



Committee and date
South Planning Committee
(Bridgnorth)
14th September 2010

Item
10

Development Management Report

Application Number: 10/02798/FUL

Parish: Cleobury Mortimer

Grid Ref: 367134 - 275744

Proposal: Erection of three, two storey terraced dwellings and one detached bungalow and creation of new vehicular and pedestrian accesses

Site Address: Three Horseshoes 53 High Street Cleobury Mortimer Shropshire DY14 8DQ

Applicant: The Spice Empire Ltd

Case Officer: Mr Martin Guard **email:** planningdmsw@shropshire.gov.uk

1.0 THE PROPOSAL

1.1 The site is part of the car park and “garden” of the Three Horseshoes Public House in High Street, Cleobury Mortimer. It has a frontage to Mortimer Gardens, a cul-de-sac of 20 bungalows owned by the South Shropshire Housing Association. The application is for four dwellings; a detached two bedroom bungalow with garage, with three, terraced, two bedroom units of one and a half storeys. Each dwelling is planned to have an individual access from Mortimer Gardens leading to a parking space in its foregarden, The detached bungalow is planned on the higher part of the site adjoining No.20 Mortimer Gardens which in itself is a bungalow. A new footpath is to be constructed along the entire frontage linking the existing footpath in Mortimer Gardens with the High Street footpath.

1.2 Extract from Design and Access statement: *“The design of the units proposed is intended to complement the traditional local buildings of the close-by town centre, The external elevations are to be built using red multi facing bricks to blend in with existing brick elevations in the town, and roofs are to be covered with dark brown sand faced plain tiles with white painted traditional style sash windows to the main elevations. Due to the proximity of Cinema Court, a converted building providing dwellings to the rear, or eastern side of the site the design will avoid any first floor level fenestration facing this aspect to prevent the possibility of overlooking, with doors and windows limited to ground floor level. High level roof lights will provide natural light to the bathrooms and landings by positioning them in the rear side of the roof slope but at a level of 1.8 metres above the floor again to prevent overlooking of the flats. All windows to the main elevations of the three terraced units will be painted softwood sash windows and all first floor windows will be*

positioned in the front elevation, facing Mortimer Gardens, or in the gable elevation facing down toward High Street. Dormer windows at first floor level will complement similar windows in the existing Three Horseshoes building and windows found in many of the existing local buildings. The internal layout of the units is designed to give compact but adequately sized two bedroom accommodation to keep construction costs to an affordable level in order to endeavour to provide low cost homes within easy reach of the town centre facilities. "

- 1.3 *"Access to the properties for both vehicular and pedestrian traffic will be via Mortimer Gardens, and will require the formation of a new footway on the eastern side of Mortimer Gardens, with vehicular crossings to give parking for one car at the front of each unit, or in the case of the bungalow, a garage for one car with a car space immediately in front of it. The existing stone wall that divides the site from Mortimer Gardens has, over the years, had previous openings blocked up, and it is possible to re-open these former gaps to provide access to the front of the units for car parking, and pedestrian access, thereby retaining much of the existing wall as a boundary to the proposed properties. Access to the dwellings will be designed to be in accordance with Part M of the current Building Regulations and level access into the individual dwellings at the front entrance will be included in the design, with internal door sizes to accommodate wheelchair access."*

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprises the redundant, now overgrown, garden area and part of the car park of the former Public House known as the Three Horseshoes in High Street Cleobury Mortimer. It lies within the Cleobury Mortimer Conservation Area. The licensed premises have been closed since June 2008.
- 2.2 The site is rectangular in shape with 37m frontage and 19m depth. It slopes gently down from its boundary with No.20 Mortimer Gardens to the public house. It is bounded by a low stone wall on its frontage to Mortimer Gardens, timber boarded fencing with No 20 and similar fencing across the rear of the site with Cinema Court. The new footpath will mean the removal of some self-set shrubs and conifers.

3.0 RECOMMENDATIONS

- 3.1 That planning permission is granted subject to conditions & a Section 106 agreement to ensure the provision of 50% affordable housing.

4.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 4.1 In accordance with the Council's adopted 'Scheme of Delegation' where objections exceed six and/or the recommendation is contrary to the Parish Council's view, the matter must be determined by the Area Regulatory Committee.

