations Assessments where appropriate and by ensuring that proposals likely to have a significant adverse effect are only permitted when there is no satisfactory means of avoiding such impacts and subject to suitable compensation and mitigation measures.
 - SAMDev policy MD13 'Historic Environment' requires that *"wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including its settings"*.
 - SAMDev policy S3 provides the 'Bridgnorth Town Development Strategy', it reiterates the requirement of CS3 to maintain and enhance the town's role *"by making provision for the needs of the town and surrounding hinterland..."*
- 4.3 The Council is in the early stages of a Local Plan Partial Review and the parties agree that only very limited weight can be given to the review at this stage.
- 4.4 Relevant national policy is to be found in the National Planning Policy Framework (the Framework) as well as national Planning Policy Guidance (PPG).
- 4.5 The Council and Applicant contend that the proposal is in conformity with development plan and national policy. The Chamber oppose the proposal on the basis that it contravenes key local and national policies aimed at preserving the vitality and viability of town centres.
- 4.6 The most recent Retail Study for Bridgnorth is the 'Bridgnorth District Council Retail Study 2006-2021' dated August 2006¹⁶. This study formed part of the evidence base to the SAMDev which was adopted in 2015.

Matters Agreed Between the Council and Applicant

- 5.1 The Council and Applicant entered into a Statement of Common Ground (SCG) which records all matters agreed between these two parties. The statement sets out agreements in relation to the application history and planning history of the site and other factual matters.

Retail Impact

- 5.2 The two parties agree that the application site is located partly within the town centre boundary and partly outside it. As such they are agreed that the site should be treated as 'edge of centre' in terms of any assessment against retail policies. It is agreed that there are no sequentially preferable sites which are available, suitable and viable for the development proposed. The parties further agree that the proposal complies with the sequential test set out in paragraph 24 of the Framework and CS policy CS15.

¹⁶ CD E.5.1

- 5.3 It is further agreed that Bridgnorth is a healthy, vital and viable town centre and that the proposed development would not result in a significant adverse retail impact upon the town centre.

Highways and other matters

- 5.4 The Council and Applicant agree that there is no objection to the proposal on highways or transportation grounds including parking provision, subject to the agreed conditions and the section 106 obligations. There are no design objections. There is no objection from the Council in relation to air quality considerations subject to the provisions in the section 106 agreement and the provision of charging points for electric vehicles.

Matters Agreed and in Dispute Between the Applicant and the Chamber

- 5.5 Helpfully there is a schedule setting out the main points of agreement and differences between the Applicant and the Chamber in terms of the retail impact assessment. It is included at Inquiry Document 12.

The Case for the Applicant

- 6.1 This summary contains all material points in relation to the Applicant's case. It is taken from the submissions made and evidence given on behalf of the Applicant and from other documents submitted to the Inquiry.
- 6.2 The overarching issue is whether the proposal complies with local and national retail planning policies, particularly in respect of its impact on the vitality and viability of Bridgnorth town centre. This can be sub-divided into two issues: firstly is the proposal likely to have significant adverse impacts on the vitality and viability of the town centre by virtue of the amount of trade that it will draw from the existing centre? Secondly would the reduction in car parking caused by the proposal result in the existing town centre losing trade to such an extent that it will threaten the vitality and viability of that centre?

Trade Draw

- 6.3 The original retail impact assessment (RIA) and the evidence of the Applicant have been scrutinized by the Council's retail expert who does not disagree with any of the professional judgments made. The Council therefore accepts the retail evidence of the Applicant in relation to any potential impacts on the town centre by way of trade draw; the potential claw back of leaking expenditure and the conclusion that the overall impact on the centre would not constitute a significant adverse impact. In his original assessment Mr. Newton (the Applicant's retail expert) estimated a 4.7% impact on the comparison goods turnover. This has been revised to 2.5%. It is important to note that the National Planning Policy Framework and PPG seek to avoid a significant adverse impact on the town centre as a whole, not on any individual components. It follows that the impact on the town centre as a whole is considerably less than 2.5%. The Council and Applicant's experts are in agreement that the impact would not be significantly adverse.
- 6.4 The case put forward on behalf of the Chamber of Commerce (the Chamber) is that the retail impact assessment figures are an under-estimate. However, no alternative figures have been provided to make good this point. All that has

been provided is a series of discrete criticisms, none of which stand up to scrutiny.

- 6.5 Under-estimate of scheme turnover: The retail line up has now been agreed. Whether 80% or 85% is applied as net floor ratio makes no material difference to the out-turn figure of a 2.5% impact (and net floor space can be conditioned at 80% if necessary). The retail expert of the Chamber took no issue with a scheme turnover (with identified occupiers) of £4.79m. His only criticism was that the same growth had not been applied to the scheme turnover figure up to 2022 as had been applied to the town centre turnover. However, this approach is disputed. Firstly, the scheme will not exist until 2022 and therefore it cannot benefit from efficiency improvements between now and 2022. Secondly, as a modern purpose built scheme, it would be provided from day 1 in the most efficient and effective form for that retailer.
- 6.6 Even if an efficiency growth rate was applied to the proposal, the correct growth to apply is the compound based year on year rates taken from the Retail Planner Table 4b. This would increase turnover by a factor of 10.6% in 2022, taking the turnover from £4.79m to £5.3m, which in turn would increase the town centre impact (on comparison goods only) to 2.81%. Finally, even if the Applicant were to concede the point entirely and to apply a growth rate to the turnover using the calculation favoured by the Chamber, the turnover figure would increase to £5.77m and this would equal an impact of 3.1% only (if other aspects of the Applicant's calculations are accepted). In short, this point does not advance the case of the Chamber, because the impact remains below the 4.7% which Mr. McCallum accepts does not equal a significant adverse impact.
- 6.7 Town centre turnover: the town centre turnover estimates in the RIA are accepted by Mr. McCallum on behalf of the Chamber. Professional judgments need to be made about how much of the turnover of the proposal would be drawn from the town centre and what proportion would come from expenditure currently leaking from the study area (clawback). The Applicant's judgment is that the proposal would draw £1m from the town centre, namely 23.7% of the total drawn from the Study Area (£4.31m)¹⁷.
- 6.8 Approximately 76% of its trade would represent study area expenditure that is currently being spent outside the study area. This judgment is based on a number of factors. There is significant leakage from the study area; the scheme is more likely to compete with facilities outside the Study Area; the retailer line up for this development includes retailers who are based outside the study area, and the Householder Shopper Survey¹⁸ shows that shoppers are travelling to those locations to buy goods of the type that would become available within Bridgnorth. In addition the Chamber contend that national retailers are under-represented in Bridgnorth, whereas it has a good offer of independent traders catering for the "quirky" and "cool". This proposal would therefore complement the existing offer, increasing the likelihood that people would stay within the study area.

¹⁷ See PN para. 7.20, final bullet point, p.24

¹⁸ Mr Hanafin appendix 4

- 6.9 The RIA is based on a clawback of £3.31m¹⁹ which represents only 5% of the total £60m that is currently leaking out. In contrast, Mr. McCallum provided very little reasoning for disputing the clawback figure, and the factors he identified for disputing the figure are not persuasive. This is because the occupiers are now known and are national retailers and the larger centres are much larger than Bridgnorth and would continue to attract people from the study area. In fact the Applicant assumes a clawback of only £3.3m out of total leakage of £60m.
- 6.10 Mr. McCallum then contended that the retailer line up was insufficiently attractive to secure even this modest level of clawback, but provided no evidence to back up this assertion. It was also contradicted by his acceptance that people left the study area to visit these very same retailers outside the study area. Mr. McCallum suggests that a more reasonable trade diversion figure would be 30% of the proposal turnover, which would equate to a town centre impact of 10%. If 30% trade draw is applied to the updated proposal turnover the draw from the town centre would be £1.73m which represents an impact on the comparison goods sector of 4.3% which would not be a significant adverse impact.

Loss of Car Parking

- 6.11 If granted planning permission, the proposal would result in a reduction in town centre parking. Before looking at the extent of the reduction and its likely impact it is vital to place the matter in its proper context. The starting point is to recognize that the town centre offer has to improve if the acknowledged problem of significant leakage is to be addressed. This leakage is holding back economic performance in the study area and it gives rise to unsustainable travel patterns. The evidence identifies comparison goods capacity within Bridgnorth in excess of that which this proposal would provide and a specific need for larger retail units.
- 6.12 All of the relevant development plan policies provide that the market towns must maintain and enhance their role in providing facilities and services to their rural hinterlands and provide a focus for economic development and regeneration. Policy CS15 in particular supports the delivery of appropriate comparison goods retailing. The evidence shows that Bridgnorth is failing to fulfill this role because it is not stemming the comparison goods leakage. In short, the policies of the development plan support this proposal.
- 6.13 It is the agreed position that there is no sequentially preferable site, and that this site is partly within the centre and partly edge of centre. It is extremely well connected to the town centre, lying within a short walking distance and connected by safe and convenient walking routes. So, if Bridgnorth town centre is to expand and provide comparison goods, units of the size that will attract national retailers, this is the only policy compliant site available.
- 6.14 The site also provides the potential for linked trips and improvement to the vitality and viability of the town centre. Whilst it is accepted that the reduction in car parking is a minor dis-benefit of this scheme, this has to be weighed

¹⁹ £4.31m turnover drawn from the study area minus £1m draw from the town centre

against the fact that by providing additional retail offer and choice, this would increase the attractiveness of the centre. Even more importantly there would be the opportunity for linked trips which would reduce car movements as well as off-setting trade diversion. The trade diversion figure takes no account of the extent to which the proposal would induce more customers to shop in the existing town centre. If the scheme is built it would function as part and parcel of the town centre, leading to what would in effect be an expanded centre.

- 6.15 Both local and national policy place an emphasis on taking measures to promote travel by non-car modes. It is also undeniable that providing ample (and cheap) car parking is likely to dissuade people from using non-car modes of travel. So whilst the Chamber points to the fact that the vast majority of people travel to the town by car, this is in fact all the more reason for taking steps to encourage people to change their travel behaviour. Further, there is no evidence before this Inquiry that the town centre is not well served by public transport.
- 6.16 National policy makes no mention of increasing the quantity of car parking in town centres. The Chamber has misinterpreted national policy by assuming that "quality" includes "quantity". Increasing the quantity of car parking is very much an exception to the rule of bearing down on anything which encourages the use of the private car, and only to be done if there is evidence that the vitality of a town centre is under threat. That is not the case here. Policy looks for improvements in the quality of car parking in town centres and that is what this development would deliver. In addition to better signage at the Innage Lane car park, the Smithfield car park would be improved by the provision of parent and child spaces, improvement of its surfacing and marking out, electric vehicle charging points, motorcycle parking spaces and cycle stands.
- 6.17 There are no parking standards in the development plan. The Planning Practice Guidance deprecates the use of maximum standards, providing instead that Councils should ensure provision is appropriate to the needs of the development and not reduced below that which could be considered unreasonable. The proposal would provide 158 parking spaces which the Council considers reasonable.
- 6.18 The Chamber's case is based on the false premise, wholly unsupported by policy, that there is an obligation upon a developer to provide car parking not only to cater for its own development, but for existing developments. There is no policy support for such an approach, and no rational argument has been put forward as to why this developer is responsible for the needs of the hospital. There is no evidence at all that the hospital car park is inadequate for its own needs. If lack of parking for the hospital was of such concern, it would manage its car park so that it could be used by hospital patrons only.
- 6.19 Having set out these important points of context, it is necessary to consider the degree to which this proposal would reduce car parking provision. In this respect, it is important not to concentrate on absolute capacity pre and post development, but to look at actual demand pre and post development and ask to what extent that demand would be catered for.
- 6.20 It is important to consider all of the car parks in the study area. All of these car parks are within 4-5 minutes' walk of the town centre. They are all suitable and the Applicant's surveys show that all are very well used. The only systematic

and objective evidence provided about the current level of usage of the relevant car parks is that provided by the Applicant. The Chamber has only provided evidence relating to the Smithfield car park. The fact that this car park may be full at any given time does not show that there is no suitable parking available for the users of the town centre. In order to demonstrate that, it would be necessary to show that all of the other study area car parks were also full at the same time. Mr. Robbins' evidence does not do that.

- 6.21 The only other evidence provided by the Chamber was the Parking Contravention Notice data. The data simply shows that a lot of people overstay in the car parks. These are people who have found a space. Given there is no evidence to show that there is a lack of long-stay car parks in the town, the data shows nothing other than that people in Bridgnorth overstay in the car parks.
- 6.22 It was suggested that the Applicant's 2017 data was not representative because car park demand may have been suppressed by road closures. The evidence shows that the road closures were mainly at night and that when there were 24 hour closures these were on non-survey days. The road works were short term, sporadic and did not affect all routes into the centre. No evidence is available as to whether the road works were operational on Saturdays. All of this taken together suggests that the road works are unlikely to have had any significant effect on the data.
- 6.23 There is data available to the Inquiry from 2015 which provides a control sample as far as road works are concerned because all other matters remained the same. The level of use of the car parks was approximately the same in 2015 as it was in 2017. Mr. Robbins had no answer to this, other than to speculate that the 2015 survey days may have been unrepresentative too.
- 6.24 The current parking situation: The data is unequivocal: there is always spare capacity during the weekdays, including Fridays, in the study area car parks. There is a short window of a few hours on Saturdays²⁰ when all of the car parks in the study area are full. Mr. Robbins' survey data confirms that there are always spaces during the weekdays, and also shows that the lack of availability on Saturdays is not for the whole day but for a few hours only.
- 6.25 Parking demand post development: It is submitted that the 70 spaces estimated by the Applicant is reasonable. It is based on TRICs, a standard approach and methodology which has been verified by the Highway Authority. The Chamber invites the Secretary of State to apply maximum parking standards derived from withdrawn guidance and directly contrary to up to date guidance which expressly states that the maximum standards should not be applied. It is then necessary to make a deduction for linked trips. The Applicant's estimate for linked trips is based on public and verifiable research²¹.
- 6.26 The Chamber sought to argue that demand will increase in future because of the closure of the Westgate car park. There is no evidence before the Inquiry as to how many members of the public park at this car park generally or on

²⁰ 5hrs on table 5, approx. 3 hours on Table 7

²¹ Mr. Hanafin paragraph 7.1.6 and tables 11, 12, 13 and 14 which are based upon a post-development demand (adjusted for linked trips).

Saturdays (the latter is relevant because there is spare capacity within the study area car parks on all days save for Saturdays so displacement during the week would not cause a problem in any event). Further there is no evidence as to who parks there or why, or whether parking in the town would suit their purpose.

- 6.27 The Chamber also argued that increased housing provision in the district will increase the pressure on town centre car parking. Either the development plan considers it acceptable for there to be an increase in housing and use of the town centre despite what is a current lack of parking space on Saturdays, or if it is not considered acceptable the planning process will require the applicants for those sites to mitigate their impact on the town centre to an acceptable level.
- 6.28 Importantly the town centre is vital and viable. No one has identified a threat to it. If people from the new housing will not increase turnover in the town centre because on the Chamber case there will be nowhere for them to park and therefore they will not visit, this cannot undermine the vitality and viability of the town centre.
- 6.29 Car parking provision: there would be 126 spaces to the front of the units. There is no reason at all why the 32 spaces at the rear should not be counted. It would be a modern, well designed car park with a generous width walkway that people can use to enter and leave the car park, segregated from cars and delivery vehicles and well lit. There would be no conflict between service vehicles and pedestrians/shoppers because deliveries would be restricted to outside peak shopping periods.
- 6.30 With 158 spaces there would be no shortage of spaces in the study area on weekdays. There would be a shortage on Saturdays. Assuming that the existing demand is equal to the full capacity of the car parks in the study area and adding the development demand shows that there would be a shortage of parking spaces for a 3 hour period on Saturdays. This would peak at a shortage of 96 spaces²². If the additional 56 spaces at Innage Lane are provided on Saturdays (an approach that the Highway Authority accepts), the shortage on Saturdays is reduced to 2 hours only, peaking at a shortage of 40 spaces²³.
- 6.31 There is no reason why more efficient use should not be made of the Innage Lane car park to cater for Saturday demand. There is no evidence to suggest that the coach parking space may already be used on Saturdays²⁴. The letters from the schools objecting to the rebadging of the coach spaces for weekend use as car parks are clearly premised on the misunderstanding that the coach spaces are to be removed during the week.
- 6.32 The extent of the shortfall: in all reality the shortfall would be less than 2 hours and the maximum peak of a 40 space shortage on Saturdays. This is because 20% of visitors are parking for more than 3 hours (albeit we do not know for how much more than 3 hours). In addition there are a considerable number

²² Mr. Hanafin Table 12

²³ Mr. Hanafin Table 14

²⁴ In any event the additional 56 are not factored into Mr. Hanafin's figures until Table 14 (i.e. if they are to be treated as existing spaces they would simply be factored in the earlier tables, thereby reducing the current shortage on Saturdays).

who hold car park permits. Whilst there is no method of being definitive, limiting parking to 3 hours and removal of the permits is likely to improve through-put and reduce the peak shortage.

- 6.33 In conclusion, the loss of spaces in absolute numbers (which would be 120 not 150) is irrelevant. The development would require 41 spaces making the appropriate reduction for multi-trips, not 100. There is no evidence to support the assertion that people would not be able to park on a Friday. The number of people who would not be able to park on a Saturday would be 40 between 12:00 hours and 13:00 hours and 6 people between 13:00 hours and 14:00 hours. Applying a figure of 46 people over 52 Saturdays and 2 persons in a car, together with an assumed spend of £20, gives a loss of £0.1m. Adding this to a town centre impact of 2.5% or 3% or 4.3% would not equate to a significant impact.
- 6.34 The assumption that those who cannot park during the peak two hour period on a Saturday are simply lost to the town, never to change their shopping habits either to come earlier or later or another day or by other means of transport is flawed. The amount of car parking in Low Town and the relative accessibility between that parking and High Town by the railway and by bus suggests that there is ample scope to encourage at least some shoppers and many visitors to make greater use of those car parks, thereby reducing congestion and air pollution in the town centre.
- 6.35 Whilst there may be some negative impact on town centre turnover from the slight reduction in car parking, this would be negligible and in all probability offset by the uplift in sales from linked trips by those who visit the proposed development who would otherwise not have come to Bridgnorth.

The Fallback Position

- 6.36 Neither the Applicant nor the Council, in resolving to approve this application, has relied on the fallback position. The case for concluding that there would be no significant impact on the vitality and viability of the town centre (from either trade diversion or loss of custom as a result of the reduction in car parking) is overwhelming. However, if the Secretary of State concludes that the trade diversion is acceptable but that the loss of car parking is not, the fallback position is relevant.
- 6.37 If the application is refused, the overwhelming likelihood is that Sainsbury's would exercise its rights under the car park management agreement and forfeit the license. It is not plausible to argue that the Council is not in breach, or that the Council can rectify the breach in the time provided for in the agreement. The reasons for this are set out in the evidence of the Council to this Inquiry, which publically records the legal advice of the Council Solicitor that the Council is in breach and would be unable to avoid a forfeit of the license. It follows from this that if Sainsbury's brings proceedings, the Council would not defend them. There is no commercial reason why Sainsbury's would not seek to enforce the car park management agreement. The site generates no income for Sainsbury's and is virtually a nil value asset. It can change this by simply exercising its contractual powers and extinguishing the car park, thereby removing the only reason why redevelopment is being prevented by the planning system.

6.38 Alternatively, it can simply build out the existing consented scheme. Neither the Council nor the Chamber contend that this scheme is not capable of being built out, having been lawfully implemented and therefore “saved”. The Chamber says there is no market for DIY but there are no conditions restricting the comparison goods retailing from the store once built. Once built out and trading, there could be no planning justification for refusing an application to remove the condition that currently forbids sub-division, or indeed external changes to make the consented store into a number of standalone units.

