

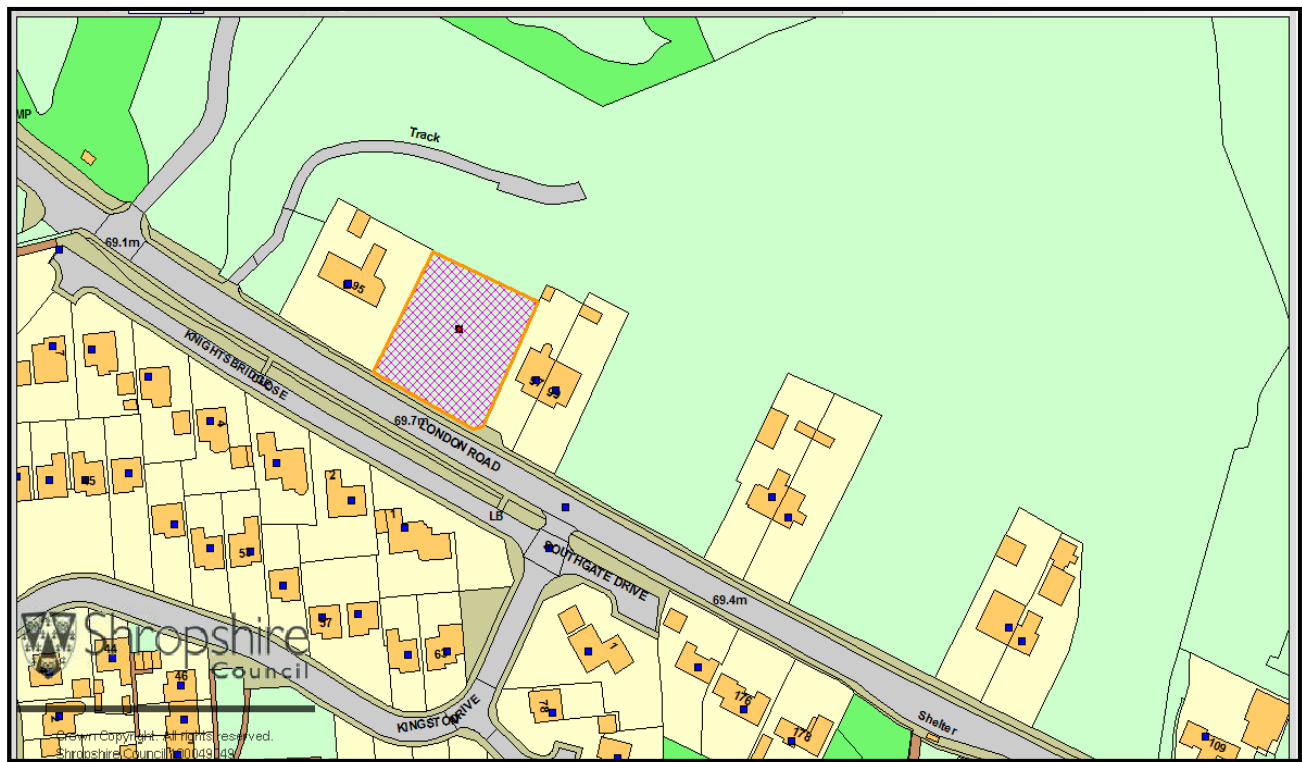
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

<u>Application Number:</u> 16/02049/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erection of single storey supported living accommodation for three adults		
<u>Site Address:</u> Land North Of London Road Shrewsbury Shropshire		
<u>Applicant:</u> Shropshire Council		
<u>Case Officer:</u> Mared Rees	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 351549 - 310998



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

REPORT

1.0	THE PROPOSAL
1.1	This application seeks full planning permission for the construction of 1 no. 3 bedroom, sheltered dwelling.
1.2	The dwelling is intended to provide supported living accommodation for 3 adults.
1.3	The dwelling would be single storey with three bedrooms. Parking provision would be located to the front and a garden area would be at the rear.
1.4	A new access would be created direct off London Road.
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site is located within the settlement boundary of the Shrewsbury Area as defined on Policy Map S16 INSET 1. The site is specifically allocated for housing development under SHREW001.
2.2	The application site lies between No's 95 and 97 London Road and comprises a roughly rectangular shaped parcel of land laid to grass.
2.3	Site boundaries comprise a hedgerow running along the site frontage to London Road, trees and hedegrows running along the northern and western boundaries and low level post and wire fencing running along the eastern boundary.
3.0	REASON FOR DELEGATED DETERMINATION OF APPLICATION
3.1	The applicant is Shropshire Council, therefore the proposed development would require determination of the application by Committee under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.
4.0	COMMUNITY REPRESENTATIONS
4.1	- Consultee Comments
	SC Highway Authority – No objection. SC Highway Authority raises no objection subject to pre-commencement conditions to secure the required visibility splays and appropriate access, parking and turning area as well as a condition requiring removal of permitted development rights in regards to any closure in proximity to the highway boundary.
	SUDS – No objection. SUDS raises no objection subject to conditions to pre-commencement conditions to