5.0 RELEVANT PLANNING HISTORY

- 5.1 09/21516/F COU Public House to Childrens Day Care Nursery. Withdrawn
- 5.2 1985/422/P Alterations to existing Licensed premises. Approved

6.0 CONSULTEE RESPONSES

- 6.1 **Cleobury Mortimer Parish Council. Objection.** “The wall alongside the road Mortimer Gardens we believe belongs to Shropshire Council. Also the entrances shown in the plans to the properties come off Mortimer gardens and would cause a major problem to the vulnerable elderly residents of Mortimer Gardens. They have Doctors, Nurses and visitors which would lead to insufficient parking. The whole site should be developed in the scheme as the Public House and car park is connected to the site”
- 6.2 **SCC Housing and Development Officer:** “There is a 50% affordable housing contribution applicable in Cleobury Mortimer. Therefore, 2 of the 4 new units will need to be secured as affordable housing for local people in perpetuity. This will need to be controlled by way of a Section 106 Agreement running alongside the planning decision.”
- 6.3 **SCC Highways: No Objections.** “The proposed scheme would have the accesses formed from a relatively short no-through road in a residential part of the town. The parking facilities provided would be for one vehicle at each of the terraced dwellings and two spaces (including the garage) for the detached bungalow.
The scheme includes the formation of a footway, fronting the development, which completes the link between the existing one on the East side of Mortimer Gardens and High Street. This would be adopted as part of the public highway and is essential to providing safe pedestrian access to the proposed properties.
From a highway point of view I raise *no objections* in principle to permission being granted for this development. I recommend that the following conditions are attached to any permission granted:
Condition: Prior to the commencement of development, full engineering details of the footway fronting the development and linking the footway in High Street with that in Mortimer Gardens shall be submitted to and approved by the Planning Authority. The footway shall be constructed in accordance with these details prior to the dwellings being first occupied.
Reason: To ensure the formation and construction of a satisfactory footway in the interests of highway safety.”
- 6.4 **SCC Conservation Officer: No Objections.** “The design and scale of the terrace and the bungalow has been altered following pre-application advice and now the proposals will sit coherently within this area of the town.”
- 6.5 **SCC Historic Environment Officer. No objections**
- 6.6 **Shropshire Fire and Rescue. No objections.** “It will be necessary to provide adequate access for emergency vehicles to with 45m of all points within the dwellings”. This and other related matters will be dealt with under the Building regulations.
- 7.0 **PUBLIC REPRESENTATIONS**
- 7.1 Shaun Riley. Objection “This is a small, elderly peoples dwelling road and any further housing in this street will impact on their lives the building of more houses will increase traffic, add noise to a quiet area and be very imposing on the

properties already there. At present there is enough housing and new builds in Cleobury. I don't see why we should bother the residents of this quite secluded cul de sac with any further un required housing "

7.2 Estelle Pugh. Objection "I wish to object to the vehicle accesses from Mortimer Gardens. The wall has been there for well over 70 years as a boundary to the original allotments which were sighted here. It has had general maintenance on it; it has not as stated "over the years, had previous openings blocked up, and it is possible to re-open these former gaps'. The Wall has been hit by the odd stray Drinker from the pub over the years but there is no evidence of any openings after speaking to local historians.

Mortimer Gardens is a busy little retirement cul-de-sac and also the road has always supplied room for our, residents and there visitors parking in which would be completely removed by the accesses stated. As a resident and business owner here for over 22 years we would find 4 openings opposite my drive very imposing, it would mean more manoeuvring around the entrance of the gardens and new vehicles would have to rise on to the pavement opposite to enter their drives or to reverse out. I believe that the residents of Mortimer Gardens would not cope with more traffic along the road when The 3 Horseshoes has already got adequate entrance space for the houses. I must stress I have no objections to the buildings, just access."

7.3 Mrs P.J.Edwards. 1 Mortimer Gardens. Objection. "Making new access into the street means that I and my neighbours will have absolutely nowhere to park. We are all elderly people living in Mortimer Gardens so carers come daily, paramedics also frequently call and often have trouble parking now. And people with mobility wheelchairs need to be considered."

7.4 Petition letters. 17 signatures from residents of Mortimer Gardens. Objection. "Strongly object. There are 20 bungalow for the elderly and disabled in this cul-de-sac, and this would ruin this complex and the way of life completely. There needs to be daily access for NURSES, CARERS, RELATIVES and when needed ambulance, Doctor etc.. Also some residents have electric scooters. The "SAFETY"?? of the elderly must be considered at all times."