Conclusions

6.39 For all of these reasons the Applicant submits that this is a proposal which accords with the development plan and there are no material considerations which indicate that planning permission should be refused. Therefore both in accordance with section 38(6) of the 2004 Act and paragraph 14 of the National Planning Policy Framework it should be granted planning permission. The Inspector is respectfully invited to make this recommendation to the Secretary of State, and the latter is respectfully invited to accept that recommendation.

The Case for the Council

7.1 This summary contains all material points in relation to the Council’s case. It is taken from the submissions made and evidence given on behalf of the Council and from other documents submitted to the Inquiry.

7.2 The planning application which is the subject of this Report was first presented to the South Planning Committee on 10 January 2017 where the Committee noted a “minded to refuse” decision. The application was then subsequently re-presented to the Committee on 7 March 2017 where, subject to the completion of a s106 agreement, the Committee resolved to approve the application. The s106 agreement is to provide financial contributions toward reconfiguration of the Innage Lane Car Park and general car park signage around Bridgnorth.

7.3 The application was called-in by the Secretary of State by way of letter dated 21 April 2017. The Council’s position has not changed since its resolution to grant permission and the Council invites the Inspector to recommend that the application be approved.

7.4 This application is to be determined by reference to a development plan which is up-to-date. The Council has assessed the proposal against Core Strategy policies CS1, CS3, CS6, and CS13²⁵ and it finds no conflict. Similarly the proposal has been tested against SAMDev policies MD1, MD2, MD10a, MD13 and S3 and it finds no conflict. It is the Council’s case that the proposal represents sustainable development, that it accords with the development plan and that it should be granted planning permission.

7.5 Whilst the Council consider that the proposal accords with the development plan, the Chamber raises objections which go to that conclusion. Those matters are explored below.

²⁵ Summarised at section 4 above

Retail Impact Assessment (RIA)

7.6 The only RIA before the Inquiry is that undertaken by the Applicant, originally submitted with the Application it has been updated for the purposes of the Inquiry. The Framework²⁶ requires that a sequential assessment be undertaken as part of the retail assessment. Each party agrees that there are no sequentially preferable sites. The Framework further requires an assessment of:

“-the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

–the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made..”

7.7 Paragraph 27 of the Framework then directs that where an application *“fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused”*. It is agreed there has been no proposed investment identified in the centre nor is there any committed investment. There is existing investment insofar as that relates to the investment made by town centre businesses in their businesses and that is no different to any centre.

7.8 It was further agreed²⁷ that the correct approach in the present case is to undertake a ‘standard’ RIA exercise following the usual methodology before then going on to consider what, if any, impact upon the town centre in retail terms the reduction in car parking spaces might have. The town centre of Bridgnorth performs well, it is vital and viable and local people are rightly proud of it. There is no suggestion that the town centre is anything other than successful. That view is only further supported by reference to the Town Centre Health Check.

7.9 The Applicant has now been able to confirm the tenant line up for the scheme, it is agreed between the parties that this provides greater certainty as to the assessment of the likely turnover of the scheme. Utilising the identified trading performance figures for those specific retailers (Costa, Mountain Warehouse, Peacocks, Poundstretcher and Pets at Home) derives a turnover figure somewhat lower than that of the original assessment (£9.55m v £4.79m²⁸). It follows therefore that any impact upon the town centre in terms of trade diversion is lower than that envisaged when the Council resolved to grant permission.

7.10 The original RIA took as its starting point the Council’s commissioned Retail Study 2006-2021. The Council considered that whilst now dated it was still suitable and relevant for that purpose, not least as there are still five years left to run in the assessment period and it formed part of the evidence base of the SAMDev adopted two years ago. The 2006 study provides the basis for the Study Area in the present case, taken as a whole that Study Area accounts for 90% of the turnover of the proposed development.

²⁶ Paragraph 24

²⁷ Mr McCallum in cross-examination

²⁸ Mr Newton proof of evidence Appendix 7 Table 2

Leakage/Clawback

- 7.11 It is accepted by all parties that a significant element of the comparison goods spend from the Study Area is not spent in Bridgnorth but is instead spent at other centres, typically those with larger retail parks including Telford, Kidderminster and Wolverhampton. Bridgnorth town centre is occupied by a mix of independent and national retailers and there is presently no retail park or any modern retail units of the type proposed. In consequence the kinds of occupiers that are accommodated in such units are not presently represented in Bridgnorth and it is no surprise that the leakage figure is high.
- 7.12 The Applicant contends that, given the clear overlap between the types of goods that would be sold from the proposed development as against the types of goods that residents in the Study Area are travelling elsewhere to purchase, there is the potential for the proposal to clawback a proportion of that trade. The Chamber does not disagree as to the principle but does disagree as to the level of that clawback.
- 7.13 Factors which plainly influence that assessment include:
- the almost complete absence of any 'big box' retailers or indeed any 'big boxes',
 - the lower than average representation in the town centre of national retailers (i.e. household names), and
 - the very limited overlap between the types of goods proposed to be sold and those already provided by the existing town centre offer.
- 7.14 There is also the particular nature of the offer currently available in Bridgnorth which generally comprises a range of individual, independent retailers. They are attractive in their own right. Presently residents of Bridgnorth have to choose between that offer and the necessity of travelling further afield to meet their other comparison shopping needs. This is not a case where the overall offer in the centre is unattractive, underperforming or even particularly limited.
- 7.15 Having regard to those factors the Council consider that there is strong potential for clawback. However this is a relatively modest proposal when compared to large out-of-centre retail parks. In consequence, the revised RIA anticipates a relatively modest clawback figure of some £3.2m of the identified leakage. The Council consider that to be a reasonable assessment when having regard to the factors identified. The contention advanced by Mr McCallum that the proposed offer is so unattractive or that it simply duplicates provision already in the town centre such that it would fail to stem a modest proportion of that expenditure leakage is simply unsustainable.

Trade diversion

- 7.16 The clawback figure feeds into the overall assessment in terms of determining trade diversion from the town centre and it comprises £3.2m of the proposed turnover of the development. The original assessment concluded that the impact on the town centre would be 4.7% of town centre turnover (i.e. £2m diversion from the town centre). On the revised (and undisputed) turnover of the proposal that figure falls to 2.5% (£1m diversion from the town centre). The

Council consider 4.7% to be a reasonable conclusion of the original RIA and further consider that such a figure would not lead to a significantly adverse impact upon the town centre.

Location

- 7.17 The Council consider that the proposal has the potential to integrate well with the existing defined town centre. The site is plainly well related to the town centre. The contention of the Chamber that the proposal would not function as part of the town centre simply does not bear scrutiny when one bears in mind that this is considered to be a popular town centre car park given its "*proximity to the High Street*"²⁹. This potential to integrate well with the town centre is a further factor when considering impact. Plainly proposals that integrate well into town centres and which bring new visitors into the town have the capacity to increase the overall turnover across the town centre so increasing the vitality and viability of the centre.
- 7.18 The Council consider that the RIA provided with the application was robust and reasonable; the Council concluded that the identified impact of 4.7% was not significantly adverse. That figure has now fallen and in consequence the original conclusions drawn by the Council are only further reinforced.

Car Parking

- 7.19 The Council have throughout the course of the application considered that the overall reduction in car parking would lead to a shortfall of provision for a short period on Saturdays. The Council acknowledge that, in principle, a shortfall in car parking provision can impact upon the turnover of the town centre. There are two critical points to note when considering this feature of the proposal:
- any proper consideration of impact must proceed on the basis of demand for car parking against supply of parking rather than simply the reduction of car park numbers; and
 - the correct approach is not to consider the proposal car park in isolation when assessing potential impact upon the town centre but to consider the provision of car parking which serves the town centre as a whole.

Surveys

- 7.20 Survey evidence has been provided to the Inquiry by both the Applicant and the Chamber. The Applicant's surveys are based upon a 'Study Area' which includes the town centre car parks serving High Town. The Chamber survey considers only the proposal car park; in consequence it falls foul of the second bullet point above.
- 7.21 The Chamber contends, on the basis of its evidence of Smithfield car park alone, that there is a shortfall in car parking provision above and beyond that identified on Saturday which already exists. Notwithstanding that contention the Chamber's own evidence simply does not show that. The Chamber's survey

²⁹ Mr Robbins proof of evidence 2.2

shows a shortfall for a short period on Saturdays, that evidence is aligned to the evidence of the Applicant.

- 7.22 The Chamber was further concerned that recent roadworks would have underplayed the level of demand for spaces. The only evidence put forward was in the form of the Shropshire Star article and the only indication of a reduction came from a quote referring to a date of around 20 September. All of the car park surveys were undertaken prior to that date. Mr Robbins abandoned his original proposition that road closures had caused an impact and instead relied upon roadworks, he then accepted that the particular diversions / traffic lights that he complained of were not permanent in duration through the course of the roadworks. Most importantly the Applicant's survey data from 2015 is very similar to the survey results undertaken in 2017. Further evidence of a lack of impact is found in the Business Survey undertaken by Mr McCallum in September 2017 during the period of the roadworks.³⁰

Car Parking Quantity and Quality

- 7.23 The real bone of contention, so far as the Chamber is concerned, is the quantity of car parking. As agreed by Mr Robbins, traders would want as much parking as possible. PPG provides that: *"This positive approach should seek to improve the quality of parking in town centres (in line with NPPF) and, where it is necessary to ensure the vitality of town centres, the quantity too."*
- 7.24 There is generally not an issue with the quality of the car parks in Bridgnorth. Points were made as to maintenance being required and perhaps further markings to be laid out but this is plainly not a case where the existing car park provision is insecure, unlit, has unattractive walking routes to the centre or that the level of charging is too high. Mr McCallum appeared to contend that a factor of quality was convenience. That may be so, to a limited degree, but a plain reading of both the Framework and Planning Practice Guidance makes clear that quantity is not a feature of quality in this regard. The Council do not consider that there exists any general problem in terms of quality of the car parks nor does it consider that there would be post development.
- 7.25 The only potential issue is quantity or more pertinently given that both surveys show that there is a shortfall in High Town for a limited period only, the perception of quantity. The important point remains that it is not in dispute that there is not an issue with car parking provision when taking Bridgnorth as a whole. Indeed, the car parks in Low Town are uniquely well served by the Cliff Railway, together with an hourly bus service and pleasant (though steep) walking routes. Given the considerable proportion of demand that arises from tourism (by its nature a relaxed activity less concerned with speed and convenience) it cannot be said that some of those visitors having to park in Low Town is in some way detrimental to the viability and vitality of the town.
- 7.26 It is no part of planning policy or guidance to either meet peak demand in full (noting that in the present case peak demand is in fact met when considering Bridgnorth as a whole) or to prioritise convenience or proximity. In fact

³⁰ Mr McCallum proof of evidence page 14, Table DAM 5.4 which shows that 57% of town centre businesses saw an increase in trade and 22% remained the same over the previous 12 months.

plentiful, easily accessible and proximate parking only serves to encourage reliance upon the private motor car.

- 7.27 A further important point is that of linked trips. The proposal would, on the Applicant's evidence, create a peak demand of 70 spaces. That demand would inevitably include a proportion of people who are already visiting the town centre. In the present case there are a number of factors which suggest that the proportion would be high. These include the attractiveness, vitality and viability of the Town Centre which means that people are already in the town (as opposed to shopping elsewhere); the proposed units are located such as to function as part of the town centre, the pedestrian linkages which make it a popular car park for the High Street would serve exactly the same purpose in terms of integration; the Sainsbury's supermarket already performs such a function effectively and provides a telling example. The effect of this is that the identified demand of 70 does not represent a new demand of 70.

Mitigation

- 7.28 The s106 Agreement secures funding for the reconfiguration of the Innage Lane Car Park to provide 56 extra car parking spaces. That they can physically be accommodated is not in dispute. A criticism was raised in that the schools which presently use the car park may not be able to operate in the same manner as they presently do but this is not accepted by the Council. The actual arrangements are a matter for the Council's Highways team rather than the Applicant, a note has been provided to the Inquiry as to indicative options to ensure that the mode of operation is perfectly obvious and simple to understand.
- 7.29 The Council do not propose to manage the car park to the rear of the retail units. Conditions have been proposed by the Applicant which will ensure that appropriate pedestrian footways are provided and that deliveries are restricted. It is to be noted that this part of the car park will only be short stay parking on Saturdays.
- 7.30 Mr Robbins accepted that the evidence he provided to the Inquiry could not form the basis of an inference that the (comparatively) high level of parking contravention notices per head of population could be attributed to a shortage of car parking.

Other Matters

- 7.31 Recycling: The redevelopment of the application site would remove recycling facilities from that car park and the reconfiguration of Innage Lane would remove recycling facilities from that car park. In pure quantity terms there would therefore be a loss in terms of the recycling facilities. However, there are now kerbside recycling collections undertaken by the Council and other recycling facilities in the town, as well as a new household waste centre in Bridgnorth.
- 7.32 The existing Car Park Agreement: The Chamber contend that the Council is not in breach of the existing car park agreement and that in consequence the proposal would still be bound by it. Whether or not the agreement is breached is a matter of law, the important point being that the party said to be in breach (the Council) considers itself to be in breach. It is unlikely therefore (particularly

when set in the context of the expenditure of public money) that the Council would seek to defend a rescission of an agreement the terms of which it accepts it is in breach.

- 7.33 The requirement is that the car park is managed in such a way as to predominantly provide for short term parking. Allowing parking for up to 10 hours and having issued some 85 unrestricted permits the Council considers that it would be unlikely to be able to defend an allegation that it has failed to manage the car park in the manner required³¹. This is a key point. The car park land is in private ownership, it is simply operated by the Council. The breach of the agreement could allow the closure of the car park (especially when it is further considered that Sainsbury's, as landowner, derive no financial or commercial benefit from the land as it is presently operated – there is therefore little incentive to keep it that way).
- 7.34 A final point is that the Agreement, even if it were to endure, requires the provision of 136 car parking spaces. The landowner has the right to configure those spaces at its discretion. The proposal, including the parking to the rear of the unit, provides for 158 car parking spaces. In consequence the proposal could proceed in any event.

The Fallback position

- 7.35 The Council, the Applicant and the Chamber consider that the DIY Permission remains extant. Where the Chamber differs is as to the likelihood of it ever coming forward. That is a matter of judgment. It is important to note however that the planning permission does not restrict the units to the sale of any particular mix or category of goods, as a permission it can operate on an open comparison goods basis.

Heritage Considerations

- 7.36 On behalf of the Council, Dr Wigley concludes that the proposal would not harm the setting of the Bridgnorth or Innage Gardens Conservation Areas nor would it impact upon any listed buildings. Dr Wigley considers that the application site in undeveloped form represents a gap in the urban fabric which results in minor adverse harm to the setting of the Bridgnorth Conservation Area. He concludes that the design of the proposed units would be complementary to the existing built fabric and that the development of the site would be positive in that it would remove that gap. There is no reason to consider that there is any Heritage harm arising from the scheme as proposed.

Assessment against the development plan

- 7.37 The proposal straddles the town centre boundary and a full retail impact assessment has been provided as part of the application. That assessment has been critically reviewed by the Council and it is the Council's view that the identified impact is acceptable. Furthermore, and not in issue between the parties, there is no superior sequentially preferable site that has been identified.

³¹ Nor could it remedy the breach in the required timeframe given that (i) permits have been issued of lengthy duration, and (ii) the car park is subject to a Traffic Regulation Order which would require amendment

Conclusions

- 7.38 This proposal represents sustainable development in a sustainable location. It is well located for retail use and has the potential to integrate fully with the town centre. It would allow for a modest reduction in expenditure leakage by providing a retail offer not currently present in Bridgnorth Town Centre. It would satisfy the policy requirement to enhance the status and function of Bridgnorth as a Market Town.
- 7.39 The Council accepts the RIA as presented by the Applicant as being reasonable in its approach and conclusions and does not consider that the impact identified amounts to a significant adverse impact. Importantly the Council, in coming to that conclusion, has had regard to the evidence presented by the Chamber which does not consist of an alternative assessment but simply a critique of the RIA.
- 7.40 Further, the Council notes the potential for the scheme to contribute to the viability and vitality of the town centre through increased visits to the town centre by way of linked trips, as well as the retention of expenditure leakage.
- 7.41 The Council has fully considered the additional factor of the loss of parking and its potential to impact upon the vitality and viability of the town centre. The identified shortfall in car parking arises only for a short period of time on Saturdays across the Study Area (rather than simply looking at Smithfield in isolation). In addition there remains at all times capacity across Bridgnorth as a whole. In this context the Council considers that the potential additional impact, when coupled with the trade diversion, would not amount to a significant adverse impact.
- 7.42 The Council also takes into account the further identified benefits of the scheme in terms of employment opportunities, reduction in car miles travelled through expenditure retention and the positive impact of building out the gap in the built form. Having considered the proposal fully the Council remains of the view that it accords with the adopted development plan and that there are no material considerations which indicate that the proposal should be determined other than in accordance with it. The Council invites the Inspector to recommend that the application be approved.

The Case for the Chamber of Commerce

- 8.1 This summary contains all material points in relation to the case presented by the Chamber of Commerce (the Chamber). It is taken from the submissions made and evidence given on behalf of the Chamber and from other documents submitted to the Inquiry.
- 8.2 It is a mark of the strength of concern amongst businesses of the town and local people that they have gone to the trouble of persuading the Secretary of State to call-in the application, applying for rule 6 status and fund-raising in order to be able to take an active role at this inquiry.
- 8.3 Bridgnorth is one of the main market towns in Shropshire and is noted in the Core Strategy as a town which will provide a focus for development within the constraints of its location on the edge of the Green Belt and on the River Severn. It is a key service centre, not just for the town itself, but also for its

rural hinterland. It is a historic town centre with unique qualities and charm which attracts both local residents and tourists. Bridgnorth was named High Street of the Year in the Large Market Town Class in 2016. This is an accolade from which local people derive considerable pride. It is a mark of how special Bridgnorth is.

- 8.4 In its Committee report of 10 January 2017, officers advised that it was not Government policy to protect independent traders. However, this overlooks the fact that where these form a significant proportion of the town centre and create its character and the basis of its attraction and vitality, the impact on them must be material. The Chamber draws comfort from the decisions of Inspectors who have reached a similar view³².

Loss of Car Parking Spaces

- 8.5 The crux of the Chamber's objection relates to the reduction of car parking spaces which is an agreed consequence of the proposed development. Ensuring adequate car parking is an integral part of the vitality and viability of the town centre. The parking provision in the town is already inadequate. The Council ought to be doing all it can to increase the number of spaces. This application will do the exact opposite.
- 8.6 At the outset, it is important to record what national policy and guidance says on the point. The Framework states that local planning authorities should *"recognise town centres as the heart of their communities and pursue policies to support their viability and vitality"*.³³ Paragraph 40 goes on to state:

'Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles. They should set appropriate parking charges that do not undermine the vitality of town centres. Parking enforcement should be proportionate.'

- 8.7 The National Planning Practice Guidance³⁴ provides that:

...the positive approach [to town centres] should include seeking to improve the quality of parking in town centres (in line with the NPPF) and where it is necessary to ensure the vitality of town centres, the quantity too.

The Baseline

- 8.8 It is common ground that Bridgnorth currently possesses a viable and vital town centre and that there is a desire to encourage it to go from strength to strength. A further important factor is the adequacy of car parking provision in the town, particularly given that the vast majority of visitors come by car. The Applicant's 2017 Household Survey shows that 81% of people come to Bridgnorth by car³⁵.
- 8.9 A lack of parking spaces in town centres is a common complaint. However, here the lack of car parking spaces is particularly acute and pressing. The

³² Mr McCallum appendices 6.2 & 6.3

³³ Paragraph 23

³⁴ Paragraph 001 of the NPG in respect of Ensuring the Vitality of Town Centres

³⁵ Mr Newton appendix 4, Q34

decision maker is invited to reach that conclusion based upon the following evidence. The Council previously attempted to acquire the site for public car parking under compulsory purchase in 1992. This attempt was undertaken in the context of the (then) emerging local plan whose evidence recorded that there was a need for additional parking in the town. That the Council ultimately abandoned the CPO procedure and acquired the land by agreement is neither here nor there. The simple point is that the importance of public car parking to the vitality and viability of the town centre and its relative dearth has long been recognised.

