

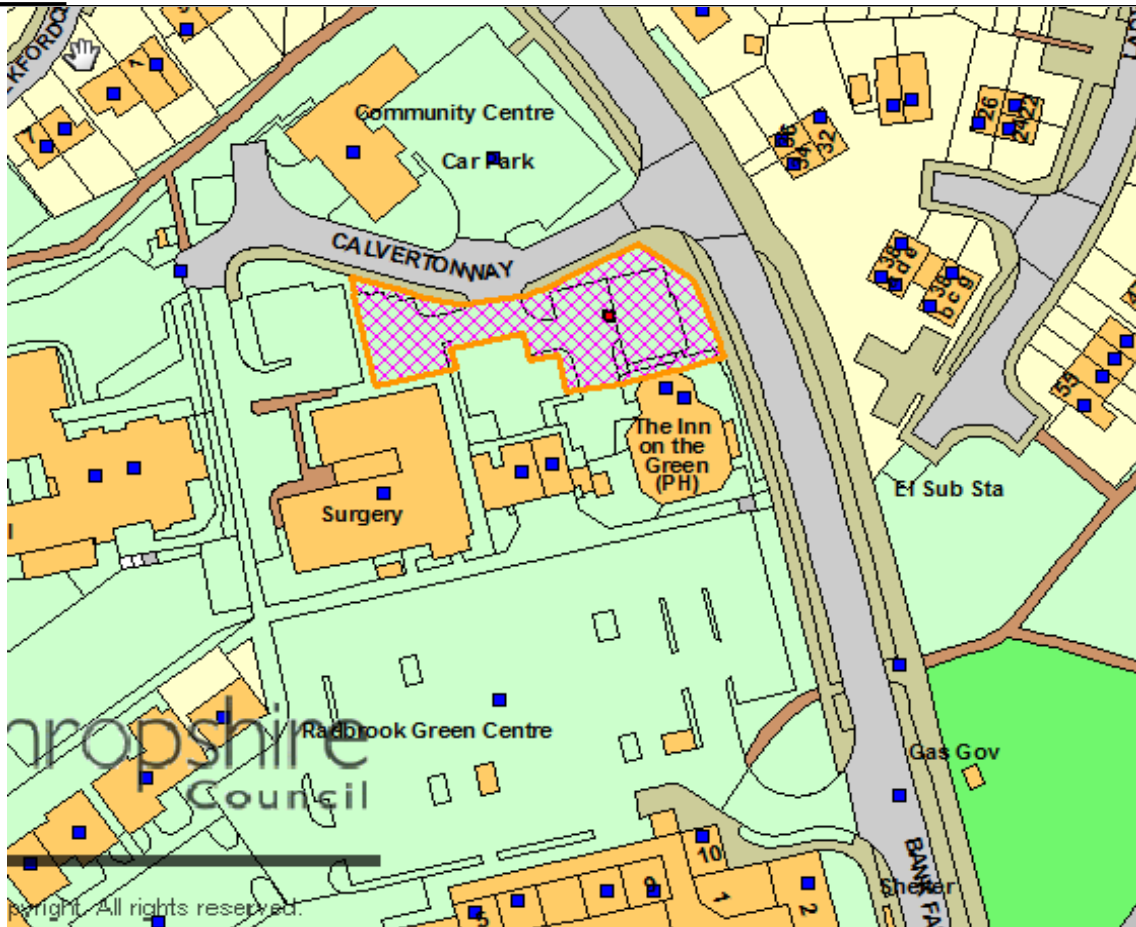
## Development Management Report

Responsible Officer: Tim Rogers  
Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 15/04910/OUT	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Outline Application for the erection of 4No residential units (to include access)		
<b>Site Address:</b> Land South Of Calverton Way Shrewsbury Shropshire		
<b>Applicant:</b> Newriver Property Unit Trust No. 4		
<b>Case Officer:</b> Mared Rees	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 347680 - 311350



**ADDENDUM REPORT – 30/06/2016**

**Recommendation:- Approve subject to the conditions set out in Appendix 1.**

**1.0 INTRODUCTION**

- 1.1 This application was originally considered by Central Planning Committee on 4<sup>th</sup> February 2016 and a resolution to grant approval was the outcome.
- 1.2 The Council had not adequately demonstrate that the application had been publicised in accordance with the guidelines set out in the Council's Statement of Community Involvement.
- 1.3 The application was subsequently re-publicised in accordance with the Council's own practice and following the consultation expiry date, the application was referred back to Central Planning Committee on 26<sup>th</sup> May 2016, where Members indicated that they were minded to refuse the application but the decision was deferred to enable consideration of the reasons for refusal.
- 1.4 Substantiated reasoning for the recommendation of refusal of the application were not agreed during the Committee Meeting.
- 1.5 The application is referred back to Central Planning Committee on 30<sup>th</sup> June 2016 to establish reasons for refusal.