8.0 PLANNING POLICY

8.1 Central Government Guidance:

PPS1 – Delivering Sustainable Communities

PPS1 – Supplement – Planning and Climate Change

PPS3 -- Housing

PPS4 -- Planning for Economic Development in Rural areas

PPS5 – Planning and the Historic Environment

PPS7 – Sustainable Development in rural areas

PPG13 -- Transport

8.2 Local Plan: Relevant Saved Policies

SD1 Sustainable development

SDS3 Settlement Strategy.

SDS6 Range and Choice of Housing

SDS7 Affordable Housing

E6 Design
S1 Housing Development

9.0 THE MAIN ISSUES

- Principle of Development
- Design and Impact on character and appearance of Conservation Area
- Access, parking and safety
- Need for Comprehensive approach

10.0 OFFICER APPRAISAL

10.1 Principle of Development

10.1.1 This site is located centrally within the town. It is a brown field site with good access to all amenities of the village. It is clearly within the settlement boundaries of this large village and has no impact beyond. It is a most sustainable site. The proposal thus accords with the requirements of PPG3 and indeed Policy P3 of the Joint Structure Plan as it seeks to re-develop a brownfield site. The proposal thus accords with the principles of Policy SDS3 and S1 of the approved Local Plan.

10.1.2 This application will provide for 50% affordable housing in accordance with Policy SDS7. The proposal provides a range of housing appropriate for its setting and location in accordance with Policy SDS6.

10.1.3 Mortimer Gardens is a small cul-de-sac laid out to reasonable standards in width, alignment and construction and with good and safe access onto the A4117 through the village. The Highway Authority considers that these dwellings can be satisfactorily accommodated by the existing road network.

10.1.4 Thus the principle of the development is in accordance with the development plan.

10.2 Design and Impact of development on character of Conservation Area

10.2.1 The site falls within Cleobury Mortimer Conservation Area. The scheme attempts to draw upon a particular domestic scale with architectural features of the vernacular. (dormers, fenestration detailing, materials choice etc.). The dwellings are all to be constructed in brick with clay tile roofs. Windows are to be in painted hardwood timber joinery with brick verge, cill and lintel detailing. The Conservation Officers' have no objections to the design indeed have been involved in the design process.

10.2.2 The majority of the stone boundary wall is to be retained. It has been badly rebuilt in the past. It is to be punctuated by four new accesses, losing roughly 25% of it across the site's frontage. This loss is not significant in visual or townscape terms. The wall is to remain however as a boundary feature and will be more readily seen and appreciated adjacent the new footpath.

10.3 Impact on neighbours/residential amenity

10.3.1 The design and layout of the dwellings has been carefully considered to relate well with adjoining property. The proposed bungalow adjoins the bungalows of Mortimer Gardens and continues their general orientation and aspect, whilst the cat-slide roof at the rear of the terraced dwellings is to prevent overlooking of the Cinema Court dwellings.

10.3.2 The development accords with the residential nature of the cul-de-sac. Its construction would remove any possibility of the site fully reopening its car park and garden which adjoins the existing bungalows. The new development would act a buffer to any new use of the Public House.

10.4 Access, parking and Safety

10.4.1 Mortimer Gardens is a 90m long, 4.8m wide cul-de-sac which leads ultimately to a private car park for this small community of elderly and disabled residents. There are no roadside parking restrictions and cars do park on the roadside particularly where there is no footpath. Such car parking restricts access up Mortimer Gardens and lower down, by this site, parked cars are generally un-associated with the bungalows. The proposed development does not affect the residents' car park. Ample parking will remain them either on the roadside or in their car park.

10.4.2 Mortimer Gardens has a continuous footpath down to High St. on its western side only. Presently, residents (pedestrian and scooter borne) have to cross Mortimer Gardens and re-cross at its junction with the main road to access the village centre.

10.4.3 This development would overall improve residents' safety rather than detract from it. The new footpath would enable a safer and easier access into the village. The reduction in on-street car parking, albeit small, would improve access for all traffic to the bungalows.

10.4.3 The four new access points would be well defined by punctuations in the stone wall and would be unlikely conflict with footpath users. Access to dwellings over pavements is commonplace and rarely leads to pedestrian/safety conflicts. There is a new car park close by off Childe Road to offset against any roadside parking lost by this development.

10.4.4 The Highway Authority has no objections to the scheme.

10.5 Need for Comprehensive approach

10.5.1 This has been considered albeit informally. Your Officers are satisfied that there is sufficient land remaining with the Public House for car parking or amenity provision to support its re-use or its conversion to offices, restaurant or flats. The site is in close proximity to the centre of the village.