- 8.10 Bus services have declined in recent years and particularly significant is the reduction of the town bus service (Service 101) from a half hourly service to an hourly one last year. This means that arrivals by car (and the consequential need for car spaces) has risen, not fallen, since the Applicant first promoted its proposal.
- 8.11 Surveys of businesses within the town show that car parking availability is regarded as poor by two thirds of respondents³⁶. This is supported by the Applicant's own recent shopper questionnaire survey, which supports its Town Centre Health Check. It shows that the most popular reason that respondents disliked the centre was "*not enough parking spaces available*" and the most popular improvement that respondents would like to see is "*more parking spaces available*"³⁷.
- 8.12 It is common ground that since the first parking surveys were undertaken in 2015, the number of parking spaces has fallen by 32³⁸. This downward trajectory is set to continue. The Westgate car park which presently provides 124 spaces is due to close imminently following the resolution to grant planning permission for residential development there in February 2015. The extent to which vehicles which currently park at Westgate will be displaced on to town centre car parks is uncertain. This is regrettable. The imminent loss of the Westgate car park is likely to displace demand on to the town's other car parking spaces. This is likely to make the shortage of spaces more acute.
- 8.13 The proposed allocation of land for 500 dwellings in Bridgnorth will increase demand for town centre parking. Indeed, policy S3.1 of the SAMDev advises that the housing growth in the town will be around 1,400 dwellings, together with 13 hectares of employment land. The first allocation lies on the land from which the Chamber's Park & Ride scheme operates. What the Council ought to be doing is increasing the number of spaces in the town to cater for this expansion. Mr Hanafin³⁹ did not address the impact of this whatsoever in his proof. After much pressing, he reluctantly agreed that this could lead to "some increase in demand" but did not consider it important. He claimed that this impact could be mitigated by the provision of a travel plan, but agreed that no travel plan could create additional parking spaces in the town.
- 8.14 It is a measure of the level of car parking pressure that the Chamber of Commerce has run the voluntary Park and Ride Scheme on Saturdays and

³⁶ Mr McCallum table 5.5

³⁷ Mr Newton appendix 6: para 1.20-1

³⁸ Cross-examination of Mr Hanafin

³⁹ Accepted in cross-examination

raised the contributions towards the hire of the bus from its members. This voluntary scheme was operated from spring 2015 until September 2017 when it was stopped due to the road works. Ms Lawley confirmed⁴⁰ that this was the only voluntarily run Park & Ride in the county.

- 8.15 As a market town within a rural area, Bridgnorth's vitality as a town centre is predicated upon adequate car parking. Presently, there is a pressing need for more parking. Moving forward, the town requires more spaces not less. Reducing provision is the exact opposite of what the town needs.
- 8.16 The application site is regarded as one of the town's main car parks given its large size, ease of access from the Whitburn Street relief road, straightforward method of payment, size of many of the spaces and its close proximity to the High Street and medical Practice and Hospital.
- 8.17 In order to reach a robust assessment on the impact of the development one must first accurately record the extent of the existing capacity. The Applicant has over-estimated the number of parking spaces available in the town. It has assumed that there are 200 spaces available at Severn Park car park. This is wrong. Both the Chamber and the Council agree that the figure is in fact 80⁴¹. The 80 spaces lie on the hardstanding. There is intermittent provision for a further 120 spaces on the grassed area (which is gated) but this is only available during the summer months.
- 8.18 This error is compounded by the Applicant's over-estimation of the capacity for alternative means to travel to the town. Mr Hanafin states that bus services in the town have been enhanced recently⁴². In cross-examination he conceded that this was wrong and, in fact, bus services have deteriorated not improved with changes to the 101 service rendering it less frequent.

Retail impact

- 8.19 It is common ground that, if the application is allowed, 120 spaces would be lost and this would lead to a reduction in parking spaces available in the town (including the 32 spaces at the rear to which the Chamber objects). This represents a reduction of 12% in the four main car parks according to the Applicant's figure of 1,022 spaces. On a Saturday, the reduction would be about 15% of the total car parking capacity of 823 spaces⁴³.
- 8.20 Not only is there a reduction in spaces, but the Applicant recognises that the 5 units themselves would give rise to a need for up to 70 additional car park spaces⁴⁴. The Chamber considers this is likely to be an underestimate. It suggests a requirement of about 100 spaces⁴⁵. Accordingly, the proposed development produces a double-whammy of increasing the demand for spaces whilst cutting the supply. This leads to a real-terms deduction in available parking spaces of around 190 on the Applicant's own figures⁴⁶. If one

⁴⁰ In cross-examination

⁴¹ Ms Lawley table at page 18 as confirmed by her in cross-examination

⁴² Proof of evidence §5.3.15

⁴³ Based on the TA estimate of 122 spaces available in the Meredith's Yard car park

⁴⁴ Mr Hanafin proof of evidence §7.1.12

⁴⁵ Mr McCallum proof of evidence §6.47

⁴⁶ i.e. 120 + 70

excludes the 32 spaces at the rear, the identified shortage rises to 222. If the parking demand of the proposal is actually more likely to be 100, the overall shortage of parking consequent upon the application rises to 252. The Chamber contends that this significant reduction in parking spaces would harm the vitality and viability of the town centre.

- 8.21 The 4 main car parks ⁴⁷ would be insufficient to meet demand during the middle of the day on Saturdays. This is significant. Saturday is the main trading day for many businesses in the town. It is also the day when the town's main market takes place. If there is inadequate provision on this most important business day of the week, visitors are likely to be discouraged from coming to the town. Mr Hanafin agreed⁴⁸ that the shortage of spaces coincides with the time of maximum turnover for most businesses in the town.
- 8.22 This harm gives rise to an unacceptable impact. This car park occupies a sensitive location as it is commonly used by patients of the medical centre and hospital. But, in fact, the position is worse than that contended by the Applicant and the Council. The Chamber's survey evidence⁴⁹ suggests that, given the number of spaces available, if this application succeeds, there is likely to be a shortage of spaces during the week also⁵⁰. Mr Hanafin confirmed that he has had the opportunity to view the footage and verify what the Chamber has said and he did not dispute what Mr Robbins has said the footage shows.
- 8.23 This is important given that the Applicant and the Council have based their entire case on a conclusion that there would only be a shortage of spaces for a short period of time on a Saturday. If the Secretary of State is not convinced of that fact and concludes that the shortage may infect other days of the week it is not something which has been addressed in their evidence at all.
- 8.24 It is important to note that surveys undertaken by all parties this year have occurred at a time when significant road works have been underway on the A458 (the main road into the town). These were extensive. The Council's note confirms that the works commenced on 11 July and were due to end on 11 November. It involved 20 night closures, 5 '24 hour closures' spread out over a 6 week period and the enforcement of a 20mph speed limit all the way along this stretch of the A458 for about a mile for the entire period.
- 8.25 Mr Robbins explained in evidence that these road works coincided with additional road works to the Innage Lane and the Smithfield Relief Road. Taken together these represent very extensive road works to Bridgnorth this year. Media reports record that this has put off visitors and that trade has been down by as much as 20% as a result⁵¹. It follows that the 2017 survey evidence is likely to under-estimate the need for parking spaces given that there is likely to have been fewer visitors than normal.

⁴⁷ Sainsbury's, Old Smithfield, Meredith's Yard and Innage Lane

⁴⁸ In cross-examination

⁴⁹ Based upon viewing the CCTV footage of the site car park and counting cars in and out.

⁵⁰ Mr Robbins appendix B

⁵¹ Mr Robbins appendix C

- 8.26 It is the case of the Chamber that the Smithfield car park can be regarded as a bell-weather. If it is full, the other 3 car parks in the town centre are likely to be full⁵². Further, it is important to recognise that one should not merely reduce one's analysis to an arithmetic exercise. If Bridgnorth gains a reputation for difficulty of parking this is likely to discourage visits. To take a hypothetical example, if there is in fact an available space for Mr X, but in order to track it down he has to make a number of abortive visits to other car parks before he tracks down the available space this is likely to discourage him. Improved signage may help to mitigate this inconvenience but, however good it is, it still requires motorists to move around the town to find an available space.
- 8.27 If the Chamber is right about the significant shortage of car parking spaces, it has estimated that based upon an average £20 spend per visit, the town centre would potentially lose around £2.6m over the course of the year⁵³. Given that Bridgnorth has a dependency on small independent retailers, this reduction is significant.

The proposed car park at the rear (32 spaces)

- 8.28 Both the Council and the Applicant have proceeded on the basis that 32 spaces would be available in the service yard of the development. It is expected to operate for 24 hours a day providing long stay on weekdays and short stay on Saturdays⁵⁴. The case for those promoting this proposal runs counter to the clear advice of the Highway Authority ("HA"). It states that "it is not considered that the 32 spaces should be taken into account and the proposed development should be considered on this basis"⁵⁵.
- 8.29 The HA advised unequivocally that the scheme should not proceed on the basis of the 32 spaces to the rear because of the inherent safety risks associated with the storage and deliveries taking place in the same area as where pedestrians would leave and approach their parked vehicles.
- 8.30 This clear advice has been disregarded. It cannot be a hallmark of good design, let alone high quality design, to have the turning of delivery vehicles taking place in an area of public car parking. The application plans show that people walking towards or away from their parked cars would have to walk across the very area which shows the tracked turning paths of the delivery vehicles. The plan also shows that 5 doors at the rear of the retail units open out on to the proposed pedestrian footway. This is unattractive and not a feature of good planning
- 8.31 The very fact that the Council is unwilling to manage the car park at the rear speaks volumes. The Council refuses to take responsibility for this small car park because it recognises that the configuration is sub-standard and is inconsistent with its own parking standards. It is surprising, in these circumstances, that what the Council is unwilling to take responsibility for, it is content to be managed by someone else.

⁵² Mr Robbins in cross-examination

⁵³ Mr McCallum proof of evidence §6.71

⁵⁴ Ms Lawley in response to questions from the Inspector

⁵⁵ Paragraph 4.1.5 of the January 2017 Report to Committee

8.32 This arrangement is not eloquent of high quality design and it is contrary to CS policy CS6. It is recognised that a service management plan (controlled by condition) could help to mitigate the impact by precluding deliveries between 9am-6pm on weekdays. However, there is no limit on the number of deliveries. Notwithstanding that the Applicant assured us that there would only be 5 deliveries per day, this is not controlled by condition.

Proposed mitigation

8.33 The Applicant offers mitigation to make the application acceptable in planning terms. It seeks to off-set the reduction in spaces by: reconfiguring the Innage Lane car park to 'squeeze out' 16 additional spaces during the week and 56 spaces on a Saturday; and by rigorously enforcing the 3 hour maximum stay on the site in order to increase through-flow and free up more spaces.

8.34 The Applicant's proposed reconfiguration of the Innage Lane car park is merely aspirational. It is not within the Secretary of State's gift to make the proposed changes. If planning permission is granted, the proposed changes to Innage Lane will be subject to a Traffic Regulation Order and consultation. The Innage Lane car park is used as the main collection and drop-off for school coaches, catering for many of the school children who travel into Bridgnorth from the surrounding rural area. Considerable concern has been expressed by the 2 local schools that the proposed reconfiguration could jeopardise the safety of children.

8.35 There is plenty of scope for confusion since there would be spaces marked on the ground to allow cars to park on a Saturday only, where the coaches park up on weekdays. As Mr Robbins remarked, it only takes one car to see the marked car space on a weekday and park therefore preventing the coaches from using the space. This is a recipe for chaos. It cannot be a hallmark of good planning to encourage such a confusing car parking arrangement. This contorted scheme is only being promoted because the Applicant recognises that it needs to reconfigure the car park to squeeze out more spaces. Given the uncertainty of its delivery and the practical problems identified, it is submitted that the Secretary of State cannot reasonably rely upon this element of mitigation.

8.36 The Applicant's whole assessment proceeds on the basis that reducing the maximum stay to 3 hours would free up capacity for an additional 208 vehicles⁵⁶. This vital component of the Applicant's case leads Mr Hanafin to conclude as a result "it is likely that the shortfall described in table 14 would be significantly reduced or removed altogether"⁵⁷. Mr Hanafin confirmed that he has assumed that 100% of the 52 cars who presently have paid for more than 3 hours (i.e. an extra £1 to stay for 3-10 hours) in fact stayed for the whole 10 hours. On this basis, he has calculated that each space which was occupied by a single car for 10 hours could now be occupied by 4 cars. This assumption is unsafe. There is no evidence that everyone who pays for up to 10 hours parking stay for the entirety of that time. Even if one were to give credit for some 'freeing up' of capacity on account of the robust enforcement

⁵⁶ Mr Hanafin proof of evidence §7.3.3

⁵⁷ Ibid §7.3.4

of the short stay, it cannot be used to plug the shortage of spaces during the middle of the day given that the additional capacity is spread across the whole day.

- 8.37 Further, the Applicant's proposal to robustly enforce the short stay is likely to lead to unintended consequences. At the moment, people can park on the application site for over 3 hours. This allows them to linger and spend as much time as they wish in the town centre. If the Applicant rigorously enforces the short stay, it will discourage people from lingering in the town centre. That, of itself, is likely to inhibit the vitality and viability of the town centre as it will have the effect of limiting the growth of the town.
- 8.38 Both the Applicant and the Council have narrowly focussed upon the existing capacity of car parking. They fail to recognise that the shortage of parking provision is likely to act as a straitjacket (or corset) to prevent the town from expanding. If the town goes from strength to strength then businesses expand, generate higher turn-over, employ more staff and increase customer visits and this would give rise to a greater demand for parking spaces. Rather than meeting this need, the application would further cut the number of spaces.
- 8.39 A recurring rejoinder to this criticism is the claim that a dearth of parking spaces could encourage more sustainable travel patterns. There are 2 difficulties with this argument. Firstly the 2017 Household Survey shows that presently only 4% of visitors come to the town by bus⁵⁸. The Applicant's s106 agreement provides no monies to improve bus services. The Council's budget for bus services is expected to be cut by up to 75% in the next couple of years⁵⁹. The Secretary of State can reasonably infer that bus services are likely to worsen rather than improve. This is an unattractive context for the Applicant to optimistically assume that all/most of the people who presently park at the application site will alternatively abandon their cars and come to the town by bus.
- 8.40 It is no part of government policy or the development plan to cut the number of parking spaces in town centres⁶⁰. Indeed, the PPG states: "*This positive approach should include seeking to improve the quality of parking in town centres...and where it is necessary to ensure the vitality of town centres, the quantity also*"⁶¹. Bridgnorth is a small town set within a rural hinterland. It is unrealistic to assume that most people will come by means other than car.
- 8.41 The Applicant and the Council argue that if the application caused a shortage of town centre parking spaces; that would be no bad thing since by discouraging people to visit the town by car it would encourage people to visit by more sustainable travel modes. This is unrealistic. It is far more likely that the shortage of car spaces would discourage visits.

⁵⁸ Mr Newton appendix 4, Question 34

⁵⁹ Confirmed by Ms Lawley in cross-examination.

⁶⁰ Accepted by Ms Townend in cross-examination.

⁶¹ CD E2.3 S001

- 8.42 The Leader of the Council has confirmed that the Council is “*keen to provide more car parking in several towns*” including Bridgnorth⁶². He states: “*when finance becomes available I think Bridgnorth will be near the top of the list for investment*”. This is important evidence since it is an acknowledgment on the part of the Council that there is a pressing need for further car parking provision in the town; and it is inconsistent with the Council’s case to the Inquiry that it would be contrary to principles of sustainable development to provide additional car parking spaces.
- 8.43 Even if the Applicant is correct, the mitigation would only modestly off-set the loss. Post mitigation, the Council acknowledges that there would remain a residual net loss of car park spaces⁶³.

Disabled spaces

- 8.44 It is common ground that presently the application site provides 16 disabled spaces: 10 of which lie very conveniently adjacent to the medical practice. If the application is allowed, the number of disabled spaces would be cut to 11. The interests of disabled people are afforded protection by the Equality Act 2010 (“the Act”). Disabled people fall under the protected characteristic of section 6 of the Act.
- 8.45 The Secretary of State will want to satisfy himself that this one third reduction in disabled spaces complies with section 15 of the Act which prohibits unfavourable treatment of disabled people. It is submitted that this reduction would discourage disabled people from visiting the town. The location of the reduction is particularly unfortunate given that the application site car park is the most proximate to the hospital and medical centre. The reduction in disabled parking spaces is not an inevitable consequence of the application. The applicant could have retained the 16 spaces, but chose to cut them.
- 8.46 It is precious consolation for the Council to suggest that the reduction of car parking represents a relative increase in disabled parking from 5% to 6%. Such an argument is contrived and artificial. Notwithstanding that the 11 spaces exceeds the minimum standard, the reality is that there would be fewer spaces available to disabled people. No good justification has been provided for this significant reduction. There is no evidence (such as surveys) to substantiate Mr Hanafin’s contention⁶⁴ that the existing 16 spaces were under-used and so the reduction would not cause harm. Certainly, that is not the experience of local people: Mr Robbins and Mr McCallum gave evidence that from their experience the disabled spaces were well used.

Recycling facilities

- 8.47 It is common ground that there are presently 5 recycling points in the town. If the application is allowed, two would be lost. One from the application site and one as a consequence of the reconfiguration of the Innage Lane car park. This loss is likely to discourage recycling as people who presently use these two facilities would have to find alternative facilities. National and local policy

⁶² Email in Mr Robbins appendix J

⁶³ Ms Townend in cross-examination

⁶⁴ Made during his cross-examination

is clear that local authorities should be doing all they can to promote and encourage recycling. The loss of these centrally located and convenient recycling facilities contained within popular and well-used car parks is plainly a dis-benefit which should weigh negatively in the final planning balance.

Construction Period

- 8.48 It is common ground that, in the event of development proceeding, there would be a period of time when the whole or (at the very least) the vast majority of the car park would be closed to allow the construction workers to build out the application site⁶⁵. During this period, no alternative temporary car park provision is suggested.
- 8.49 Regrettably, the Applicant has not assessed the impact of the construction phase whatsoever. Nobody on behalf of the Applicant has been able to provide any assurance as to the likely period of time for what we might describe as the 'acute disruption'. This is a serious shortcoming. Given the basis of the request to call-in the application and the thrust of the Chamber's case at this Inquiry is the impact of the loss of car parking on the application site, the Secretary of State would have expected this elementary information to have been provided. In the absence of any quantification at all from the applicant, the Secretary of State must presume that the period of acute disruption could run for many months.
- 8.50 It is submitted that this time-limited harm should be afforded significant weight. If the main car park to the town is lost for a number of months, this is likely to apply a significant downward pressure on visitor numbers and business turnover. For a town centre with a high proportion of small independent retailers, it is not hyperbolic to say that many may be fatally harmed.

The fallback positions put forward

- 8.51 2004 Outline Planning Permission: In order to constitute a material consideration, the Secretary of State must be satisfied that the 2004 outline permission remains extant and that its implementation is realistic (i.e. the possibility is more than merely fanciful or theoretical). The Chamber denies that the Secretary of State can be so satisfied. The Chamber relies upon the evidence of McCallum⁶⁶. Mr Newton did not challenge the national market factors which Mr McCallum identified.
- 8.52 It is submitted that the prospect of the implementation of the DIY store is not realistic given that it has not been implemented in the 13 years since consent was granted. There is no evidence that if the application were refused, it would be implemented. The national picture shows a clear downward trend in respect of large DIY stores as illustrated by both Homebase and B&Q closing many of their stores in the last 3 years. Locally, there is already a Homebase, B&Q and Screwfix stores in Telford, Wolverhampton and Kidderminster. Wickes has a store in Telford and Wolverhampton. It is plain that the local area is already well-catered for in the DIY department.