	secure a surface water drainage and disposal scheme.
	SC Affordable Housing – No objection. SC Affordable Housing advises that the proposal would provide much needed adapted accommodation in Shrewsbury and would not trigger the need for an affordable housing contribution.
	SC Trees – No objection. SC Trees raise no objection to the scheme, which includes the removal and replacement of part of the frontage hedgerow for a new access.
	SC Ecology – No comments received at the time of writing. An update with Ecology comments will be provided prior to the Committee meeting.
	Shrewsbury Town Council – No objection. No objection.
4.2	- Public Comments
	No representations received to date.
	The consultation expiry date on the Site Notice is 28 th June.
	Therefore any representations received from the general public will be provided as a verbal update during the Committee meeting.
5.0	THE MAIN ISSUES
	Principle of development Character and Appearance Residential Amenity Highway Safety Drainage Affordable Housing
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	The application site is situated within Shrewsbury Settlement Boundary as identified on Policy Map Shrewsbury Area S16 INSET 1, to which Policy S16 applies.
6.1.2	The application site is designated for residential development as set out within SAMDev under SHREW001. Provision for 50 no. dwellings has been made under this allocation.
6.1.3	The accompanying development guidelines for residential development within the above allocation states that development should be low density and served by new accesses off London Road.

6.1.4	Development within this allocation should include a landscape buffer to the Crematorium site and a well landscaped eastern edge, having regard to the sensitivity of the Severn Valley.
6.1.5	Policy S16.1a further advises that development of allocated housing sites identified on the Policies Map should be in accordance with Core Strategy Policies CS6, CS9 and CS11 as well as SAMDev policies MD2, MD3 and MD8.
6.1.6	The proposal would provide supported living accommodation for 3 adults with learning and physical difficulties, on a site identified as appropriate for housing development and where there is an identified need, as confirmed by SC Affordable Housing. The proposal would comply with Policy CS11 of the Core Strategy and would not trigger a need for an affordable housing contribution.
6.1.7	The applicant would pay a contribution towards the CIL Charging Schedule in accordance with the provisions set out in Policy CS9.
6.1.8	The proposal would comprise the construction of 1 no. dwelling on an allocated housing site, therefore it is considered that there is sufficient infrastructure to accommodate the proposal in accordance with SAMDev Policy MD8.
6.1.9	The proposal is not considered would compromise the settlement housing guideline for Shrewsbury, having regard that the SAMDev has still only been formally adopted for less than a year and the site forms part of a formal allocation for residential development. The proposal would comply with Policy MD3.
6.1.10	The principle of development, having regard to the sites location within Shrewsbury Settlement Boundary as well as its formal allocation for residential development is considered to be acceptable, subject to compliance with visual and residential amenity policies and other associated matters.
6.2	Character and Appearance
6.2.1	The submitted Site Plan demonstrates that the application site is capable of accommodating a single storey bungalow with associated car parking and garden area without appearing cramped or incongruous in this location.
6.2.2	Although the footprint of the dwelling is considered to be large, its single storey height would help to ensure its overall scale is appropriate to the size of the site as well as the existing dwellings either side. The property would not appear discordant in this respect.
6.2.3	A pitched roof and traditional materials incorporating red brick and grey roof tiles is considered to be appropriate to the vernacular of the surrounding area.
6.2.4	Part of the existing boundary hedge running along the roadside would be removed to accommodate the proposed access. This is considered would be acceptable

	and would not result in an adverse impact on visual amenity, in the context of the existing driveways direct off London Road and which are located either side of the application site.
6.2.5	Conditions to secure an appropriate landscaping scheme and boundary treatments are considered to be reasonable and would further help to integrate the property with the surrounding area.
6.2.6	Overall the design and layout of the proposal is considered to be acceptable and would not adversely impact on existing visual amenities of the area. The proposal would comply with Core Strategy Policy CS6 and SAMDev Policy MD2.
6.3	Residential Amenity
6.3.1	The facing ground floor side elevation to the neighbouring property at No 97 comprises a garage, therefore it would appear that there would be no facing principal ground floor windows to the side elevation of the existing and proposed dwellings.
6.3.2	An existing tree and hedgerow boundary running between both properties would also help to screen the majority of the proposed bungalow from the existing dwelling.
6.3.3	The facing side elevation of the neighbouring property at No 95 comprises principal windows serving a kitchen.
6.3.4	The occupant of the neighbouring property has confirmed that the kitchen is served by more than one window and furthermore, there is a dense row of trees running along the side boundary between the application site and the property at No 95 which would help to provide screening between both properties.
6.3.5	Proposed principal windows along the front elevation of the bungalow would help to provide natural surveillance over the parking area and driveway.
6.3.6	A condition to secure boundary treatments is considered to be acceptable and would help to achieve adequate privacy levels in any communal and garden areas.
6.3.7	Overall, the proposal is considered to be acceptable in terms of its impacts on residential amenity of neighbouring properties and the application would comply with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.
6.4	Highway Safety
6.4.1	Adequate on-site parking and turning facilities are proposed and it is considered that residential development in this location would be unlikely to be detrimental to highway safety.
6.4.2	Highway Authority raises no objection subject to conditions to secure the required