11.0 ADDENDUM – UPDATE

This application was deferred from the Committee meeting on the 31st August 2010 to enable further consideration to be given to the following matters;-

11.1 THE SOCIAL COMPOSITION OF THE PROPOSED OCCUPANTS OF THE DWELLINGS

11.1.1 The applicant has confirmed that it is likely that the two local affordable dwelling houses will be sold on to a registered social landlord who will determine the occupants of the dwellings who must have strong local connections with the Parish.

11.1.2 The two open market houses will either be sold or rented.

11.1.3 There is no Development Plan Policy or any other material consideration that enables the Local Planning Authority to control the nature of the occupancy of dwellings in town centre locations. Accordingly the fact that the dwellings are adjacent to dwellings that are occupied by elderly residents cannot determine that this development should be occupied by elderly residents. The proposal is from a private sector developer who has no obligation to meet social needs other than to comply with the Councils affordable housing policy. There is no lawful basis for the Council to require the developer to consider doing so.

11.2 CAR PARKING AND CONGESTION IN MORTIMER GARDENS

11.2.1 The single storey bungalow is provided with two car parking spaces within the site.

11.2.2 The remaining three dwellings each have a space within the site. This is in accordance with all present practice and expectations for the provision of car parking space within new housing developments. PPS13 advises that there are no maximum car parking standards. Circular 03/2009 (costs awards) advises that the use of car parking as a reason for refusal will be judged as unreasonable.

11.2.3 This estate road is designed to accept this form of access/egress to individual dwellings on a frontage development. Safety is further enhanced for all users by the introduction of a new footpath separating pedestrians from traffic. Additionally the use of the road by non-residents for parking will be substantially reduced owing to the new access openings precluding such parking.

11.3 SITE FRONTAGE BOUNDARY WALL

11.3.1 The applicant confirms that this is within the site and his ownership.

11.4 TANDEM / PIECEMEAL DEVELOPMENT

11.4.1 This site has its own independent access alongside a substantial road frontage that is designed to accept access from this form of development. Accordingly it cannot be regarded as tandem.

11.4.2 The residual site is fully independent of this site and has its own access onto a separate road frontage. The development of this site separately thus does not prejudice the future development of the remaining land.

11.4.3 The Local Development Framework, currently being progressed, cannot at this stage be given any weight. The determining policies are set out in the South Shropshire Local Plan, and this site is within the limit of development for Cleobury Mortimer. Therefore, there is a presumption, in principle, in favour of granting a consent for the development of this site.

12.0 CONCLUSION

12.1 The report is presented to the Committee for formal determination following deferral at the meeting on the 31st August 2010. The matters raised at that meeting have been dealt with in section 11 above.

12.2 The scheme accords with the policies of the development plan with the provision of 50% of its intended housing being "Affordable Housing". It is thus recommended for approval subject to the signing of a S106 Agreement on the provision of Affordable Housing, and with conditions on the planning permission requiring:

- the construction of the footpath before dwelling occupation,
- to submit and agree materials,
- to remove permitted development rights to insert additional windows,
- to produce a landscaping scheme for the site,
- to build and meet the Code for Sustainable Homes, Level 3 star on energy and water efficiency.

LIST OF BACKGROUND PAPERS:

None

HUMAN RIGHTS

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

Community/Consultations Appraisal

Undertaken in accordance with the requirements of the Town and Country Planning Act

Member Champion

Cllr. Martin Taylor Smith

Local Member

Cllr. Madge Shineton

Reason for Approval

The scheme accords with the policies of the development plan with the provision of 50% of its intended housing being "Affordable Housing". No material considerations (including those raised in the representations) were considered to outweigh the policies of the development plan.

In determining the application the Local Planning Authority gave consideration to the following policies -

Central Government Guidance:

PPS1 Delivering Sustainable Communities

PPS1 Supplement - Planning and Climate Change

PPS3 Housing

PPS4 Planning for Economic Development in Rural areas

PPS5 Planning and the Historic Environment

PPS7 Sustainable Development in rural areas

PPG13 Transport

Local Plan: Relevant Saved Policies

SD1 Sustainable development
SDS3 Settlement Strategy.
SDS6 Range and Choice of Housing
SDS7 Affordable Housing
E6 Design
S1 Housing Development