⁶⁵ Mr Hanafin in cross examination

⁶⁶ §§3.8-10

- 8.53 In any event before the DIY stored can be implemented, it is agreed that 18 pre-commencement conditions must be discharged in respect of the outline consent and reserved matters approval.
- 8.54 It is therefore not accepted that the 2004 outline planning permission provides a fallback. But even if it did, this is considered preferable to the application⁶⁷. Ms Townend agreed⁶⁸ that if the 32 spaces at the rear are excluded the application would give rise to fewer spaces than the 2004 permission.
- 8.55 Breach of the car park management agreement (2008): both the Council and the Applicant proceed on the misapprehension that the present operation of the application site car park contravenes the Car Park Management Agreement. They are plainly wrong. Scrutiny of paragraph 1.1 of the agreement makes clear that the definition of short stay is broad and flexible (note the reference to “predominately”, “encourage” and “discourage”). Mr Newton agreed in cross-examination that the agreement does not preclude some parking in excess of 3 hours. Irrespective of the intention of those drafting the agreement, it does not provide a blanket ban on longer stays. The very fact that people have to pay more to stay longer provides the discouragement sought under the agreement’s definition.
- 8.56 The Council may assert that, in its view, there is a breach, but it is obliged to act lawfully. The Council cannot make the agreement mean what it wants it to mean. As a matter of construction, the words of the agreement have an objective meaning. Because the definition is so broadly and benignly drafted, it is unlikely that a Court would conclude that a breach of it is made out.
- 8.57 It is telling that the Applicant has not sought to terminate the agreement. Whilst it suits the case of the Applicant and the Council to adopt the posture that the agreement has not been honoured, an interrogation of the loosely worded agreement shows that they are mistaken. Accordingly, it is submitted that it is unlikely that the public car park use of the application site will come to end in the event that the application fails.

Retail Impact

- 8.58 The Chamber has not taken issue that the application passes the sequential test in accordance with the requirements of the Framework. In respect of the impact test, it is for the Applicant to persuade the Secretary of State that the test is satisfied. The Chamber has put the Applicant to proof. It has not advanced a positive case that the proposal would give rise to a significant adverse impact independent of the car park impact. The Applicant and the Council calculated a trade diversion of 4.7% which it subsequently downgraded to 2.5% when it inputted the identity of the particular retailers who are expected to occupy the 5 units. The Chamber considers this to an underestimate⁶⁹, but it has not undertaken its own retail impact assessment to advance a positive case for a different figure. Plainly, it is important that the Secretary of State does not proceed on the rosier of forecasts which may

⁶⁷ Mr McCallum proof of evidence §3.11

⁶⁸ In cross-examination.

⁶⁹ Mr McCallum §§6.3-13

prove to be too optimistic. He must evaluate the proposal's impact against the realistic 'worst case'.

- 8.59 The raison d'être of the Chamber is to promote the business interests of the town centre. Significant weight should be afforded to the view of the organisation in respect of the likely impact of the development on Bridgnorth's town centre. It has its finger on the pulse. It is in a very good position to judge the likely impact of the application proposal on the town. If the Chamber considered that the 5 proposed retail units would enhance the retail offer of the town and encourage more visits (such as through greater linked trips), it would not have opposed it so vociferously.
- 8.60 When the Chamber prepared its evidence, it had to consider the likely impact of generic comparison retailers. We now know the proposed line-up. We are therefore in a better position to more precisely predict the likely retail impact. The known line up is more troubling to the interests of the town centre than the generic comparison retail. Firstly, the line-up of proposed occupiers is underwhelming as far as clawback is concerned. It is common ground that units 1, 2 and 5 are replicative given that there is already a Costa Coffee, a pet shop in the town centre and Peacocks would provide similar goods to that already sold in the town centre.
- 8.61 It is implausible and unconvincing to aver that the introduction of a second Costa, a second pet shop together with a Poundstretcher, Peacocks and Mountain Warehouse would have any meaningful impact on the decisions of shoppers to shop in Bridgnorth. This is particularly apparent given there is already a Mountain Warehouse in Kidderminster and Pets@Home in Telford, Kidderminster, Ludlow and Wolverhampton.
- 8.62 Secondly, given that the line-up is not distinctive from that already found in the town centre there is likely to be greater trade diversion than that expected by the Applicant. Or, put another way, the extent of trade diversion would be less if the 4 retail units included shops which are not already found in the town centre. The contended benefit that providing these 5 retail units would help to cut leakage by £3m (5%) is unconvincing.
- 8.63 Government guidance does not impose an arithmetic threshold to measure what constitutes a significant adverse impact: it is a matter of judgment for the decision maker⁷⁰. A trade diversion of x% could be acceptable at one location but unacceptable at another town centre if it possesses characteristics which render it more vulnerable. Here, it is agreed that an important component of Bridgnorth's retail offer is the array of independent retailers. Small independent retailers are likely to be less able than national chains to withstand what, on the face of it, appear modest trade diversions.

Conclusions

- 8.64 It is submitted that the proposed development would have a significant adverse impact on the vitality and viability of the town centre. It is therefore

⁷⁰ Accepted by Mr. Newton in cross-examination.

contrary to paragraph 26 of the Framework, CS policies CS8, CS13 and CS15 and SAMDev policy MD 10b.

- 8.65 The Secretary of State is invited to find that the provision of car parking falls under the facilities, services and infrastructure protected by CS8. Whilst it is recognised that the expression “facilities, services and infrastructure” is not defined on the face of the Core Strategy it would make little sense to exclude it. Indeed, the explanatory text which accompanies policy MD2 of the SAMDev states: “*Developments must be designed so they do not result in an unacceptable adverse impact on local infrastructure, for example adequate onsite car parking...*”⁷¹. Reading the development plan as a whole, the Secretary of State can confidently conclude that the reference to “facilities, services and infrastructure” includes car parking. To do otherwise, flies in the face of common sense, particularly for this town which relies so heavily on visitors arriving by car.
- 8.66 It is submitted that the proposal is contrary to the development plan. Other material considerations are not sufficiently potent to override this conflict. Indeed, it is the Chamber’s case that an interrogation of the material considerations shows that although there are some benefits of the proposal, the social and economic costs attendant upon the reduction in spaces and the associated environmental harm (caused by motorists having to track down scarce spaces in the town and the loss of recycling facilities) outweigh the modest benefits which lie properly in the Applicant’s favour (including the creation of up to 80 full/part time jobs and the provision of electric power points).
- 8.67 It is submitted that the application cannot be convincingly characterised as sustainable development in the terms sought by government. The Chamber is firmly of the view that if the application is allowed, the permanent loss of significant numbers of parking spaces will impose a straitjacket on the vitality and viability of the town centre. Mr. Robbins stated in evidence that it is the consensus amongst local businesses that the loss of car parking spaces will have a devastating impact on the town centre in circumstances where there is already a shortage.
- 8.68 The Secretary of State is invited to refuse the application.

Other Oral Representations

Mr Michael Cooksey

- 9.1 Mr. Cooksey has submitted a proof of evidence which is to be treated as a written representation on behalf of a local resident acting in a personal capacity. He supplemented this with some oral comments which I shall summarise here.
- 9.2 Mr Cooksey confirmed that after 1970 car parking became a serious matter in Bridgnorth. In 1990 the Council applied successfully to use the land known as ‘Smithfield’ as a car park. Between 1990 and 1994 there was public consultation and a public inquiry at which Mr Cooksey appeared. Following the

⁷¹ Paragraph 3.15

local plan the Council successfully applied for planning permission for a car park use on the site. Subsequently the Council resolved to invoke compulsory purchase order proceedings to acquire land for car parking purposes. Those proceedings were resolved by negotiation.

- 9.3 In 2003 a planning application was made for Sainsbury's which included the relief road. The DIY store which was part of that application could not be built until the relief road was completed. The DIY store is unbuilt and the land was used a rough surface car park. Mr Cooksey does not agree that the planning permission which included the DIY store was implemented by the construction of the relief road because there was a demarcation of the boundary. Whilst Mr Cooksey referred to an appeal case involving Tarmac, the details were sketchy and an appeal reference could not be provided. The Chamber accepts that the planning permission is extant but says that implementation is unrealistic. Mr Cooksey does not agree.
- 9.4 Other matters: anyone can park in the hospital car park because there are no bollards in operation. Initially entry was gained via an intercom system. This is no longer the case. Since the Smithfield car park was built, the hospital precincts have expanded with a chemist and health centre. There are clinics every day and operations. The application site car park has become very popular.
- 9.5 There have been discussions about 500 new houses on the periphery of Bridgnorth. The walk from the edge of town into the town centre is long and the topography is difficult because it would entail an uphill walk on the way back. It is ludicrous to suggest that people would not use cars. The Severn Park car park is a long way from the town centre, the Cliff railway now costs £1.60. Any journey from the Severn Park into the town centre would be tortuous.
- 9.6 From 2016 until very recently there has been a large shop, Country Casuals, in the town centre which has been empty until recently. One of the units proposed is earmarked for Costa Coffee, it is an insult to lose part of the car park to a coffee shop. Bridgnorth is well-served by eating and drinking establishments and there is no need for another coffee shop.
- 9.7 The Westgate car park used to be Council Offices and is now used for car parking. On market days the charter allows the owners of High Street properties to display their wares on the street. The rights have been amended to allow 'double banking' of stalls on one side of the High Street. It attracts people because of the interesting stalls.
- 9.8 The road works started by the end of June and have been going on ever since. The relief road is at the intersection of two roads, over the old river bridge and linking into Wolverhampton Road. For the whole of the period it has been subject to roadworks, sometimes closed and sometimes subject to temporary 4-way traffic lights. Going towards the Kidderminster junction Mr Cooksey says he has experienced traffic queuing back for up to 1 mile. The road works will come to an end but the loss of car parking would be permanent.
- 9.9 We are going to lose 150 car parking spaces due to the application proposals. The car park management agreement records that there will be a minimum of

136 spaces. The plan produced with the application shows 126 spaces which is a reduction of 10 because two roads are included. If you look at the access from the car park to the medical services adjacent, there are difficulties taking an elderly or injured person to access the services because the car park fills up quickly.

- 9.10 32 spaces are proposed behind the units. These spaces would be utilised by staff members of the retail units. It would also be difficult to control with delivery vehicles coming and going. With regard to the existing car park management agreement, no breaches have been notified by Sainsbury's. If notification of a breach is served then the Council have 20 days to remedy it. The application should be refused planning permission.

Mr Adrian Tacchi

- 9.11 Mr Tacchi is a local resident and Councillor. He objects to the proposal and draws attention to a petition in excess of 7000 names which was sent to the Council indicating the level of opposition to the application proposal. As a local Councillor Mr Tacchi is familiar with the Severn Park car park site. He confirms that it is a relatively small area of hardstanding for car parking which is predominantly used by tourists in the summer months. In winter parking is not possible on the grassed areas.
- 9.12 Mr Tacchi confirms that he measured the distance from the Severn Park hardstanding to the bus-stop at 602 metres and from the bus-stop into town to the nearest perimeter of the park is 480 metres. The path is undulating along this route. The alternative route from the Severn Park car park to the nearest bus stop would be along the road but this is unattractive because of the hazards of the road. Most people visiting Severn Park are there to have picnics. The route from the nearest bus stop into High Town is circuitous, travelling around a local estate before making its way into the town centre.
- 9.13 Mr Tacchi confirmed that the park and ride service does not go anywhere near Low Town. The 101 bus service stops a considerable distance from Severn Park. In addition Severn Park is susceptible to flooding during the winter months and is under water because of its location on the lower reaches of the river.
- 9.14 With regard to the 32 car parking spaces proposed at the rear of the units, the Inquiry has heard that this area would be serviced by up to 5 lorries a day. People would also be expected to use the rear car park to access the medical centre but it is not accepted that a wheelchair would be able to negotiate the path around the rear of the building.

Councillor David Cooper (Bridgnorth Town Council)

- 9.15 Councillor Cooper objects to the proposal. He wished to clarify that the Council's position in relation to the car parking capacity on the Severn Park site is 80 spaces on the hardstanding area and 200 overall as the car park is currently used. The grassed areas have barriers installed between October and March to protect the grass and prevent parking as those areas are used in rugby training in the winter season.

Written Representations

- 9.16 There have been many other written representations objecting to the proposal at both application stage and subsequent to call in. Copies of all of the written representations which were sent to the Council at the application stage are contained within the yellow ring binder marked 'File 2'. Copies of all of the written representations sent to the Planning Inspectorate are to be found inside the red folder. Many of the letters of objection repeat the concerns set out above by others and support the Chamber's case
- 9.17 The local Member of Parliament, Mr Philip Dunne MP, has written two letters forwarding representations on behalf of Mr Cooksey and Mr Robbins. The Bridgnorth Town Council recommends refusal on the grounds of loss of car parking provision and increased parking demand are unacceptable and the retail impact unknown. The Bridgnorth Chamber of Commerce forwarded a petition to the Council signalling its objection. The petition contains 6, 840 signatures. Bridgnorth CPRE object on the basis that the design does not resemble the historic High Street and the new units would draw trade away from the town centre.
- 9.18 A series of objections from third parties was received by email. The objections relate to concerns about the loss of car parking, the scale and form of development not being in keeping, retail impact on town centre businesses, the proposal will affect tourism locally creating congestion issues, the modern units would diminish the historic value of the town centre, the loss of long stay spaces to be replaced by fewer short stay spaces would be detrimental. Other concerns were that there would be an adverse effect upon the Whitburn Street/Pound Street junction Air Quality Management Area and a comment that local businesses do not need more shops.
- 9.19 Some representations were in support contending that the proposal is what the town needs and would provide shopping opportunities which currently residents must travel out of town for. One resident referred to it as 'a wonderful change and a help to the people living in Bridgnorth, particularly those who do not drive.'

Planning Conditions

- 10.1 A schedule of agreed conditions was included in the SCG⁷² by the Council and Applicant and was the subject of a round-table discussion at the Inquiry. Other amended conditions and additional conditions⁷³ were submitted as the Inquiry progressed. I am satisfied that all of the conditions set out in Annex B hereto are reasonable and necessary and I would recommend their imposition in the event that the Secretary of State is minded to grant planning permission for this application.
- 10.2 Using the same numeration as that in the suggested conditions schedule in the SCG I shall comment upon the conditions. Some conditions have been amended or amalgamated for clarity, precision, elimination of duplication and

⁷² Appendix 2, SCG

⁷³ Inquiry documents 14 and 17.

having taken account of advice in the Planning Practice Guidance. I have also re-ordered the conditions.

- 10.3 It is necessary to impose a time limit for the commencement of development and to secure development in accordance with the relevant plans (1, 2). I would recommend a condition limiting the hours of construction and demolition works to protect residential amenity (3). A condition requiring a construction method statement is required (4). In the event that development proceeds a scheme of archaeological works is required to protect relevant interests (5).
- 10.4 In the interests of visual amenity a condition is necessary to control the materials used for the external surfaces and I have enlarged this condition to include details of the materials for all hard-surfaces within the development(6). It is necessary to require a scheme to cater for foul and surface water drainage (7) and to protect trees during construction (8 & 9). A tree planting scheme is required and its implementation to ensure a satisfactory development (10 & 11). In the interests of biodiversity it is also necessary to require nesting boxes (12). In the interests of sustainability two electric charging points are required (13). To ensure the safe operation of the development car parking spaces shall be provided before opening (14).
- 10.5 It is important to control the nature of development and the quantum of retail floor space in accordance with suggested condition (15). I now turn to consider the three 'Additional Conditions' submitted⁷⁴. The first condition requires a service management plan to prevent service delivery vehicles entering the area behind units 4 and 5 and would be necessary in the interests of pedestrian and customer safety. The second condition prevents deliveries between the hours of 0900 and 1800 and would be necessary in the interests of pedestrian safety. The third additional condition provides for the walkway to the rear of the retail units to be re-designed and would be necessary to provide suitable access arrangements.
- 10.6 Inquiry Document 14 sets out some further additional conditions. The first three are duplicate conditions already considered. The fourth suggested condition requires details of a car park management plan for the period of the construction works which would be necessary to minimise disruption. The fifth condition required further details of the raised platform to access the rear parking area. The sixth condition is necessary in the interests of crime prevention and I have incorporated its provisions within condition (13) in the Annex. Finally the seventh condition required the unit doors to be inward opening only. I do not consider this necessary given that the hours of service deliveries are to be restricted and the width of the walkway would be increased.

Planning Obligation

- 10.7 The executed agreement made in accordance with section 106 of the Town and Country Planning Act 1990 secures the payment of £100,000 in relation to redesign of the Innage Lane car park to optimise car parking capacity and a

⁷⁴ Inquiry document 17.

contribution towards a variable message signage in relation to town centre parking. The Applicant raises no objection to any of the obligations sought.

- 10.8 Prior to the Inquiry the Council submitted a 'Statement of Compliance with CIL Regulations' setting out its justification for each of the contributions sought in accordance with the policy tests set out in the Framework and the statutory test in regulations 122 of the Community Infrastructure Levy (CIL) Regulations 2010. The contributions support policy objectives in CS policies CS6 and CS7 as well as SAMDev policies MD1, MD2, MD8 and S3. The Highway Authority required the contributions during the consultation process and having regard to the Applicant's Transport Assessment.
- 10.9 If the Secretary of State is minded to grant planning permission for the development I am satisfied that the contributions requested are necessary to render the development acceptable in planning terms and they are directly related to the development. Having regard to the costings set out in the justification statement I am also satisfied that they are fairly and reasonably related in scale and kind to the development proposed.
- 10.10 Overall I conclude that the obligations in the s106 agreement meet the tests in CIL regulation 122 and the same policy tests in the Framework⁷⁵ and I would recommend that they be taken into account in assessing the application. The Council also gave evidence to the Inquiry as to the number of pooled contributions in relation to these matters. There are no other contributions to consider and I am satisfied that the financial contribution does not fall foul of the pooling restrictions in regulation 123 of the CIL regulations.

⁷⁵ § 204

Inspector's Conclusions

In this section the numbers in [subscript] refer to preceding paragraphs

- 11.1 Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*.
- 11.2 In this case the Council and Applicant are agreed that the proposal is in conformity with both the development plan and with national policies relating to retail proposals and the protection of town centres.^[6.39, 7.4, 7.38-7.42] The Chamber does not accept those conclusions and has questioned a number of the variables contained within the retail impact assessment (RIA). It contends that it has not been firmly established that the application scheme would not have a significantly adverse impact upon the vitality and viability of the town centre.^[8.64-8.67] In addition it contends that the loss of car parking spaces would be detrimental to the health of the town centre.

Retail Impact due to the proposed units

The appropriate retail impact tests

- 11.3 The CS and SAMDev aim to protect the vitality and viability of existing town centres with a 'town centres first' approach supported by the application of a sequential approach to site selection and the application of an impact test. SAMDev policy MD10b provides that the Council will not permit proposals which have *'a significant adverse impact on town centres'* or where it is considered that the scope of the impact assessment is insufficient. These policies are in conformity with national retail policy in the Framework which sets out the need for a sequential test for main town uses not in an existing centre, followed by an impact assessment. The Framework advises that refusal should follow where an application fails to satisfy the sequential test or *'is likely to have a significant adverse impact'* on a number of factors, one of which is town centre vitality and viability. National guidance in the PPG provides further details in relation to the application of sequential and impact tests.^[4.1-4.5]
- 11.4 On the Proposals Map the application site is located partly within the designated town centre and partly outside it⁷⁶. Having studied the inset map alongside the site plan, I would estimate that the whole of unit 1 (the coffee shop) and part of unit 2 would actually sit within the town centre boundary. However the parties are agreed that the proposal should be looked at in its entirety and treated as being edge-of-centre for the purposes of the policy tests and I would endorse that approach.^[5.2] I turn now to examine the retail tests.