**2.0 REASONS FOR RECOMMENDATION OF REFUSAL**

- 2.1 Officers remain of the opinion that there are insufficient valid planning reasons to substantiate Members change in resolution for the scheme.
- 2.2 The scheme has not altered in any way since Members resolved to grant approval on 4<sup>th</sup> February 2016, and the reasoning for officer recommendation for approval has already previously been set out in the original report and subsequent addendum.
- 2.3 During discussion of the application at the previous Committee Meeting, the loss of the beer garden was a concern raised.
- 2.4 However, the submitted Illustrative Block Plan clearly demonstrates provision could be made elsewhere on the site to accommodate the provision of a beer garden. There is no planning policy requirement within the Core Strategy or SAMDev which states that pub beer gardens should have a minimum size requirement.
- 2.5 Furthermore, the application site is not a designated community asset and it is not therefore protected as such in planning policy terms.
- 2.6 The proposal would not result in the loss or closure of the public house, which is shown as being retained on the submitted Illustrative Block Plan.
- 2.7 However, if Members are still minded to refuse the application, Officers consider that Core Strategy Policy CS8 'Facilities, Services and Infrastructure Provision' would be the most relevant policy for use in the reason for refusal, in particular, the first criterion,

which states that existing facilities, services and amenities that contribute to the quality of life of residents and visitors, will be protected and enhanced.

2.8 Members are requested to substantiate their reasoning for refusal of the scheme, using the above Policy for justification.

**3.0 OTHER MATTERS**

3.1 Concern was also raised during the Committee Meeting regarding site ownership.

3.2 As demonstrated on the Site Location Plan and clarified by officers during the discussion, the applicant is also the owner of the public house and this has been further confirmed by the agent.

**ADDENDUM REPORT – 26/05/2016**

**Recommendation:- Approve subject to the conditions set out in Appendix 1.**

**1.0 INTRODUCTION**

- 1.1 This application was determined by Central Planning Committee on 04<sup>th</sup> February 2016 with a resolution to grant approval.
- 1.2 The application was publicised in accordance with Part 3, Article 15. (5) (b) of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 1.3 In this respect, relevant neighbouring properties were notified of the proposed development by letter. A Site Notice was not erected.
- 1.4 In accordance with the Council's own practice, a Site Notice should have been erected on or near the site in order to further publicise the application.
- 1.5 To ensure compliance with the Council's own practice, the Site Notice was subsequently erected on 19<sup>th</sup> April with a standard 21 day consultation period in which to reply to any notifications made. The revised consultation expiry date was 10<sup>th</sup> May.
- 1.6 This Addendum Report lists the additional representations received during the revised consultation period and addresses relevant planning considerations raised.

**2.0 REPRESENTATIONS RECEIVED**

- 2.1 17 additional representations have been received during this re-consultation period, all of which object to the proposal.
- 2.2 Concerns raised include:- overdevelopment of the site, adverse impact on existing and proposed levels of visual and residential amenities, loss of a community facility, loss of the beer garden serving the public house, adverse impacts on highway safety, the proposal would be overbearing in relation to the existing public house on the site, loss of parking provision, the location of the application site is unsuitable for the proposed development, insufficient space to accommodate additional pupils in the local schools, adverse impact on the community, the proposal would increase overlooking elsewhere, adverse impact on the existing view from the Function Room of the public house, the existing community facilities in the area would be spoiled by the proposal.

**3.0 RESPONSE TO REPRESENTATIONS RECEIVED**

- 3.1 Similar concerns and issues have been raised during the re-consultation period, to those which were originally received, as set out in paragraph 4.2 of the original Committee Report.
- 3.2 Visual Amenity
  - 3.2.1 The application is made in outline only with matters relating to layout, appearance, scale and landscaping reserved for future consideration.