	visibility splays, provision of parking and turning areas and removal of p.d rights relating to closures within 5m of the highway boundary.
6.4.3	The proposal would comply with Policy CS2 of the Core Strategy and Policy MD2 of the SAMDev.
6.5	Drainage
6.5.1	SUDS raises no objection subject to conditions to secure foul and surface water drainage schemes.
6.6	Affordable Housing
6.6.1	The scheme would provide adapted accommodation in Shrewsbury where there is a need for this type of development.
6.6.2	The proposal would not require affordable housing contributions and SC Affordable Housing raises no objection.
6.6.3	Given the application site is located within Shrewsbury Settlement Boundary where there is a policy presumption in favour of residential development, it is not considered necessary or reasonable to attach a condition to the decision notice restricting the occupancy of the dwelling.
6.7	Trees
6.7.1	SC Trees raises no objection to the removal of the roadside hedgerow.
6.8	Ecology
6.8.1	An Ecology Survey has been submitted with the application.
6.8.2	At the time of writing the report, SC Ecology had not provided a consultation response, however when received, an update will be provided prior to the Central Committee Meeting.
7.0	CONCLUSION
7.1	The application site is located within Shrewsbury Settlement Boundary and forms part of an allocated residential development site. The principle of development is considered to be acceptable.
7.2	The application site is considered would comfortably accommodate the proposed development along with appropriate landscaping and boundary treatments, without raising any significant adverse impacts on visual or residential amenities.
7.3	The scheme is not considered to raise significant adverse impacts in terms of highway safety or impacts on drainage and trees.
7.4	No affordable housing contribution is required given the proposal would provide

	much needed adapted living accommodation within Shrewsbury.
7.5	An update on any ecology issues as a result of the proposal would be provided prior to the Committee meeting.
7.6	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.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose. <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>
8.2	Human Rights
	<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>
8.3	Equalities

	The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.
9.0	Financial Implications
	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, CS17

SAMDev:
MD1, MD2, MD3, MD8, MD12, S16.1

RELEVANT PLANNING HISTORY:

N/A

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Jon Tandy

Cllr Ted Clarke

Cllr Jane Mackenzie

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development hereby approved 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.

3. No development involving the use of any facing or roofing materials shall take place until details or samples of the materials to be used in the construction of external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless any variation is agreed with the Local Planning Authority.

Reason: To ensure that the external appearance of the building is acceptable and to comply with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

4. Prior to commencement of development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping and surface materials as well as planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species (which shall include provision for fruit trees), plant sizes, the proposed numbers and densities and an implementation programme.

Reason: To ensure appropriate landscaping of the site having regard to Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

5. The approved landscaping plan shall be completed in accordance with the following:-
 - a) All landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
 - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification -for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - c) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)
 - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990 and Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

6. Prior to commencement of development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed prior to first occupation of the dwelling hereby approved. The boundary treatment shall be carried out in accordance with the approved details and permanently retained unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure adequate and appropriate treatment to all boundaries in the interests of the visual amenity of the locality in accordance with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

7. Prior to first occupation of the dwelling, the access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved Site Plan Drawing no.1024-DB-XX-ZZ-DR-A-003. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety in accordance with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

8. Prior to first occupation of the dwelling, the access apron shall be constructed and fully implemented in accordance with the Council's specification for a residential domestic access.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety and in accordance with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0m of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interest of highway safety.

10. Prior to commencement of development, visibility splays shall be provided at the access point, at a point measured 2.4m back from the adjoining carriageway edge, along the centreline of the new access. The visibility splays shall extend to the extremities of the site road frontage in both directions from the access along the highway. Any growths and structures in front of these lines shall be lowered to and maintained at carriageway level for the lifetime of the development.

Reason: To provide a measure of visibility from the access in both directions along the highway in the interests of highway safety in accordance with Policy CS of the Core Strategy and Policy MD2 of the SAMDev.

- 11 Prior to commencement of development, detailed proposals for disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of managing surface water flood risk impacts both on and off site, potentially resulting from the development proposal in accordance with Policies CS18 and CS6 of the Core Strategy and Policy MD2 of the SAMDev.

- 12 Prior to commencement of development, full details for the proposed scheme for foul surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of managing surface water flood risk and sustainable drainage in the area, potentially resulting from the development proposal in accordance with Policies CS6 and CS18 of the Core Strategy and Policy MD2 of the SAMDev.