⁷⁶ CD E.3.4 Inset Map showing Bridgnorth town centre

The sequential test

- 11.5 The site is located around 200 metres from the defined Primary Shopping Area on Whitburn Street. The defined town centre comprises two distinct parts, with the larger part in High Town focussed on the main street and streets off it and including the Sainsbury's superstore and its car park. In the Low Town area the town centre is located around the intersection of the two main streets. Low Town and High Town are separated by the River Severn and connected by the Bridgnorth Cliff Railway, a funicular railway.
- 11.6 Existing development in the defined town centre is quite densely concentrated and the Council agreed with the Applicant that the only other site which could potentially be the subject of a sequential assessment was the Meredith's Yard Car Park. This too is an edge-of-centre site and as such is not sequentially preferable to the application site. It is used as a car park for an existing store (H&M) and the landowner has confirmed that the site is not available⁷⁷. In any event this site is materially smaller than the application site and it is an irregular shape. As such I accept that it is not capable of accommodating the development proposed.
- 11.7 Mr Cooksey put forward a suggestion that the former Country Casuals shop unit in the town centre could be used.^[9.6] This site is significantly smaller than what is proposed and has recently been taken up by Boots and as such is unavailable⁷⁸.
- 11.8 It is clear from the above that there are no other available or suitable sites which are sequentially preferable to the application site. I therefore conclude that the sequential test is passed. All three main parties are agreed on this matter.^[5.2, 7.6, 8.58]

Retail context

- 11.9 Before applying the retail impact test it is useful to set out the context within which the application is being made. Evidence before the Inquiry includes the 'Bridgnorth District Council Retail Study 2006-2021' dated August 2006⁷⁹ which formed part of the evidence base to the SAMDev. In addition the Applicant has undertaken a new Household Shopper Survey⁸⁰ which uses the same study zones as those in the 2006 study. The Chamber has also conducted its own survey of Businesses in 2017 to obtain the views of business owners on a variety of issues.⁸¹
- 11.10 The 2006 retail study identified Bridgnorth as the largest centre in the District (as it was at that time), accounting for 76% of convenience and comparison goods shopping. However the study revealed a high level of leakage of expenditure from the Bridgnorth area to higher order centres such as Kidderminster, Shrewsbury and Telford. Across the district in the clothing and footwear sector nearly 80% of spending was directed to destinations outside the district, two-thirds of all household goods spending was outside the district

⁷⁷ Mr Newton appendix 1

⁷⁸ Mr Newton appendix 2

⁷⁹ CD E.5.1

⁸⁰ Mr Newton appendix 4

⁸¹ Summarised in Mr McCallum's tables 5.2- 5.5

and there was leakage of around 80% of the total spending from other sectors including furniture and carpets, DIY goods and electrical items⁸². In simple terms some £60m on comparison goods is being spent outside the district by residents from within the district.^[6.9]

- 11.11 Mr West, on behalf of the Council, confirmed in evidence that there have been no other developments since the 2006 Study which could ostensibly change shopping habits to any material degree so as to render the conclusions of the Study out of date. It is also of note that the RIA has made an allowance for special forms of trading in the form of internet shopping to reflect current shopping habits. I am content that the 15% allowance is a reasonable allowance and that the study provides a respectable basis upon which to conduct an assessment.
- 11.12 The Study confirmed capacity for additional comparison goods floorspace in Bridgnorth of around 3,000 square metres (net) in 2016, increasing to 5,100 square metres (net) in 2021⁸³. The conclusions section confirmed that if the application site came forward for comparison retail development there would be no requirement to identify additional sites for new comparison retail floorspace until 2015. It went on to suggest '*The extension to town centre should be at Old Smithfield to reflect the current commitment for open Class A1 non-food retail*'.⁸⁴
- 11.13 The Applicant's 2017 Household Shopper Survey⁸⁵ shows that Bridgnorth Town Centre has a comparison goods market share from shoppers in Bridgnorth and Highley (Zone 1) of 34%. Some 63% of comparison goods expenditure generated by residents in zone 1 is spent outside the district⁸⁶.
- 11.14 The Applicant has also updated the GOAD survey of High Town taken in 2013 with its own Town Centre Health Check⁸⁷. The composition of the town centre retail units has remained fairly consistent between 2013 and 2017 as demonstrated by the figures for diversity of uses⁸⁸. Vacancy rates have also remained constant at around 15% and are below national average. The 14 or 15 units which are currently vacant are dispersed around the centre and are primarily in smaller units.
- 11.15 The town centre comprises a number of historic buildings and provides an attractive shopping environment. Bridgnorth was named Town Centre of the Year in the Large Market Town Class in 2016⁸⁹. All of the evidence indicates that it is a viable and vital centre with no underlying issues. The parties are all agreed that the centre is in good health.^[5.3, 7.8, 8.3, 8.8]

Retail Impact as a result of the new units

⁸² Retail study § 3.13

⁸³ Page 24, table 5.2

⁸⁴ Ibid § 5.48

⁸⁶ Table 3, RIA

⁸⁷ Appendix 6, Mr Newton.

⁸⁸ Ibid table 2

⁸⁹ Mr McCallum proof of evidence §5.16

11.16 In examining retail impact I propose to firstly examine any impact of the proposed retail units themselves on the performance of the town centre before going on to look at the potential impact in retail terms of the loss of car parking spaces. This was the approach agreed by all of the experts⁹⁰. It is agreed that there are no existing, committed or planned public and private investments in Bridgnorth town centre. Therefore the first limb of the Framework's retail impact test⁹¹ is not relevant to my deliberations.

11.17 The RIA contains a set of variables, a number of which are agreed by the parties. Inquiry document 12 comprises a schedule setting out the differences and agreements between the Applicant/Council on the one hand and the Chamber on the other.

11.18 The Applicant's original RIA⁹² used generic sales density figures in the absence of information about the retailer line-up. As part of his evidence Mr Newton updated the RIA to include specific projected turnover given that the likely retailer line-up is now known. Other adjustments were made to utilise more recent Experian data. The base year is agreed at 2017 and the design year is agreed at 2022.

11.19 All experts are agreed upon the total market share in relation to comparison goods and consequently the level of leakage is also agreed.^[6.9, 7.11] The town centre turnover is also agreed.⁹³ Town centre turnover in relation to comparison goods is £35.3m in 2017, projected to rise to £39.9m in 2022.⁹⁴

11.20 Turnover of the proposed scheme: the turnover of the scheme has been almost halved in the revised assessment from the original RIA. This is due to the application of benchmark turnover rates of the individual prospective occupiers. Mr Newton gave evidence to the effect that contracts have now been exchanged with Costa Coffee, Peacocks and Poundstretcher with heads of terms agreed with Mountain Warehouse and Pets at Home⁹⁵. It is entirely appropriate to update the RIA with better information on turnover rates given that the likely occupiers are now known. There is no dispute about the benchmark rates applied for each of the individual identified occupiers.

11.21 Mr McCallum points out that the A3 café floorspace has not been taken into account in the turnover figures and that it would compete with town centre cafes and it could also be changed to an A1 retail use. Costa Coffee are now committed to the scheme. Whilst they have a shop on the High Street they have confirmed that this would continue to operate⁹⁶. I do not accept that the coffee shop would draw a material amount of trade from other A3 uses in the town. It would be more likely to service shoppers visiting the units. Based on the revised turnover figures, if the A3 use converted to A1 it would increase the turnover by around £372,000. In any event as already recorded, this unit would be located within the town centre boundary.

⁹⁰ Accepted by Mr McCallum in cross-examination

⁹¹ §26

⁹² CD A.9

⁹³ Inquiry document 12

⁹⁴ Mr Newton appendix 7, tables 4-6 and summarised in table 7.2

⁹⁵ Examination in chief

⁹⁶ Mr Newton appendix 9

- 11.22 A point of dispute emerged regarding the ratio used to convert the gross floor areas to net retail floorspace. Given the modern box type units I agree with Mr McCallum that 85% is a more realistic figure. Applying this to the Applicant's revised turnover figures would result in an estimated scheme turnover of £5.09m.⁹⁷ [6.5]
- 11.23 There was a further dispute about the application of a floorspace efficiency growth rate to the scheme's projected turnover given that such a growth rate had properly been applied to the town centre turnover between the base year and design year. The growth rate applied to the town centre turnover was as a result of productivity improvement factors. I appreciate that, if the application is successful, the development scheme may not exist until the design year. However, operators are always seeking to improve sales densities across their stores and any efficiencies would no doubt apply equally to the scheme. I therefore conclude it would be appropriate to apply an efficiency growth rate.
- 11.24 In the absence of more persuasive evidence I prefer the Applicant's suggestion that the correct growth rate to apply is the compound based year on year rates taken from the Retail Planner Table 4b.^[6.6] This would result in the scheme turnover increasing by a factor of 10.6% in 2022. Applying this to the revised turnover figure from above would result in an estimated scheme turnover of £5.77m⁹⁸. Finally I record Mr Newton's assumption that 90% of the scheme turnover would come from the shoppers in the study area with the remaining 10% coming from visitors to the area. This would mean that £5.19m of the scheme turnover would come from within the study area.
- 11.25 Town centre turnover: I note that the 2006 retail study split comparison goods into different sectors and then arrived at a comparison goods figure. However the figures are broadly the same across the sectors and they also accord with the results in the much more recent Household Shopper Survey. I therefore accept the Applicant's figure in relation to comparison goods turnover in the town centre.
- 11.26 The Applicant's RIA forecasts an increase of £5m in the town centre turnover by 2021 based on the same market shares. This is largely attributable to increased spend per head of population as opposed to population growth⁹⁹. The growth rates in comparison goods spending applied in the original RIA¹⁰⁰ have been superseded by more recent Experian Forecast growth rates and the Applicant's revised calculations have reflected this.¹⁰¹ The projected town centre turnover in 2022 is agreed at £39.9m.¹⁰² I shall work on the basis of this figure.
- 11.27 Trade diversion: This is the biggest single area of dispute which is unsurprising given that it relies upon judgments being made as to how the proposed scheme would operate and where it would get its trade from. The Applicant's

⁹⁷ Inquiry document 12

⁹⁸ Calculated in RIA Schedule, Inquiry document 12.

⁹⁹ RIA Table 1

¹⁰⁰ RIA uses October 2015 Experian data.

¹⁰¹ Mr Newton Appendix 7 tables.

¹⁰² Inquiry document 12

expert considers that the proposed scheme would compete with larger stores in and outside of the study area which currently draw trade away from the study area. This assumption is made on the basis that there would not be any substantial overlap or diversion from smaller specialist stores.

- 11.28 On the Applicant's revised RIA figures some £1m of the scheme turnover would be drawn from the town centre, representing about 24% of the total drawn from the study area. The corollary is that 76% of the scheme turnover (£3.31m) would be comparison goods spending which is clawed back out of expenditure currently leaking out to other centres.^[6.7, 6.8] These figures and assumptions have been endorsed by the Council's retail expert.^[7.15, 7.16]
- 11.29 Whilst the Chamber has not undertaken its own RIA, Mr McCallum is of the view that the rate of trade diversion has been underestimated.^[8.58-8.59] In his oral evidence Mr McCallum estimated that some 65% to 75% of the scheme turnover from the study area is likely to be drawn from the town centre. On a town centre turnover of £39.9m this would equate to an impact somewhere between 8.4% and 9.7% (based on a trade draw between £3.37m and £3.38m).¹⁰³
- 11.30 The starting point for my assessment is a recognition that currently a large proportion of comparison goods expenditure leaks out of the study area. This equates to some £60m of comparison goods expenditure. It follows that there is significant scope to clawback such leakages. Bridgnorth is acknowledged as being rich in independent retailers, with specialist offers which make for a vibrant and interesting town centre. In addition it has some national comparison goods retailers and a wide range of other uses and attractions including the Cliff railway.
- 11.31 Mr McCallum points out that people in study area zones other than zone 1 would still be living nearer to the larger centres which are currently drawing them away¹⁰⁴. However the amount of comparison goods expenditure by those residents in zones 2 to 5 represents a small proportion of the total comparison goods expenditure for the Bridgnorth centre¹⁰⁵.
- 11.32 As a sense check I have examined the trade draw in relation to one of the units. On the Applicant's analysis unit 5 would be occupied by 'Pets at Home' with a projected total turnover of £1.78m, 90% (£1.6m) of which is projected to come from the study area. The Applicant therefore forecasts that the level of trade diverted from the town centre to this unit would be £384,000. On Mr McCallum's figures the level of trade drawn from the town to this unit would be in the order of £1.04m to £1.2m (65% or 75%). There is currently one pet shop in the town, with some pet products being sold at more generalist stores and at the Sainsbury's superstore. Currently there are Pets at Home stores in Kidderminster and Telford.
- 11.33 The 2017 Household Shopper Survey records that some 54.7% of people in zone 1 shop in Bridgnorth for pet products, with a total of 23.5% of respondents from the district shopping in Bridgnorth for such products. A

¹⁰³ Inquiry document 12, retail impact schedule

¹⁰⁴ Mr McCallum proof § 6.11

¹⁰⁵ RIA tables 4 and 5

quick examination of all respondents from the district choosing to buy pet products from Kidderminster and Telford town centres or the two identified retail parks in Telford¹⁰⁶ reveals that a combined total of 31.5% respondents from the district are travelling to these centres to purchase pet products. Some 27% of respondents from zone 1 are travelling to these other 4 destinations for pet products.

- 11.34 A 'Pets at Home' store would offer a wider range of goods and services than the current town centre offer and in a larger format. The figures indicate that shoppers in zone 1 do 54% of shopping for pet needs in Bridgnorth. Given the larger scale format and wider range of goods I am satisfied that the new unit would represent an excellent opportunity to claw back some of the 45% expenditure on pets needs which is currently spent outside the study area. Similarly given the nature of the current offer in this category I conclude that the Applicant's estimate of £384,000 trade draw from the town centre is more realistic.
- 11.35 Unit 2 would be occupied by Peacocks and the original RIA shows a projected turnover of £0.98m for this unit, some £0.88m of which would be derived from the study area. Applying Mr Newton's assumptions there would be a diversion of some £206,000¹⁰⁷ to the store from the town centre compared to Mr McCallum's projected diversion of £572,000 to £660,000¹⁰⁸. Mr McCallum points out that Peacocks would share a similar market to M&Co and that such stores are not major attractors in their own right. These stores may or may not be major attractors in their own right. However for residents in zone 1 they would be conveniently located in the nearest centre and as such would offer an additional option and more variety to clothes shoppers. Bearing in mind the proportion of comparison goods shopping which is done outside the district I conclude that Peacocks would represent a convenient alternative to travel out of town. I conclude that the Applicant's estimates of trade draw are likely to be more representative. I see no need to repeat the exercise for the remaining units.

Conclusions

- 11.36 The proposed scheme would include units larger than those commonly found in the existing centre. They would be operated by recognised national retailers currently without a presence in the town. They would be in a convenient location very close to the town centre. As such I consider that the units are more likely to complement the current offer in the town rather than compete with it. I am satisfied that there would not be a significant degree of overlap between the town centre offer and the scheme.
- 11.37 Bridgnorth is a principal centre which serves a large rural hinterland. Kidderminster and Telford, and their retail parks, are the centres which are, in large measure, attracting Bridgnorth shoppers to do their comparison goods shopping there. Given the large scale of the leakage (£60m) and the potential to clawback that expenditure, I conclude that the projections of the Applicant

¹⁰⁶ Telford Forge Retail Park and Wrekin Retail Park

¹⁰⁷ £0.88m x 23.5%

¹⁰⁸ £0.88m x 65% (and x 75%)

are far more representative of what would be expected if the scheme proceeded. The clawback of around £3.31m is a relatively modest proportion of the total comparison goods expenditure lost from the district. It would represent the clawback of some 5% of expenditure which is currently being lost from the district.

- 11.38 Having regard to all of the above factors I am more than satisfied that the level of trade diversion is likely to be around the levels estimated by the Applicant and endorsed by the Council. I have adjusted the scheme turnover to record that £5.19m of the scheme turnover would come from within the study area. Applying a trade diversion rate of 23.5% equates to a trade draw of £1.22m. Even with the adjustments which I have made to the scheme turnover the retail impact upon the town centre would be around 3%.
- 11.39 Hypothetically if the trade diversion was higher than that estimated by the Applicant and Council but lower than that estimated by the Chamber, say 40%, the scheme would acquire £2.01m of its trade revenue from the town centre. In this scenario the impact on the town centre would be around 5%. I do not accept that the diversion would be this high and for the reasons stated I prefer the Applicant's diversion assumption of 23.5%. I have merely adjusted the diversion figure as a sense check. I further record that Mr McCallum agreed¹⁰⁹ that if the RIA was accepted as a robust assessment, then he agreed that 4.7% impact would not be a significantly adverse impact.
- 11.40 Finally I must bear in mind that the above assessment has only taken into account comparison goods shopping. The scheme would not present a challenge to the convenience goods sector in the town. If both sectors were combined the retail impact on the town centre as a whole would be less¹¹⁰. I also bear in mind the coffee shop. It is within the town centre boundary and even if it changed use to an A1 use, its limited floor-space means that it would not materially affect the assessment above.
- 11.41 I have conducted the above assessment as a straightforward retail impact assessment. The Applicant makes other points in relation to the way in which the units would operate as an integral part of the town centre generating linked trips between the two and increasing the vitality of the town centre. Mr McCallum believes it would operate as a separate retail adjunct. However Sainsbury's superstore would be immediately next door and that is located within the town centre. The existing car park is well-used by town centre shoppers who have a short walk to Sainsbury's or into the town. It is already operating as a town centre car park.
- 11.42 In my view the site, with its associated parking, would operate as part of the town centre. The site is already popular as a parking area providing ready access to the town centre and the development scheme would represent a logical expansion to the centre. I agree that it is likely to generate linked shopping trips whereby people wishing to shop in the town centre for some goods would also utilise the new units and vice versa. All of these additional

¹⁰⁹ During cross-examination by Mr Choongh

¹¹⁰ As agreed by the Applicant and Chamber (Inquiry document 12)

factors mean that I am wholly satisfied that the RIA is robust and should be accepted subject to the minor adjustments I have made to turnover.

11.43 In conclusion, I have examined the RIA and the points of dispute between the parties. Drawing all of the above findings together I am satisfied that the trade diversion from Bridgnorth town centre would be around 3%. I conclude that the retail proposal would not have a significant adverse impact on the vitality and viability of the Bridgnorth town centre.

Retail impact due to a reduction in car parking

11.44 I shall firstly set out factual matters in terms of the current levels of car parking in the town, whilst examining the points of difference between the parties. I shall then carry out my assessment as to the consequences of the proposal in terms of demand, car parking provision and mitigation measures. At the outset I make it clear that I do not consider a numerical evaluation pre-development and post-development to be an appropriate means of assessing the effect of car parking in terms of its retail impact. A lack of parking is a factor which may affect the retail function of the town if it is chronic and begins to deter shoppers from visiting the town or altering their shopping habits. However, it is not the quantum of car parking which is relevant to my assessment but its availability relative to demand at particular times.

11.45 Evidence on car parking/transport matters was provided by Mr Hanafin for the Applicant, Ms Lawley for the Council and Mr Robbins as Chairman of the Chamber of Commerce.

Existing car parking provision and survey evidence

11.46 The town has four main car parks in High Town; they are Sainsbury's superstore, Old Smithfield car park (the application site), Meredith's Yard car park and the Innage Lane car park. They are all within a 5 minute walk of the town centre. Two smaller car parks are found in the centre of town at Listley Street North and South.^[6.20] Low Town has a number of car parks at Severn Street, Riverside, Severn Park and finally a small car park associated with the Co-operative and M&S stores.