- 3.2.2 As set out in paragraphs 6.2.2 to 6.2.5 of the original Committee Report, the size of the site is considered to be capable of accommodating the amount of development proposed without appearing cramped or incongruous in this location.
- 3.3.3 The proposal is not considered would result in any overbearing impacts in relation to the public house in the context of its proposed two storey height.
- 3.2.4 Further consideration in regards to precise details of layout, appearance, scale and landscaping can only be made at reserved matters stage.
- 3.3 Residential Amenity
- 3.3.1 As set out in paragraphs 6.3.1 to 6.3.4 of the original Committee Report, it is recommended that relevant spacing standards and design features which can achieve natural surveillance, are adhered to during the reserved matters stage of development.
- 3.3.2 Concerns raised in regards to the loss of a view from the function room of the public house are not considered would result in a reason sufficient to warrant refusal of the application, particularly in the context that this application is made in outline only with final design, layout and landscaping considerations to be determined during the reserved matters application.
- 3.3.2 Public Protection raises no objection to the application in terms of any noise impacts to proposed occupants, which may arise as a result of the nearby public house and/or community facility. This is set out in paragraph 6.3.3 of the original Committee Report.
- 3.4 Highway Safety
- 3.4.1 As set out in paragraphs 6.4.1 and 6.4.2, it is not considered that the additional activity generated by the proposals or the loss of part of the public house car park would result in significant pedestrian or vehicular activity which would be contrary to highway safety.
- 3.4.2 The indicative Proposed Site Plan indicates that parking provision for the development and public house would be located west of the properties.
- 3.4.3 Highway Authority raises no objection to the amount and layout of the proposed parking provision as well as the overall development.
- 3.5 Education
- 3.5.1 The amount of development proposed has not triggered the need for contributions in regards to education. A CIL contribution will be payable and can be used to contribute towards education if there is a requirement from the proposed development.
- 3.6 Loss of a Community Facility
- 3.6.1 As demonstrated on the submitted Block Plan (Dwg No SK02 D), the existing public house is shown and would be retained.
- 3.6.2 The application site comprises part of the car park and part of the communal area serving the public house.

- 3.6.3 The submitted Block Plan (Dwg No SK02 D) demonstrates that proposed provision of communal areas would be made to the east and west of the public house.
- 3.6.4 Therefore, given that the public house would be retained and provision for communal areas would still be made, it is not considered that the proposal would result in adverse impacts on the community.
- 3.6.5 There is no evidence to demonstrate how the proposal would spoil existing community facilities and notwithstanding this, it is not considered that the proposal would have an adverse impact on existing community facilities in the area.
- 3.6.4 The reduction in size of the existing communal area is not considered to outweigh the benefits which would arise from the scheme in regards to the provision of market and affordable housing within Shrewsbury Settlement Boundary, the sites locational sustainability and growth to the local economy through the construction phase of development as well as through the associated supply chain.

#### **4.0 CONCLUSION**

- 4.1 The development proposal has not changed in any way since Members resolved to grant approval for the scheme in Central Planning Committee on 04<sup>th</sup> February 2016.
- 4.2 The additional representations received are not considered would raise any further considerations which would outweigh the benefits in granting approval for the scheme.
- 4.3 The scheme would comply with all relevant Core Strategy and SAMDev Policies as set out in Section 10 of the original Committee Report and officer recommendation is for approval.

**Recommendation:- Approve subject to the completion of a S.106 Legal Agreement and the conditions set out in Appendix 1.**