Conditions

1. The new dwellings hereby permitted shall be constructed to an equivalent to the Code for Sustainable Homes, Level 3 star rating for energy and water efficiency.
Reason: To ensure the dwelling is constructed with a view to reducing its carbon footprint and ensuring social sustainability, in accordance with policy SD1 of the adopted South Shropshire Local Plan.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
3. Prior to the commencement of development, full engineering details of the footway fronting the development and linking the footway in High Street with that in Mortimer Gardens shall be submitted to and approved by the Planning Authority. The footway shall be constructed in accordance with these details prior to the dwellings being first occupied.
Reason: To ensure the formation and construction of a satisfactory footway in the interests of highway safety.
4. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.
Reason: To ensure that the external appearance of the development is satisfactory.
5. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
Means of enclosure
Hard surfacing materials
Planting plans
Written specifications (including cultivation and other operations associated with plant and grass establishment)
Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
Implementation timetables
Reason: To ensure the provision of amenity afforded by appropriate landscape design.

6. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

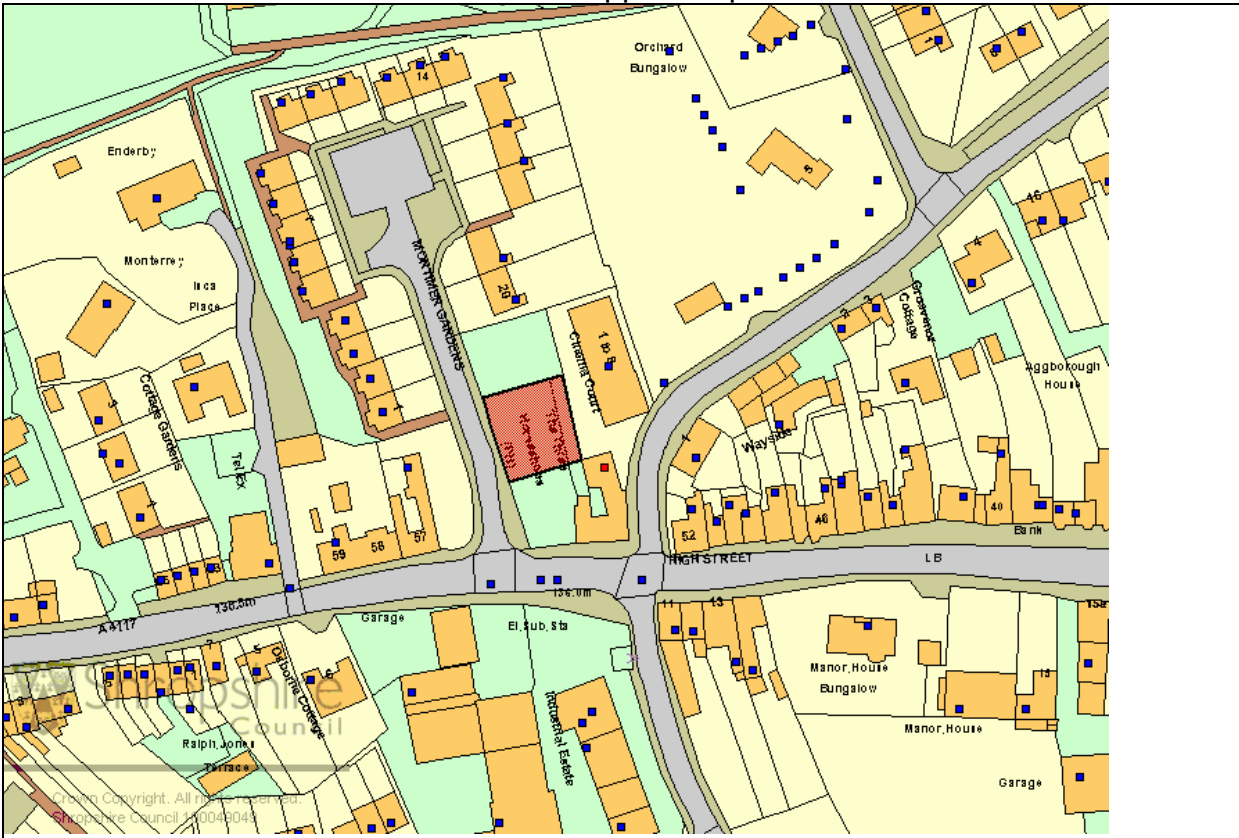
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:- any windows or dormer windows in rear roof slopes.

Reason: To enable the Local Planning Authority to control the development to prevent overlooking and potential loss of privacy.

8. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.



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