11.47 The Chamber and Mr Cooksey point out that the application site was the subject of attempted compulsory purchase order (CPO) proceedings in 1992.^{9.2]} I am informed that the emerging local plan at that time had identified a need for additional car parking. The land was subsequently acquired by the Council by negotiation and the CPO proceedings abandoned.^[8.9] I acknowledge that this action was indicative of the need for car parking at that time. However those proceedings were over 25 years ago and in a different local and national policy context. I do not consider that the position as it was then is of any great assistance in assessing the current situation.

11.48 Details of the numbers of car parking spaces across all car parks are provided in Mr Hanafin's evidence¹¹¹. Whilst the number of spaces at Severn Park is estimated to be 200, this relates to parking both on the rough gravelled area

¹¹¹ Table 3, page 12.

and on the grassed area. I accept the evidence of the Council¹¹² that there is a permanent provision of some 80 spaces on the hardstanding and temporary provision of a further 120 spaces on the grass, predominantly during the summer months.^[8.17]

11.49 The Applicant has focussed its surveys and analysis on the four main car parks (the study area). Total capacity of these four car parks was calculated at 1022 in 2015 and 990 in August 2017¹¹³. The Chamber highlights a reduction in car parking provision of 32 spaces.^[8.12] In addition it should be noted that some 81% of people who go into the town centre do so by car.^[8.8]

11.50 The Applicant estimates that the number of spaces across the 7 car parks in the town is approximately 1229¹¹⁴. In addition Mr Hanafin estimates that there are around a further 250 on-street spaces around town. On Saturdays these figures are reduced by virtue of the markets on Meredith's Yard and on the High Street. Mr McCallum also looked at the capacity of the four main car parks on a Saturday and estimated it to be in the order of 743 spaces. The difference between his figure and that of the Applicant's is largely due to the amount of car parking spaces occupied by the Saturday market. However, Mr Hanafin's figures are based on actual survey evidence obtained from surveyors going to the site on a Saturday and counting spaces. By contrast Mr McCallum appears to have used google earth to estimate the number of spaces. For this reason I consider the estimates of the Applicant to be more reliable.

11.51 The Applicant's Survey Evidence: The application site currently provides approximately 278 car parking spaces.¹¹⁵ The planning permission for the DIY store on the site includes the provision of 136 car parking spaces. Table 3 of Mr Hanafin's evidence¹¹⁶ sets out the parking availability and number of spaces. Across the four main car parks there are 990 spaces available on Mondays to Fridays and 813 spaces on a Saturday.

11.52 The Applicant carried out car park occupancy surveys for the four main car parks on one Friday and one Saturday in each of October 2015, August 2017 and September 2017. I accept that, as one of the busiest weekdays, that Friday is representative of all weekdays. These surveys¹¹⁷ revealed that there was spare capacity in each of the 4 main car parks at all times on a Friday, with one limited exception. Meredith's Yard car park was fully occupied for one hour (1200-1300 hours) on one Friday (August 2017). At that particular time there was plenty of spare capacity across the other three car parks.^[6.24]

11.53 The Saturday survey evidence in October 2015 revealed virtually 100% occupancy across all four car parks between 1200 and 1300 hours, with the Smithfield and Meredith's Yard car parks at full occupancy between 1000 hours and 1600 hours. The August 2017 survey revealed that Smithfield and Meredith's Yard car parks were at full occupancy for a three hour period¹¹⁸ on a

¹¹² Ms Lawley table, page 18.

¹¹³ Mr Hanafin table 5 and tables 6 and 7

¹¹⁴ Mr Hanafin's table 3 total with a deduction for the 120 seasonal spaces on Severn Park.

¹¹⁵ Mr Hanafin proof of evidence § 5.1.3

¹¹⁶ Page 12

¹¹⁷ Mr Hanafin's tables 5, 6 & 7

¹¹⁸ Between 1100 hours and 1400 hours

Saturday, with the Sainsbury's car park at full occupancy for the first hour of this period. At this time maximum occupancy of the Innage Lane car park was 91% for a one hour period commencing at noon. The September 2017 Saturday survey revealed fully occupancy of Meredith's Yard for one hour between 1000 and 1100 hours with the Smithfield car park approaching full occupancy (98%) between 1200 and 1300 hours. Maximum occupancy of Innage Lane was 42% and Sainsbury's was at 89% for a one hour peak.

- 11.54 The Applicant's analysis concludes that there is always spare capacity across the four car parks during weekdays and a short window of a few hours on a Saturday when all of the car parks are full^[6.23, 6.24]. Mr Choong fairly records this period as being a 5 hour window in October 2015 and a 3 hour window in September 2017.^[6.24 footnote]
- 11.55 In recent months there have been roadworks in the Bridgnorth area, details of which are set out in Inquiry document 8. They reveal a series of 'night closures' in September 2017 and five 24 hour closures in September and October 2017. Mr Robbins gave oral evidence about the effects of four-way traffic lights causing tailbacks to the Kidderminster junction. In addition the Chamber points to a television news report which publicised the roadworks generally and a report in the local newspaper¹¹⁹. Mr Robbins believes that the car park data collected during this period would not be representative, with demand being lower than normal.^[6.22, 7.22, 8.24, 8.25]
- 11.56 The road closures were sporadic and not on the Applicant's survey days. The news report contains comments from one trader¹²⁰ in the town and reference to '*stores saying trade is down by as much as 20%*'. This is largely anecdotal and unsubstantiated.
- 11.57 The Applicant's evidence of car parking demand in 2015 is the only other evidence outside the roadworks period which could provide a useful comparison. The longer period of full occupancy of the car parks in the Applicant's Saturday survey in 2015 (5 hours) contrasts with a slightly shorter period of full occupancy in the Saturday surveys in August 2017 (3 hours) and September 2017 (1 hour). The figures across all of the surveys are broadly comparable, with a slightly greater demand evidenced in the August 2015 survey.^[6.23]
- 11.58 Taking all of the above matters into account I accept that the roadworks may have had a minor impact in terms of reducing the levels of traffic coming into the town centre and suppressing the consequential parking demand. Even if the disruptions were not on survey days, they could affect the perceptions of shoppers in terms of the relative ease of getting into town during the period of the roadworks. Nevertheless in performing my assessment I am satisfied that there is enough data across the three surveys to form a representative picture of parking demand across the four car parks. The figures are relatively consistent across the three surveys.

¹¹⁹ Mr Robbins appendix C.4.2

¹²⁰ Tanners Wines in High Street

- 11.59 The survey evidence on behalf of the Chamber: the Chamber's evidence relates only to the car park on the application site (the Smithfield car park). The Chamber installed a closed-circuit television camera on a number of occasions between July and September 2017 and recorded footage of the car park and in particular the entry and exit points of the car park.¹²¹ Mr Robbins analysed data from the footage taken over 5 Saturdays and concluded that the car park was full to its current capacity of 278 spaces for between 4 and 6 hours on these Saturdays.
- 11.60 In my view shoppers always want to park as close to their shopping destination as possible. Of the 4 main town centre car parks I consider the application site to be the most convenient in terms of its location and ease of access from the wider road network. I note Mr Robbins contention that the application site is the main car park for the town¹²². It is therefore unsurprising that this car park fills up before others in the town. Whilst Mr Robbins provides useful data on the level of car parking use and demand for the Smithfield car park, it does not present the full picture of car parking availability across the town. As an approach I prefer that of Mr Hanafin who has looked at the four main car parks.
- 11.61 The Chamber also conducted a survey of businesses¹²³ to ascertain their views. Some 66% of business owners who responded to the survey confirmed that they considered car parking availability to be poor or very poor. This contrasts with the Household Shopper Survey evidence¹²⁴ which recorded that a total of 14.9% of all respondents cited not enough spaces as one of the things they disliked about Bridgnorth town centre.^[8.11]
- 11.62 There is also the matter of the number of parking contravention notices (PCNs) issued to drivers in Bridgnorth. Mr Robbins produced evidence to the Inquiry¹²⁵ in the form of the average PCNs per head of population and an article in the Shropshire Star. The data reveals that Bridgnorth has the highest number of PCNs per head of population in the district. The newspaper article records that the 'top five car parks' for car parking tickets were in Bridgnorth, Ludlow and Shrewsbury. The Chamber put forward this evidence on the basis that it included the numbers of PCNs issued in Bridgnorth town centre and included contraventions with regard to on-street parking, as well as contraventions in car parks. At the Inquiry the Council confirmed that the evidence related only to PCNs issued in relation to the car parks.
- 11.63 A subsequent Freedom of Information Act request resulted in an article in the Shropshire Star confirming that Bridgnorth High Street has had some 2,037 tickets issued in the last 3 years for on-street parking offences. This was almost 600 more than the next highest street in Shrewsbury. Over a three year period it is clear that on average two PCNs have been issued in Bridgnorth each day. This does not seem unduly high for a busy high street. There is no other contextual information about the nature and levels of parking in other centres and no comparisons are available between the different

¹²¹ Mr Robbins proof of evidence § 4.1

¹²² Proof of evidence §2.2

¹²³ Mr McCallum appendix DAM 5.4 and tables 5.2, 5.3, 5.4, 5.5

¹²⁴ Mr Newton appendix 4, question 28, page 46.

¹²⁵ Appendices E-5.1a, E-5.1b and E-5.1c

centres. The figures do not shed any light upon the particular parking context in Bridgnorth. In any event I do not consider that this information, an average of two PCNs a day, is indicative of a significant shortage of parking within the town. This much was accepted by Mr Robbins on behalf of the Chamber in any event.^[7.30]

11.64 Other matters relevant to the current provision: the Chamber runs a Park and Ride Scheme on Saturdays from the Cattle Market car park at Tasley. The service has operated in the summer months from Spring 2015 through to September 2017. It is a free service paid for by donations from local businesses and operated by volunteers and has proved successful in attracting people. I note Mr Robbins' written evidence that the Chamber is unable to guarantee its future, given the reliance on volunteers and on the current landowner. ^[8.13 & 8.14]

11.65 The Chamber also point to the comments of the Leader of Shropshire Council when he made reference to the possibility of a multi-storey car park and said that if money became available that Bridgnorth would be '*near the top of the list for investment*'¹²⁶. This comment is unsurprising given Bridgnorth's acknowledged role in servicing the town and its rural hinterland.^[8.42]

11.66 Currently some 4% of visitors to town arrive by bus¹²⁷. In her oral evidence Ms Lawley confirmed that funding for bus services is expected to be reduced by up to 75%. The 101 bus service is an hourly bus service around Bridgnorth town travelling between Low Town and High Town. Mr Hanafin contends that it provides the option of shoppers parking in the Severn Park car park and walking to the 101 bus stop at the junction of Bridge Street. This entails a walk along the river bank and a wait for the hourly bus service into High Town. Given the nature of the walk and the circuitous bus route this is likely to only be an attractive option for those planning longer visits into the town and not doing large volumes of shopping. For the more energetic, having walked to Bridge Street it would not take long to walk across Bridge Street and undertake the short but steep walk into town. ^[8.39]

11.67 Given the reputation of Bridgnorth for its independent shops and quaint charm it is not surprising that it is successful in attracting day-visitors and tourists. The Cliff railway provides another means of transport from High Town from Low Town. Again visitors could park in Low Town and utilise this return service. Given the cost (£1.60 return) I conclude that the Cliff Railway is more likely to be used by tourists and day-trippers rather than regular shoppers. For those visitors intent on spending a longer, leisurely day in Bridgnorth outside the winter months, this could prove to be an attractive option.

Policy considerations

11.68 The development plan does not contain any parking standards.^[6.17] In policy terms the Framework¹²⁸ confirms that local authorities should seek '*to improve the quality of parking in town centres so that it is convenient, safe and*

¹²⁶ Mr Robbins appendix I-7.5

¹²⁷ Mr Newton appendix 4, question 34

¹²⁸ Paragraph 40

secure.....' This is reinforced in the PPG¹²⁹ which advocates the improvement of the quality of parking '*and where it is necessary to ensure the vitality of town centres, the quantity too.*' The PPG also advises against the use of maximum standards and requires Councils to ensure that provision is appropriate to the needs of the development. The PPG also advises that restrictions on car parking, both on-street and off-street can positively discourage the use of the private motor car. Development plan objectives in relation to the need to encourage more sustainable travel choices are in line with national policy. [6.15]

11.69 There is no suggestion that the existing car parks in town are not of sufficient quality, they are adequately surfaced and marked out, generally with easy access and well-lit. Mr McCallum put forward the view that convenience in terms of ease of access was part of a consideration of quality. Some time was spent at the Inquiry debating whether the Framework objective to improve the quality of town centre car parks also included the need to consider increasing the quantum. There are a number of policy strands running through the Framework and the supporting PPG. These include the need to encourage travel by non-car modes, protect town centres, improve the quality of town centre car parks and, where necessary and appropriate, to increase the amount of car parking. [7.24]

11.70 A further debate occurred regarding the interpretation and application of CS policy CS8 which seeks to protect existing facilities and services and facilitate the timely provision of additional facilities, services and infrastructure. The Chamber contends that infrastructure includes the protection of car parking. The whole thrust of policy CS8 is directed at the development of sustainable places in Shropshire with safe and healthy communities. The first bullet point refers to the protection and enhancement of existing facilities, services and amenities and makes no mention of infrastructure. The third bullet point of CS8 seeks to, amongst other things, facilitate the timely provision of '*additional infrastructure to meet identified needs*' and the fourth bullet point encourages the provision of infrastructure where it has no significant adverse effect on environmental assets. I would agree with the Council that this does not denote a blanket protection for all existing car parking.

Demand from the units and adequacy of the proposed provision and mitigation

11.71 Demand: The level of demand for car parking arising as a result of the retail units was calculated in the Transport Assessment¹³⁰ using a standard methodology and the TRICS database. The daily profile of arrivals and departures was projected and a car parking accumulation profile was predicted. This is the 'demand' referred to. During the weekday peak demand from the scheme was put at 40 spaces between 1300 and 1400 hours with Saturday peak demand of 70 spaces between 1400 and 1500 hours. [6.25]

11.72 Mr McCallum questioned the TRICS data on the basis that it was unrepresentative of the proposal at hand and its particular context. The Chamber did not put forward any other data sources. The data on trip rates

¹²⁹ Paragraph 001, Ensuring the Vitality of Town Centres, PPG

¹³⁰ CD A.11

revealed that 2 of the 11 weekdays related to Fridays but the data for the 11 days was averaged and applied to Fridays. Given that Friday is generally the busiest weekday this may have underplayed the level of trip generation. Mr McCallum makes other points in relation to the size of the proposals and their locations. However the TRICS database is an accepted industry tool and I am satisfied that the correct filters¹³¹ were applied in interrogating the TRICS database.

- 11.73 The Transport Assessment makes reference to research undertaken by TRICS into linked trips drawing upon a number of surveys. The TRICS report suggested that the proportion of multi-purpose or linked trips is, on average, 53%¹³². This figure was applied by the Applicant and supported by the Council¹³³.^[7.27]
- 11.74 Mr McCallum puts forward an alternative approach by using a parking standard commonly applied to non-food retail development of 1 space per 20 square metres floor-space¹³⁴. This is based upon Bridgnorth parking standards from 2004 and would equate to a requirement for 129 spaces. Making an allowance for 1 in 4 of the trips to be linked, Mr McCallum estimates an additional demand for 100 spaces arising as a result of the retail units. The assessment that 1 in 4 trips would be linked trips is unsupported.
- 11.75 The true additional demand, arising as a result of shoppers going to the retail units only, is likely to be materially less than 47%¹³⁵ in my view. This is because some shoppers choosing to park in the application car park to go into town may be tempted to add on some shopping at the retail units for the sake of convenience. Similarly some shoppers whose intended destination is the retail units would be likely to use the opportunity to pop into the town centre to do other shopping.
- 11.76 Given the location of this proposal, the nature of its provision and its proximity to both the town centre and Sainsbury's I am satisfied that it is likely that many more than half of the trips would be linked trips. As such I conclude that an estimate of 53% of linked trips is a conservative estimate. Taking all of the above matters into account I prefer the Applicant's demand figure.
- 11.77 Proposed car parking provision: In terms of provision the application depicts 126 spaces to the front of the units permanently available to shoppers. A further 32 car parking spaces are proposed for use as short stay parking on a Saturday. They are in a row on the site's north-western boundary located behind the units.^[6.29] This is shown on the site plan¹³⁶. During the Inquiry I raised two queries about the layout. The first query was about the safe operation of these spaces to the rear of the units given that tracking for service deliveries is depicted in front of the spaces. A similar point was raised by the Highways Authority during the application process, with the Highways Authority concluding that the 32 spaces should not be taken into account given

¹³¹ Set out at §6.2 Transport assessment.

¹³² Transport Assessment paragraph 6.3, page 18

¹³³ Confirmed by Mr Hanafin in his examination in chief, and applied in table 11

¹³⁴ Mr McCallum proof §6.47

¹³⁵ ie 53% linked trips so 47% sole trips.

¹³⁶ CD A.2.2

the potential for conflict between delivery vehicles and pedestrians¹³⁷. [6.29, 8.28, 8.29]

- 11.78 Having considered matters the Council and Applicant put forward three additional conditions¹³⁸ for consideration. One of the conditions prevents retail deliveries between the hours of 0900 and 1800hours Mondays to Sundays when the car parking spaces are likely to be in greatest use. The second condition requires a service management plan to be implemented to include measures designed to prevent delivery vehicles entering the narrower area immediately behind units 4 and 5. I am satisfied that, all other things being acceptable, the imposition of these conditions would allay any concerns about the risks of a conflict between service delivery vehicles and shoppers.[7.29]
- 11.79 The second concern in terms of the layout of the car parking was in relation to the narrow walkway depicted wrapping around the northern corner of the units and providing access from the rear parking area to the pedestrian walkway running alongside the Health Centre. The walkway is shown as being very narrow with doors opening out onto it from the units. A tight corner would make it difficult to navigate for physically impaired shoppers or parents with pushchairs. The additional condition suggested would require a redesign of this walkway with further details submitted for approval and minimum standards. Again I am satisfied that this would overcome the concerns which I raised with the parties. It follows therefore that I conclude that the 32 spaces depicted to the rear of the units can be taken into account as part of the provision. [8.30]
- 11.80 Hospital and disabled parking: Other concerns were raised by the Chamber about parking being lost to people attending at the hospital and the loss of disabled spaces. There are currently 16 disabled spaces on the Smithfield car park, they are located along the northern edge of the car park closest to the boundary with the hospital/medical centre. The proposal contains provision for 11 disabled spaces, with four spaces along the northern boundary with the Health Centre and the others arrayed in front of the units. The Council accepts that the level of disabled provision in the proposed car park would meet its standards¹³⁹.
- 11.81 The Health Centre/Hospital has a small car park in front of it and what appears to be some staff parking wrapping around to the rear. Ms Lawley confirmed that there are around 25 spaces in the car park for which there is no charge. Whilst the car park has had barriers in the past, it no longer has any. Mr Robbins has counted the spaces and confirms that there are around 48 spaces with 4 disabled bays. This second estimate accords more with my own observations on my site visit. Mr Robbins further confirmed that the hospital has 25 beds, does minor operations and has an accident and emergency department. His evidence was that a barrier system was previously in operation but kept breaking and was not repaired. Mr Robbins observed that the car park was generally full.[9.4]

¹³⁷ CD D.1.1, page 6.

¹³⁸ Inquiry document 17.