**COMMITTEE REPORT - 04/02/2016**

<b>1.0</b>	<b>THE PROPOSAL</b>
1.1	This planning application seeks outline permission for the construction of up to 4 no. residential apartments. Approval for access is also sought.
1.2	All other matters are reserved for future consideration.
1.3	The Indicative Block Plan shows proposed access into the site would be via the existing access off Calverton Way and would be shared with the Inn on the Green Public House.
1.4	Parking provision would be to the west of the public house.
	The illustrative scheme shows the apartment block would lie adjacent to the Inn on the Green and would front Bank Farm Road.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
2.1	The application site is located within the settlement boundary of the Shrewsbury Area as defined on Policy Map S16 INSET 1.
2.2	The application site comprises part of the car park to the Inn on the Green Public House. The site is irregular in shape and lies to the north of the public house. The site fronts onto Bank Farm Road and extends westwards along Calverton Way and the side elevation of Radbrook Green Surgery.
2.3	Calverton Way and Radbrook Community Centre lie to the north. Radbrook Primary School is located to the west and a Co-operative food store lies to the south.
<b>3.0</b>	<b>REASON FOR DELEGATED DETERMINATION OF APPLICATION</b>
3.1	The Parish Council have raised an objection to the application. The Chair and Vice Chair, in consultation with the Head of the Development Management Service, have agreed that the application is called to Committee.
<b>4.0</b>	<b>COMMUNITY REPRESENTATIONS</b>
<b>4.1</b>	<b>- Consultee Comments</b>
	<b>SC Public Protection – No objection.</b> SC Public Protection raises no objection however note that a high specification of

	glazing with the ability to reduce noise from external areas is used in the apartments as future complaints regarding noise from the adjacent public house may restrict future operations of the pub. An informative to this effect would be attached to any grant of consent.
	<b>SUDS – No objection.</b> SUDS raises no objection subject to a condition to secure a surface water drainage scheme.
	<b>SC Affordable Houses – No objection.</b> No objection subject to an affordable housing contribution. The type and affordability of housing will be set at the prevailing percentage target rate at the date of the reserved matters application.
	<b>SC Highways – No objection.</b> Highway Authority raises no objection subject to the submission of a Construction Method Statement prior to commencement of development.
	<b>Shrewsbury Town Council – Objection</b> 'The Town Council has concerns regarding the access to both the proposed new properties and the existing public house in relation to both customers and delivery wagons as well the local business premises, school and community centre. Members felt that as there are no existing residential properties in this area, there will be a conflict among users of what is a community area.'
	<b>Radbrook Community Association – Objection.</b>
<b>4.2</b>	<b>- Public Comments</b>
	5 objections received.  Concerns raised include:- adverse impact on highway safety, potential loss of the public house and car park, the proposal would comprise over-development, loss of car parking would result in an adverse impact on the operations and overall usage of the Community Centre, any noise impacts from the Community Centre cannot be adjusted to suit the development proposal, inappropriate site location, loss of a community facility.
<b>5.0</b>	<b>THE MAIN ISSUES</b>
	<b>Principle of development</b> <b>Character and Appearance</b> <b>Residential Amenity</b> <b>Highway Safety</b> <b>Drainage</b> <b>Affordable Housing</b>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
<b>6.1</b>	<b>Principle of development</b>
6.1.1	The application site is situated within the development limit for Shrewsbury as



	identified on Policy Map Shrewsbury Area S16 INSET 1, to which Policy S16 applies. Core Strategy Policies CS1 and CS2 identify Shrewsbury as a primary focus for development, including housing.
6.1.2	Policy MD1 of the adopted SAMDev supports sustainable development in Shrewsbury whilst Policy S16.1 encourages appropriate development on suitable sites within Shrewsbury's development boundary, to which accords with the Strategy.
6.1.3	The proposal would provide 4 no. residential units within the development limit of Shrewsbury and would provide a contribution towards affordable housing provision.
6.1.4	The proposal would help to foster economic growth both during the construction phase of development and throughout the associated supply chain.
6.1.5	In locational terms, the proposal is within walking distance of a number of facilities and services including Radbrook Community Centre, Radbrook Primary School, Radbrook Green Surgery, a Co-operative food store, and bus stops on the adjacent side of the road.
6.1.6	The principle of development, having regard to the sites location within Shrewsbury Settlement Boundary and its overall sustainability credentials is considered to be acceptable, subject to compliance with visual and residential amenity policies and other associated matters including highway, drainage and affordable housing contributions.
<b>6.2</b>	<b>Character and Appearance</b>
6.2.1	The indicative Block Plan shows that the apartment block would be sited on part of the existing car park to the Inn on the Green and would front Bank Farm Road.
6.2.2	The Block Plan demonstrates that the application site is capable of accommodating a two storey apartment block with associated car parking, landscaping and communal area without appearing cramped or incongruous in this location.
6.2.3	The public house is part single and part two storey in height, therefore the overall scale of the proposed apartment block should take this into account, ensuring it does not overdominate the adjacent building.
6.2.4	A dual frontage would ensure that natural surveillance and active frontages are achieved along Bank Farm Road and Calverton Way.
6.2.5	A robust landscaping scheme should be submitted with the reserved matters application, with planting and soft landscaping along the southern and western boundaries of the application site. This would help to ensure the space within the public house is clearly defined from the private space of the apartment block.
<b>6.3</b>	<b>Residential Amenity</b>
6.3.1	It is recommended that the reserved matters application demonstrates that spacing