¹³⁹ Confirmed by Ms Lawley in cross examination

11.82 The hospital and health centre car park is open to all-comers given that there is no barrier or ticketing system and it is a free car park. These matters could be addressed to ensure its use only by patients and other hospital users. It is not for the application site to make provision for the car parking needs of adjacent users. The number of overall car parking spaces is being reduced and proportionately the reduction in the number of spaces for able bodied persons is greater than the reduction in disabled spaces. The Council has confirmed that the quantum of disabled spaces as a proportion of the overall proposed car parking accords with its own standards. I am satisfied therefore that the provision is acceptable and that the requirements of the Equality Act have not been contravened.^[8.44 - 8.46]

Mitigation Measures

11.83 Innage Lane Improvements: in addition the proposal is accompanied by the section 106 agreement, which would provide a contribution towards reconfiguration of the layout of the Innage Lane car park and removal of recycling facilities¹⁴⁰. Currently an area on the eastern boundary of this car park is used for coach parking for school bus service during the week. The proposal would see this area used for additional car parking on a Saturday with coach parking maintained during weekdays. It would result in an additional 37 spaces on a Saturday. Inquiry document 13 sets out additional evidence from the Council's highways officer explaining how the arrangements could be brought into force.^[6.31, 7.28]

11.84 The Chamber raised concerns about the practicability of the above arrangement and safety concerns about car drivers misunderstanding revised signage and seeking to park in coach bays during week days. In addition the Head-teachers of St Leonard's CE School and Bridgnorth Endowed Schools emailed to express safety concerns about any possible changes to coach parking in the Innage Lane car park¹⁴¹.^[8.35]

11.85 On one of my weekday site visits I observed the operation of the Innage Lane car park at around school closing time. The car park started to fill up with cars around 1500 hours, with coaches arriving thereafter and parking in a line along the boundary. Prior to this time the car park was only about 20% full. It is likely that most of the cars parked in the car park during school closing and opening times are those of parents collecting and dropping off their children. As such they will be familiar with the operation of the car park and the location of the coach parking in any event. I do not consider that a change in the markings to allow car parking in the coach bays at weekends would be misinterpreted. The car parking was operating efficiently when I observed it and I see no reason for this not to continue with the revised markings in place.

11.86 Ms Lawley's additional evidence explains how the bays could be signed with the current coach parking area being zoned and having particular signage applying to it. I am satisfied that such an arrangement could be implemented and would operate in such a manner as not to cause material harm to the safety of car park users and other pedestrians.

¹⁴⁰ Mr Hanafin appendix J

¹⁴¹ Mr Robbins appendix G-7.4

- 11.87 If planning permission is granted the proposed changes would have to be subject to a Traffic Regulation Order promoted by the Council and subject to public consultation on the process. Given that the Council has already applied itself to the question of changed markings and agreed that they are acceptable in principle without raising safety concerns, I conclude that it is likely that a traffic regulation order would be obtained. I see no reason why these changes should not be taken into account on the basis of that there would be a strong possibility that such an order would be made.^[8.34]
- 11.88 Loss of recycling facilities: The revisions to both the application site car park and the Innage Lane car park involve the loss of current recycling facilities in order to optimise car parking capacity. These changes would provide 16 additional spaces at Innage Lane. The Council confirms that there are now kerbside recycling collections undertaken by the Council, a new household waste centre in Bridgnorth and other recycling facilities in the town centre. I am satisfied that the loss of facilities on the application site car park and the Innage Lane car park would not materially diminish the opportunities for recycling.^[7.31]
- 11.89 Enforcing short stay parking: the Applicant confirms that the 3 hour car parking limit would be enforced on the application site car park to improve through-flow of shoppers. Currently shoppers can pay £0.80 to park for one hour, £1.00 to park for 2 hours or £3.00 to park for up to 10 hours.¹⁴² The Applicant has produced evidence regarding the proportions in which the ticket types have been purchased. Some 18% of shoppers purchased a £3 ticket on a Saturday entitling them to stay up to 10 hours¹⁴³. Mr Hanafin has estimated that an additional 208 vehicles would be able to park on a Saturday if a 3 hour limit was imposed¹⁴⁴. However this is predicated upon an assumption that all shoppers purchasing a £3 ticket are actually staying for 10 hours.
- 11.90 There is no evidence in relation to how long those shoppers in receipt of a £3 ticket have stayed over and above the proposed 3 hour limit. Notwithstanding this I do accept that enforcement of a 3 hour limit would free up some capacity. Those shoppers wanting to stay for longer periods would be able to avail themselves of the Innage Lane car park provision where long stay parking would remain an option¹⁴⁵. As such I am satisfied that a policy of returning the application site to short(er) stay parking would not materially affect shopping behaviours of shoppers in terms of the level of expenditure.^[8.37]
- 11.91 Ms Lawley also gave evidence that some 85 season ticket permits were issued for the Smithfield car park and the Council is looking to phase these out. A reduction in the number of permits would potentially improve the availability of spaces.
- 11.92 Live signage: the section 106 agreement secures a financial contribution of £100,000 towards car parking redesign and signage. The Council's

¹⁴² Ms Lawley proof of evidence table 3

¹⁴³ Mr Hanafin Table 8

¹⁴⁴ Proof of evidence §7.3.3

¹⁴⁵ See Mr McCallum's Car Parks plan at the front of his appendices.

breakdown¹⁴⁶ refers to 4 sites potentially having parking variable message signs which would provide real-time information about available car parking spaces around town. This would represent a significant benefit, enabling shoppers on entering the town to locate an available space more easily and informing them quickly when car parks are full. This would reduce the need for shoppers to take their chances by driving around town looking for spaces. It may also encourage more sustainable modes of travel to complete a journey into town.

Other potential factors influencing future demand

- 11.93 Westgate: The Chamber expressed concerns about the future loss of car parking at the Westgate offices. Ms Townend's Inquiry Note 11 sets out the position with regard to this car park. The car park serviced the Council offices at Westgate which is located away from the town centre to the west. Planning permission has been granted for residential development and looks likely to proceed. It would appear that the car park has been used on an informal basis by local people since the closure of the Council offices in 2014. I have visited this site on weekdays and at the weekend. It is some distance out of town and I consider it an unlikely prospect for shoppers looking to park somewhere to visit the town centre. I conclude that its redevelopment is highly unlikely to increase demand as a result of the displacement of parking. [6.26, 8.12]
- 11.94 SAMDev S3: this policy sets out the strategy in relation to Bridgnorth Town and confirms that around 500 homes are planned on sites allocated in Bridgnorth. The Chamber points out that the first allocation is on land from which the current Park & Ride Scheme operates. However I agree with the Applicant's contention that any parking and transport issues would fall to be decided and addressed at application stage when a travel plan would have to be produced. [6.27, 8.13] On behalf of the Council Ms Lawley confirmed¹⁴⁷ that the two sites are within walking distance of the town centre and the Council would seek to promote sustainable modes of travel when considering the application.
- 11.95 The construction period: Mr McCallum has raised concerns about the effects of a construction period upon the town's vitality. He estimates that construction could take up to 18 months during which time most if not all of the car park would be inaccessible. The Applicant has guaranteed to maintain a level of car parking during the construction phase which Mr Hanafin considered would be shorter than 18 months¹⁴⁸. A condition has been put forward requiring a temporary car park management plan to be submitted to cover the construction period. This would control the provision of a minimum number of spaces throughout construction and, if planning permission is to be granted, I would recommend its imposition.

The position post-development

- 11.96 Mr McCallum records that the Business Survey estimates that Saturdays is the best day for non-comparison goods shopping with 28% of turnover on that day. I note that it is around 17% on Fridays and around 12% for other

¹⁴⁶ CIL compliance statement.

¹⁴⁷ In her examination in chief.

¹⁴⁸ In his oral evidence.

weekdays. The Chamber's point is that on the busiest day of the week for sales, a reduction in car parking is proposed. Mr Robbins' analysis calculated not only the current spare capacity in the Smithfield car park but also the spare capacity if the number of spaces were to be reduced to 126. He concludes that if the Smithfield car park was reduced in size, then, based on current demand, there would be an unsatisfied demand on Fridays between 9am and 4pm as the Smithfield car park would be full. Over the 11 days surveyed Mr Robbins estimated that for some 61 hours the car park had in excess of 126 cars in it.¹⁴⁹

11.97 In terms of the current car parking capacity I have adopted the estimates of the Applicant¹⁵⁰ for the reasons given. More importantly I have concluded that an analysis of car parking occupancy rates should not just look at the application site car park in isolation. Whilst the Chamber's advocate refers to this as a bell-weather, the Chamber also asserts that the application site is the main town centre car park. I agree that it is likely to be the car park of first choice for many users. As such it is likely to fill up first. When it is at full occupancy, it is evident that for much of the time there is spare capacity on the other car parks in the study area.

11.98 The Applicant's analysis confirms that there is always spare capacity across the four car parks during weekdays but a short window of between 3 and 5 hours on a Saturday when all of the car parks in Mr Hanafin's study area are full.

11.99 Post-development I have concluded that some 158 car parking spaces would be provided, with 32 of these to the rear of the units. This would be acceptable. In addition I consider it reasonable to take into account the 56 additional spaces which would be provided at the Innage Lane car park on a Saturday as a result of the removal of recycling and the removal of coach parking on weekends. The strict enforcement of short-stay parking up to 3 hours would, to some degree, increase capacity although I conclude that it is unlikely to be to the extent envisaged by the Applicant. The live signage would be a significant improvement providing real-time information to drivers about the availability of car spaces. It also has the potential to persuade drivers to utilise other modes or other car parks in Low Town.

11.100 In terms of the additional demand arising as a result of the retail development I have preferred the Applicant's estimate for the reasons given. I have concluded that the numbers of linked trips estimated at 53% are likely to be conservative and therefore the additional demand estimated by the Applicant would probably be lower. There are no other factors which would materially affect demand post development which should reasonably be taken into account.

11.101 Taking all of the above conclusions together I accept that there would be no shortage of car parking spaces in the study area on weekdays. The proposal would result in a net reduction of 64 car parking spaces, assuming

¹⁴⁹ Ibid § 4.5

¹⁵⁰ Noting that the Severn Park car park can only accommodate 200 vehicles when parking on the grass is permitted/tolerated.

the improvements to the Innage Lane car park were implemented¹⁵¹. At its peak the development would generate a demand for 33 additional spaces after taking into account linked trips¹⁵².

11.102 I have largely accepted the Applicant's analysis which indicates that there would be a 40 space shortfall on Saturdays between 1200 and 1300 hours and a smaller shortfall of 6 spaces between 1300 and 1400 hours. I also note that this analysis relates only to the 4 car parks in the study area and does not include on-street parking, the Listley Street car parks and the Low Town car parks. The advent of live-time information on parking availability would bring a benefit in directing drivers efficiently to available spaces and could potentially encourage the use of alternative car parks or other transport modes to finish journeys into town.

11.103 Mr McCallum estimated that each car would on average contain 2 people with an assumed spend of £20. This was accepted by the Council.^[6.33] Applying these figures to the analysis above would result in a loss of £0.1m over 52 Saturdays. This would be on the unlikely assumption that the expenditure of all of the drivers unable to park on a Saturday would be lost to the town centre. Taken together with the retail impact on the town centre arising from trade diversion, I conclude that the retail proposal would not significantly affect the vitality and viability of the town centre.

Other Matters

Air quality

11.104 An Air Quality Management Area (AQMA) has been declared around the Whitburn Street/Pound Street junction. Nitrogen dioxide pollutant levels have been measured at some 25% above the national target level in this area¹⁵³. The Council has produced a Draft Air Quality Action Plan¹⁵⁴ with a strategy for improvement. The main contributors to such pollution are motor cars and any increased traffic movements would exacerbate the problem. Cars circling the town looking for parking spaces increase such movements. The introduction of live signage would improve this situation. In addition the provision of 2 electric charging points on the retail frontage would assist with sustainable transport objectives.

11.105 In support of the application an Air Quality Assessment¹⁵⁵ was produced. The assessment modelled nitrogen dioxide levels at various receptor points without development and with development. With development in place and with the mitigation measures there was a negligible beneficial effect at 9 of the 10 receptor locations and a slight beneficial effect at one. The conclusions of the Air Quality Assessment were accepted and supported by the Council's Public Protection Officer¹⁵⁶. I accept the findings of the assessment and I conclude

¹⁵¹ Current provision 278 spaces. Proposed provision 158 + 56 representing the improvements to Innage Lane = 214 spaces.

¹⁵² Demand 70, linked trips 53%. Therefore 70 x 47%=33 spaces

¹⁵³ CD D.1.1 Committee report §4.1.7

¹⁵⁴ Inquiry Document 7: dated March 2008

¹⁵⁵ CD B.3

¹⁵⁶ CD D.1.1 committee report §6.7.16

that the proposal would not compromise the objectives set out in the Council's Action Plan.

Heritage considerations

- 11.106 The proposal is depicted on the application plans and illustrated in 6 computer generated views¹⁵⁷. The application site is located to the south of the Innage Gardens Conservation Area and to the west of the Bridgnorth Conservation Area¹⁵⁸. The proposed building would be single storey with a linear frontage broken up by a roof profile which would include 4 pitched sections and two longer sections with curved roofs. The frontage would include large glazed sections with metal cladding and facing brickwork. The building would align with the Northgate Health Centre. Mature trees to the rear of the building would be retained and supplemented.
- 11.107 The Bridgnorth Conservation Area: is some 54 metres to the east of the site and comprises virtually the whole of the historic area of the town extending from the Endowed school down to the railway line. It includes Castle Hill, the medieval town gates, parish churches and the commercial streets. The impression is of a well preserved historic market town which has retained much of its historic fabric and interest.
- 11.108 From the application site there are limited views into the conservation area. There is a historical connection between the application site and the conservation area which, given its proximity to the conservation area, forms part of the setting of this designated asset. The application site has a gravelled surface which is uneven and showing signs of wear and tear. Further, I accept Dr Wigley's contention that, as a surface level car park, the site represents something of a gap in the urban fabric sitting between Sainsbury's and the Health Centre. The proposal would close this gap in a respectful manner and as such I agree that it would represent a small improvement to the setting of the conservation area. As such the statutory and framework tests are satisfied. [7.36]
- 11.109 The Innage Gardens Conservation Area: is a more compact conservation area located to the north of the application site. The application site and conservation area are separated by a line of mature trees and the Northgate Health Centre. Given the degree of separation and lack of inter-visibility between the application site and this heritage asset I am satisfied that it does not contribute to the significance of the conservation area or form part of its setting.
- 11.110 Archaeological Interests: the Applicant's Written Scheme of Investigation¹⁵⁹ contains details of historic maps and indicates that the development site is adjacent to a site of archaeological interest. Dr Wigley considers that any findings are likely to be of, at most, local level importance¹⁶⁰. Dr Wigley is content that the programme of works set out in

¹⁵⁷ CD B.1.1-6 views 1 to 6

¹⁵⁸ Shown in appendix 1 to Dr Wigley's proof

¹⁵⁹ CD A.12

¹⁶⁰ Proof §3.7

the Written Scheme of Investigation would mitigate any potential loss of significance. Such works could be secured by condition.

Fallback and other material considerations

- 11.111 In determining the application the Council came to the conclusion that the proposal was acceptable in its own right without consideration of any fallback positions. In the event that the Secretary of State concludes that the retail impact of the scheme is unacceptable then the Applicant wishes him to take into account two suggested fallback positions as material considerations.^[6.36] The Applicant's first proposition is that the Council is currently in breach of the car park licence agreement. As such it contends that Sainsbury's could commence forfeiture proceedings to bring the licence agreement to an end. If the license is forfeited the car park use would end and there would be no barrier to redevelopment. ^[7.32-7.34]
- 11.112 The Council accepts that there has been a breach. Whilst it is not part of my remit to adjudicate on any alleged breach of this contractual agreement, I am satisfied that there is a respectable basis for contending that there has been a breach. Ultimately this is a private contract between the Council and the Applicant and both parties agree that there has been a breach. The Council's position is that it is unlikely to defend any forfeiture proceedings. I therefore consider that forfeiture is more than a theoretical possibility in this case and the loss of the car park licence is a material consideration to be taken into account. It would represent a significant reduction in car park capacity and result in a worse position than the application proposal.
- 11.113 I further note that the licence agreement only requires the provision of 136 car parking spaces. The advocate for the Council puts forward the uncontested view that the development could proceed in any event without any breach of the licence agreement.^[7.34]
- 11.114 The Applicant's second proposition is that it could build out the consented scheme in the form of the permission for the DIY building. All three main parties agree that there has been lawful implementation of the outline planning permission.^[7.35] Mr Cooksey does not agree that implementation has taken place but for reasons which I shall come to, I need not trouble myself with this question.^[9.3] Whilst the Council accepts that this represents a fallback position, the Chamber has argued that there is no realistic prospect of it being implemented and it therefore is not a material consideration.^[6.38, 7.35]
- 11.115 The Chamber question whether or not the permission for a DIY store would be implemented in current market conditions and given the proximity of local DIY stores in other centres. This permission includes provision for 136 car parking spaces¹⁶¹ and the Chamber's view is that if the 32 spaces to the rear of the current proposal were excluded the current application would represent a worse position than the DIY store. For the reasons I have already given I consider it acceptable to take the 32 spaces to the rear into account and therefore I conclude that the current application would give rise to more parking than the 2004 planning permission. As such, if it was a realistic

¹⁶¹ CD G.1.1 Outline Planning Permission condition (7)

proposition, the 2004 permission would represent a worse position and is a relevant consideration.

11.116 The DIY store has not been built in the 13 years since consent was granted. There is no evidence before me as to developer interest in the event that the current application fails. Mr McCallum painted a pessimistic picture of the DIY sector and this part of his evidence was unchallenged. Many large DIY stores have been closing in recent years. There is already local provision in nearby centres. There are 18 pre-commencement conditions which would need to be discharged and no evidence of any efforts to do so. Irrespective of any disputes about implementation and having regard to all of these matters I conclude that there is nothing more than a theoretical possibility that this development might take place.¹⁶² It follows that I recommend that the Secretary of State should not take the outline planning permission into account as a relevant fallback position.^[8.51-8.54]

11.117 Having regard to all of the above matters I conclude that the landowners could exercise their rights to reduce the car park to provide 136 spaces without any further proceedings. Alternatively I have concluded that the risk of forfeiture proceedings is more than a theoretical possibility. If either of these scenarios came to pass they would represent a worse position than that proposed as a result of the application scheme. They are therefore material to any determination.

Overall Conclusions

- 12.1. I have made findings that the retail proposal would result in a trade diversion from Bridgnorth town centre in the order of 3% or some £1.22m. It would act as a logical extension to the town centre and would improve the retail offer of the centre in terms of comparison goods retailing. As such it would make a modest reduction in the comparison goods expenditure currently leaking out of the district. Some £3.31m would be clawed back from a total leakage of around £60m. Of all of the figures in the RIA it is the level of leakage which is the most striking. On any analysis increased retention of expenditure within the district can only be beneficial in terms of the vitality of the town centre and also in terms of reducing travel to other centres.
- 12.2. The proposal would result in a reduction in car parking from current levels and would bring with it an increased demand. Subject to the mitigation measures put forward I am satisfied that the impact of the proposal in terms of car parking reduction would not be significant in retail terms. I am firmly of the view that the levels of linked trips estimated in the RIA are conservative and the actual increased level of demand arising from trips solely to the retail units would not be as high as estimated.
- 12.3. In combination the retail impact from trade diversion and car parking effects would be around £1.32m of comparison goods turnover. This would not amount to a significant adverse impact on the vitality and viability of the Bridgnorth town centre. As such the proposal is in conformity with the policy

¹⁶² Gambone v SSCLG [2014] EWHC 952 (Admin)

tests in both development plan and national policy and set out at the beginning of my conclusions.

- 12.4. At the heart of the Framework is a presumption in favour of sustainable development. This means that development proposals which accord with the development plan should be approved without delay. Having regard to all of my findings I conclude that the proposal is in conformity with the development plan as a whole. The other relevant material considerations all militate in favour of development in any event. The proposal would bring economic investment and activity to Bridgnorth; it would result in additional job creation¹⁶³; there would be the clawback of expenditure and more sustainable travel patterns and a small environmental benefit in terms of the improvement to the setting of the Bridgnorth Conservation Area. All of these factors weigh in favour of the grant of planning permission. Finally there is the matter of the fallback position which is a relevant consideration.