	standards between neighbouring properties are appropriate.
6.3.2	Proposed principal windows are advised to be inserted along the rear elevation of the apartment block which would help to provide natural surveillance and overlooking over the communal parking area.
6.3.3	Public Protection raises no objection, advising that a high specification of glazing is recommended for use on the proposal, given the sites proximity to the adjacent public house. This would be added as an informative to any grant of consent.
6.3.4	Detailed boundary treatments would be secured at reserved matters stage and it is advised that these are clearly defined to help to achieve adequate privacy levels in any communal areas for proposed occupants.
<b>6.4</b>	<b>Highway Safety</b>
6.4.1	It is considered that the additional vehicular and pedestrian activity generated by the proposed development would be unlikely to result in any significant highway impacts which would be contrary to the interests of highway safety.
6.4.2	Highway Authority raises no objection subject to a pre-commencement condition to secure the submission of a Construction Method Statement.
6.4.3	The proposal would comply with Policy CS2 of the Core Strategy and Policy MD2 of the SAMDev.
<b>6.5</b>	<b>Drainage</b>
6.5.1	SUDS raise no objection subject to a condition to secure a surface water disposal scheme.
<b>6.6</b>	<b>Affordable Housing</b>
6.6.1	In accordance with Core Strategy Policy CS11, the proposal would need to contribute towards the provision of affordable housing.
6.6.2	The required contribution would be set at the prevailing percentage rate at the date of a reserved matters application.
<b>7.0</b>	<b>CONCLUSION</b>
7.1	The application site is located within the settlement development limit of Shrewsbury to which the policies within the Core Strategy and SAMDev support provision of housing in suitable locations within the settlement boundary. The principle of development is considered to be acceptable.
7.2	The application site is considered could comfortably accommodate the level of housing proposed along with appropriate landscaping and boundary treatments, without raising any significant adverse impacts on visual or residential amenities.

7.3	The scheme would contribute towards provision of affordable housing and the proposal is not considered to raise significant adverse impacts in terms of highway safety.
7.4	Overall, the proposal is considered to be acceptable and would comply with the above mentioned policies within SAMDev as well as the Shropshire Core Strategy.
<b>8.0</b>	<b>Risk Assessment and Opportunities Appraisal</b>
<b>8.1</b>	<b>Risk Management</b>
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>❑ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.</li> <li>❑ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.</li> </ul> <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
<b>8.2</b>	<b>Human Rights</b>
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
<b>8.3</b>	<b>Equalities</b>
	The concern of planning law is to regulate the use of land in the interests of the

	public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.
<b>9.0</b>	<b>Financial Implications</b>
	There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

**10. Background**

**Relevant Planning Policies**

**Central Government Guidance:  
NPPF**

**Core Strategy and Saved Policies:  
CS2, CS6, CS9, CS11,**

**SAMDev:  
MD1, MD2, MD3, S16.1**

**RELEVANT PLANNING HISTORY:**

**11. Additional Information**

**View details online:**

<b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b>
<b>Cabinet Member (Portfolio Holder) Cllr M. Price</b>
<b>Local Member  Cllr Keith Roberts</b>
<b>Appendices APPENDIX 1 - Conditions</b>

**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

1. Details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The approved plans to which this permission relates are:-

1:1250 Site Location Plan  
Dwg No SK02 Rev D

Reason: For the avoidance of doubt and to specify the plans to which this permission relates.

5. Prior to commencement of development, 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 the construction period. The Statement shall provide for the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, wheel washing facilities, measures to control the emission of dust and dirt during construction and a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect existing residential amenities in accordance with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

6. Prior to commencement of development, a surface water disposal scheme incorporating the use of soakaways, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed surface water drainage systems for the site are of a robust design in accordance with Policy CS8 and CS18 of the Core Strategy.