Recommendation

- 12.5. For all of the above reasons I therefore recommend that the Secretary of State grants planning permission for this planning application subject to the list of conditions set out in Annex A and having regard to the obligations in the section 106 agreement.

Karen L Ridge

INSPECTOR

¹⁶³ Circa 80 full and part time jobs §9.3 Mr Newton's proof of evidence.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Christian Hawley of Counsel Instructed by Ms Miranda Garrard, Shropshire Council legal services.

He called
Ms Lawley BSc (Hons) Developing Highways Area Manager (South),
Shropshire Council

Mr West BA (Hons) MCD Principal Policy Officer, Shropshire Council
MRTPI

Ms Townend BSc (Hons) Principal Planning Officer, Shropshire Council
MA MRTPI

FOR THE APPLICANT:

Mr Satnam Choongh of Counsel

He called

Mr Hanafin CIHT ILT TPS Highways Engineer, Royal HaskoningDHV

Mr Newton BA (Hons) Partner, Barton Wilmore
DipTP MRTPI

FOR THE CHAMBER OF COMMERCE:

Mr Jack Smyth of Counsel Instructed direct by the Chamber of Commerce

He called

Mr Robbins Chairman, Bridgnorth Chamber of Commerce

Mr McCallum BA(Hons) Planning Consultant, DPDS Consulting Group
MPhil MRTPI

INTERESTED PERSONS:

Mr Cooksey Retired former solicitor and local resident
Mr Adrian Tacchi Resident of Bridgnorth
Councillor David Cooper Bridgnorth Town Council

DOCUMENTS SUBMITTED TO THE INQUIRY (INQUIRY DOCUMENTS)

- 1 Development Management Report dated 9 November 2010 in relation to Meredith's Yard, Old Smithfield Road, Bridgnorth, Shropshire, submitted by the Applicant.
- 2 Planning Permission reference 09/03035/FUL dated 19 October 2009 in relation to Meredith's Yard, Old Smithfield Road, Bridgnorth, Shropshire, submitted by the Council.
- 3 Opening Submissions on behalf of the Applicant.
- 4 Opening Statement on behalf of Shropshire Council.
- 5 Opening Submissions on behalf of the Bridgnorth Chamber of Commerce.
- 6 Letter of notification of the inquiry, submitted by the Council.
- 7 Bridgnorth District Council Draft Air Quality Action Plan March 2008, submitted by the Council.
- 8 Email from the Council's highways department regarding dates for works on the Bridgnorth bypass, email dated 9 November 2017.
- 9 Photograph of Severn Park pay and Display charging details, submitted by the Applicant.
- 10 Certified copy of an executed Planning Obligation dated 8 November 2017, submitted by the Council and Applicant.
- 11 Note from Karen Townend following cross-examination, submitted by the Council.
- 12 Schedule of agreed and disputed retail matters between the Chamber and the Applicant.
- 13 Innage Car Park updated submitted by Ms Lawley, on behalf of the Council.
- 14 Inspector's additional suggested conditions.
- 15 Closing Submissions on behalf of Shropshire Council.
- 16 Further additional conditions submitted by the Council.
- 17 Closing submissions on behalf of the Bridgnorth Chamber of Commerce.
- 18 Closing submissions on behalf of the Applicant.
- 19 Additional Evidence submitted by Stephen Robbins on Behalf of the Chamber of Commerce.
- 20 Shropshire Council response to additional evidence.
- 21 Royal HaskoningDHV Note
- 22 Mr Robbins email dated 31 January 2018

CORE DOCUMENTS

FOLDER (A) Planning Application Documents Date

- A.1 Application Form & Certificate 10 June 2016
- A.2 Site and Scheme Drawings Prepared by Hitchman Stone
- A.2.1 Site Location Plan: SK14/69/11
- A.2.2 Site Plan: SK14/69/12 Rev G
- A.2.3 Ground Floor Plan: SK14/69/13 Rev E
- A.2.4 Roof Plan: SK14/69/14 Rev B
- A.2.5 Typical Sections: SK14/69/15 Rev B
- A.2.6 Proposed Elevations: SK14/69/16 Rev E
- A.3 Existing Layout Plan prepared by Ridge: 151878-RDG-XX-00- XX-C-001
- A.4 Topographical Survey Plan prepared by Midland Survey Ltd: 22621/1
- A.5 External Services Layout Plan prepared by The Engineering Practice: 1971/E100 Rev P1
- A.6 External Lighting Lux Levels Drawing prepared by The Engineering Practice: 1971/E101 Rev P1
- A.7 Design and Access Statement prepared by Hitchman Stone 20 June 2016
- A.8 Planning Statement prepared by Barton Willmore June 2016
- A.9 Retail Assessment prepared by Barton Willmore June 2016
- A.10 Statement of Community Involvement and Appendices prepared by Gough Bailey Wright May 2016
- A.11 Transport Statement prepared by Royal Haskoning DHV 20 May 2016
- A.12 Written Scheme of Investigation for Archaeological Works prepared by CGMS March 2016
- A.13 Arboricultural Report prepared by ACS Consulting April 2016
- A.14 Arboricultural Layout Drawing prepared by ACS Consulting: 3331/101
- A.15 Landscape Strategy Plan prepared by DSA: 1008 001 B
- A.16 Drainage Summary Statement prepared by Ridge: 151878
- A.17 Phase 1 Desk Study & Phase II Geo-Environmental Investigation prepared by Pam Brow Associates March 2016

FOLDER (B) Planning Application Documents & Correspondence from Applicant submitted after the Initial Submission

- B.1 CGI's prepared by Hitchman Stone
- B.1.1 View 1
- B.1.2 View 2
- B.1.3 View 3 – Old Smithfield Car Park
- B.1.4 View 4 – from North East on Old Smithfield
- B.1.5 View 5 – from South West on Old Smithfield
- B.1.6 View 6 – from Bridgnorth Cricket & Hockey Clubhouse
- B.2 Existing Car Park Management Agreement 4 July 2008
- B.3 Air Quality Assessment prepared by Royal Haskoning DHV 9 September 2016
- B.4 Advice from Shoosmiths 30 August 2016
- B.5 Additional Information on Highways and Transportation Matters prepared by Royal HaskoningDHV 31 October 2016
- B.6 Additional Information on Highways and Transportation Matters prepared by Royal Haskoning DHV 22 December 2016
- B.7 Letter from Ziran Land to Planning Committee Members and Plan of Approved Development 6 January 2017
- B.8 Additional Information from Ziran Land 23 February 2017

FOLDER (C) Planning Application - LPA Correspondence

- C.1 Application Registration Letter 30 June 2016

FOLDER (D) Officers Reports to Committee

- D.1.1 Officers Report to Planning Committee Meeting held on 10 January 2017
- D.1.2 Minutes of Planning Committee Meeting held on 10 January 2017
- D.2.1 Officers Report to Planning Committee Meeting held on 7 March 2017
- D.2.2 Minutes of Planning Committee Meeting held on 7 March 2017

FOLDER (E) Planning Policy / Guidance Documents

- E.1 The National Planning Policy Framework March 2012
- E.2 Extracts from Planning Practice Guidance
 - E.2.1 Ensuring the Vitality of Town Centres
 - E.2.2 Determining a Planning Application
 - E.2.3 Conservation & Enhancing the Historic Environment
 - E.2.4 Design
 - E.2.5 Transport Evidence Bases in Plan Making and Decision Taking
 - E.2.6 Travel Plans, Transport Assessments and Statements
- E.3 Shropshire Council Development Plan Documents
 - E.3.1 Core Strategy (Adopted March 2011)
 - E.3.2 Site Allocations and Management of Development (SAMDev) Plan (Adopted December 2015)
 - E.3.3 Adopted Policies Map 2015 – S3 Bridgnorth Place Plan Area
 - E.3.4 Adopted Policies Map 2015 – Bridgnorth Inset 1
- E.4 Emerging Local Plan
 - E.4.1 Shropshire Local Plan Review – Consultation on Issues and Strategic Options – 23 January 2017 – 20 March 2017
 - E.4.2 Local Development Scheme June 2017
- E.5 Shropshire Council Evidence Base Documents
 - E.5.1 Bridgnorth District Council Retail Study – 2006 to 2021 (Prepared by White Young Green 2006)
 - E.5.2 Place Plan for Bridgnorth and surrounding area 2015-2016
- E.6 Sustainable Design SPD – July 2011
- E.7 Developer Contributions SPD – July 2011
- E.8 Planning for Walking prepared by Chartered Institution of Highways and Transportation (CIHT) - April 2015
- E.9 Providing for Journeys on Foot prepared by CIHT - 2000
- E.10 Shropshire Local Transport Plan – Provisional LTP Strategy 2011-2026 (March 2011)
- E.11 Shropshire Parking Strategy - December 2010
- E.12 Shropshire Bus Strategy 2016-2021
- E.13 Draft Shropshire Parking Strategy
- E.14 Shropshire Council Highway Waiting Restrictions Plans for Bridgnorth Town Centre
- E.15 DCLG Written Statement by Mr Eric Pickles 25th March 2015
- E.16 Historic England – Conservation Principles, Policies and Guidance - April 2008
- E.17 Historic England – The Setting of Heritage Assets – July 2015

FOLDER (F) Superseded Planning Policy Documents

- F.1 Former Bridgnorth District Local Plan 1994 Extracts from Written Statement (Adopted 1994)
- F.2 Former Bridgnorth District Local Plan 1996-2011 Written Statement (Adopted July 2006)

FOLDER (G) Planning History Documents

- G.1 Outline Planning Application Ref: 04/0919 – Land at the Smithfield
 - G.1.1 Decision Notice 27 April 2005
 - G.1.2 Application Site Plan: CHQ.04.6255-06A
- G.2 Variation of Condition 3 of Planning Permission 04/0919 (Ref: 07/1028)
 - G.2.1 Decision Notice 11 February 2008
 - G.2.2 Proposed Site Plan: 2004-460/S73 Rev H
- G.3 Reserved Matters Application Ref: 07/0928 - for Relief Road and Town Centre Car Park pursuant to Outline Planning Permission 04/0919
 - G.3.1 Decision Notice 13 March 2008
 - G.3.2 Proposed Site Plan: 2004-460/S73 Rev H

- G.4 Reserved Matters Application Ref: 08/0239 - for extension to Sainsbury's supermarket pursuant to Outline Planning Permission 04/0919
 - G.4.1 Decision Notice 29 May 2008
 - G.4.2 Proposed Store Plan: PL04 Rev C
 - G.4.3 Proposed Elevations: PL06 Rev C

- G.5 Reserved Matters Application Ref: 08/0238 - for DIY retail warehouse pursuant to Outline Planning Permission 04/0919
 - G.5.1 Decision Notice 17 February 2009
 - G.5.2 Proposed DIY Store - Proposed Site Plan: PL102 Rev F
 - G.5.3 Proposed DIY Store – Elevations: PL104 Rev D

- G.6 Planning Application Ref: 900261 – Site of Former Smithfield Market, Whitburn Street
 - G.6.1 Decision Notice 25 October 1991
 - G.6.2 Site Plan: 90110
 - G.6.3 Committee Report

- G.7 Planning Application Ref: 94/0820 – Smithfield North
 - G.7.1 Decision Notice 15 February 1995
 - G.7.2 Car Park Layout – Phase 1: 125.06A
 - G.7.3 Car Park Final Layout: 125.07A
 - G.7.4 Committee Report

FOLDER (H) Appeal / Call-In Decisions

- H.1 APP/G2815/V/12/2190175 – Land Adjacent Skew Bridge Ski Slope, Northampton Road, Rushden (Rushden Lakes) 11 June 2014

- H.2 APP/V2723/V/15/3132873 & APP/V2723/V/16/3143678 – Barracks Bank, Scotch Corner 1 December 2016

FOLDER (I) Other Core Documents

- I.1 Tesco v Dundee, UK Supreme Court Judgment March 2012
- I.2 Aldergate Properties v Mansfield, High Court Judgment July 2016

FOLDER (J) Call-In Inquiry Documents

- J.1 Secretary of State Call-In Letter dated 21 April 2017
- J.2 Applicant Statement of Case
- J.3 LPA Statement of Case
- J.4 Rule 6 Party (Bridgnorth Chamber of Commerce) Statement of Case
- J.5 Pre-Inquiry Meeting – Inspector's Note of Meeting
- J.6 Pre-Inquiry Meeting – Inspector's Directions Given at Meeting
- J.7 Third Party Correspondence to PINS following Call-in
- J.8 Agreed Statement of Common Ground between Applicant and LPA, including agreed conditions
- J.9 Agreed Statement of Common Ground between Applicant and Rule 6 Party
- J.10 Draft S106 Agreement

ANNEX A- List of Acronyms

AQMA	Air Quality Management Area
AMS	Arboricultural Method Statement
CS	Core Strategy
FOI	A request under the Freedom of Information Act
'The Framework'	The National Planning Policy Framework
PCNs	Parking Contravention Notices
PPG	National Planning Policy Guidance
RIA	Retail Impact Assessment
SAMDev	Shropshire Council Site Allocations and Management of Development Plan
TPP	Tree Protection Plan

ANNEX B

List of Recommended Conditions.

- (1) The development hereby permitted shall be commenced before the expiration of three years from the date of the grant of planning permission.
- (2) The development shall be carried out strictly in accordance with the following plans and drawings, unless otherwise varied by condition in this permission:
 - Site location plan: SK14/69/11
 - Site plan: SK/69/12 revision G
 - Ground floor plan: SK14/69/13 revision E
 - Roof plan: SK/69/14 revision B
 - Proposed elevations: SK14/69/16 revision E
- (3) Construction and/or demolition works shall take place only between 0800 hours to 1800 hours on Mondays to Fridays, and between 0800 hours to 1300 hours on Saturdays. No works shall take place on Sundays, Bank Holidays or any other public holidays.
- (4) The development hereby permitted shall be for no more than five A1 retail units, of which no single unit shall have a gross floor space greater than 806 square metres (including mezzanine floor space) and no more than 186 square metres of the total gross floor space of the whole development hereby permitted shall be used as a coffee shop.
- (5) No deliveries or collections to or from the retail units shall be received or despatched between the hours 0900 hours to 1800 hours on any day of the week (including Bank Holidays and Public Holidays).

PRE-COMMENCEMENT CONDITIONS

- (6) Prior to the commencement of the development hereby approved, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout all periods of construction and demolition and shall include details of the following:
 - Details regarding the loading/unloading and storage of plant and materials used in constructing the development;
 - Provision of parking for the vehicles of site personnel, operatives and visitors;
 - Construction traffic arrangements and routeing.
- (7) No development approved by this permission shall commence until the implementation of a programme of archaeological work has been secured in accordance with the Written Scheme of Investigation (WSI) submitted by CgMs Consulting and dated March 2016.

- (8) Prior to the commencement of any above ground works, samples and details of the materials to be used in all external surfaces (walls, roofs and other external areas) and the hard-surfacing of all areas (including the car park and public walkways) shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out only in accordance with the approved details.
- (9) No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into use.
- (10) No development shall commence (including works of vegetation/site clearance, ground levelling and demolition) and no equipment, materials or machinery shall be brought on to the site, until a Protection Scheme has been submitted to, and approved in writing by, the Local Planning Authority. The Protection Scheme shall include details of the trees, woody shrubs and hedges to be retained on the site, as well as measures for their protection and the protection of vegetation adjacent to the site. The scheme shall be based upon the Heads of Terms of the Arboricultural Method Statement at appendix 2 of the Arboricultural Report by acs consulting dated April 2016 and shall include an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP) prepared in accordance with, and meeting the minimum standards recommended in *British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction- Recommendations* or any version which supersedes it.
- (11) All pre-commencement protection measures detailed in the approved AMS and/or TPP shall be fully implemented to the written satisfaction of the Local Planning Authority before development commences and before any development-related equipment, materials or machinery are brought onto site. Thereafter the approved measures shall be maintained throughout the periods of demolition and construction of the development, unless such time as all equipment, machinery and surplus materials have been removed from the site. The development shall be implemented in strict accordance with the approved AMS and/or TPP. Any tree protection area fenced in accordance with this condition shall be treated as a construction exclusion zone and as such vehicles shall not traverse this zone, materials shall not be stored or placed within this zone, ground levels within the zone shall not be altered and no excavation shall take place within this zone, without the prior written consent of the Local Planning Authority.
- (12) Prior to the commencement of development hereby permitted a service management plan shall be submitted to, and approved in writing by, the Local Planning Authority. This plan shall include details of the measures to prevent delivery vehicles entering the area immediately to the rear of units 4 and 5 as depicted on site plan SK14/69/12 Revision G. The approved measures shall be kept in place for the duration of the retail use.
- (13) Notwithstanding the details shown on drawing reference SK14/69/12 Revision G (site plan) and drawing 1008 001 Revision B (Landscape

Strategy), prior to the commencement of development hereby permitted, details of the pedestrian link from the rear car parking area to the front of the retail units shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include:

- A marked, and lit, pedestrian route to the rear of the car parking and motorcycle spaces; and
- A marked, and lit, pedestrian link to the side of unit 5 which shall be a minimum of 1.8 metres in width.
- Details of surveillance and other design features to ensure safe design and prevent crime within the rear car parking area and the pedestrian link.

The pedestrian link and other features shall be provided in accordance with the approved details prior to first occupation of any of the retail units hereby permitted and shall be permanently retained thereafter.

- (14) Prior to the commencement of development, a temporary car park management plan (depicting public car parking on the site to be provided at all times during the construction period) shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include details of the following:

- A minimum number of car parking spaces;
- Management arrangements including financial charges and the enforcement of such arrangements;
- The location and access of the car park during construction phases;
- Any protective barriers necessary to separate the public areas from the construction site.

The approved temporary car park management plan shall be implemented in full prior to the commencement of development and adhered to throughout the construction period.

- (15) Prior to the commencement of development, details of the raised platform at the vehicle access point to the rear car park depicted upon plan SK14/69/12 Revision G shall be submitted to, and approved in writing by, the Local Planning Authority. The platform shall be constructed in accordance with the approved details prior to the first retail unit coming into use.

CONDITIONS PRE-OCCUPATION OR DURING DEVELOPMENT

- (16) Prior to the first use of any of the retail units hereby approved, a tree planting scheme, prepared in accordance with *British Standard 8545:2014 Trees: From Nursery to Independence in the Landscape-Recommendations*, or any version superseding it, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall include the following:

- (a) Details of the trees and shrubs to be planted in association with the development, including species, locations and density and planting pattern, type of planting stock, size at planting, means

- of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- (b) Details as relevant of the specification and location of the barriers to be installed (and/or measures to be undertaken) for the protection of ground reserved for the planting identified in (a) above and details of a timescale for implementation of all of these measures.
- (17) The approved scheme of tree planting and other measures required by condition (10) shall be implemented as specified and in full within the timescale approved by the Local Planning Authority. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies, is uprooted or removed, or, in the opinion of the Local Planning Authority becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted in the same location during the first available planting season thereafter.
- (18) Prior to any of the retail units hereby permitted first being brought into use, a suite of artificial nesting boxes suitable for a range of species shall be erected on the buildings in accordance with details which have been submitted to, and approved in writing by the Local Planning Authority. The details shall include the types and locations of the boxes.
- (19) Prior to any of the retail units hereby permitted first being brought into use two electric vehicle charging points shall be provided in a location in the car park which has been approved in writing by the Local Planning Authority. The charging points shall be installed as approved and shall be maintained and retained for a period of at least 10 years from the date of installation.
- (20) Prior to any of the retail units hereby permitted first being brought into use the car parking spaces depicted on Site Plan: SK14/69/12 Revision G shall be constructed and laid out with materials which have first been approved in writing by the Local Planning Authority.

END OF CONDITIONS



Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.