

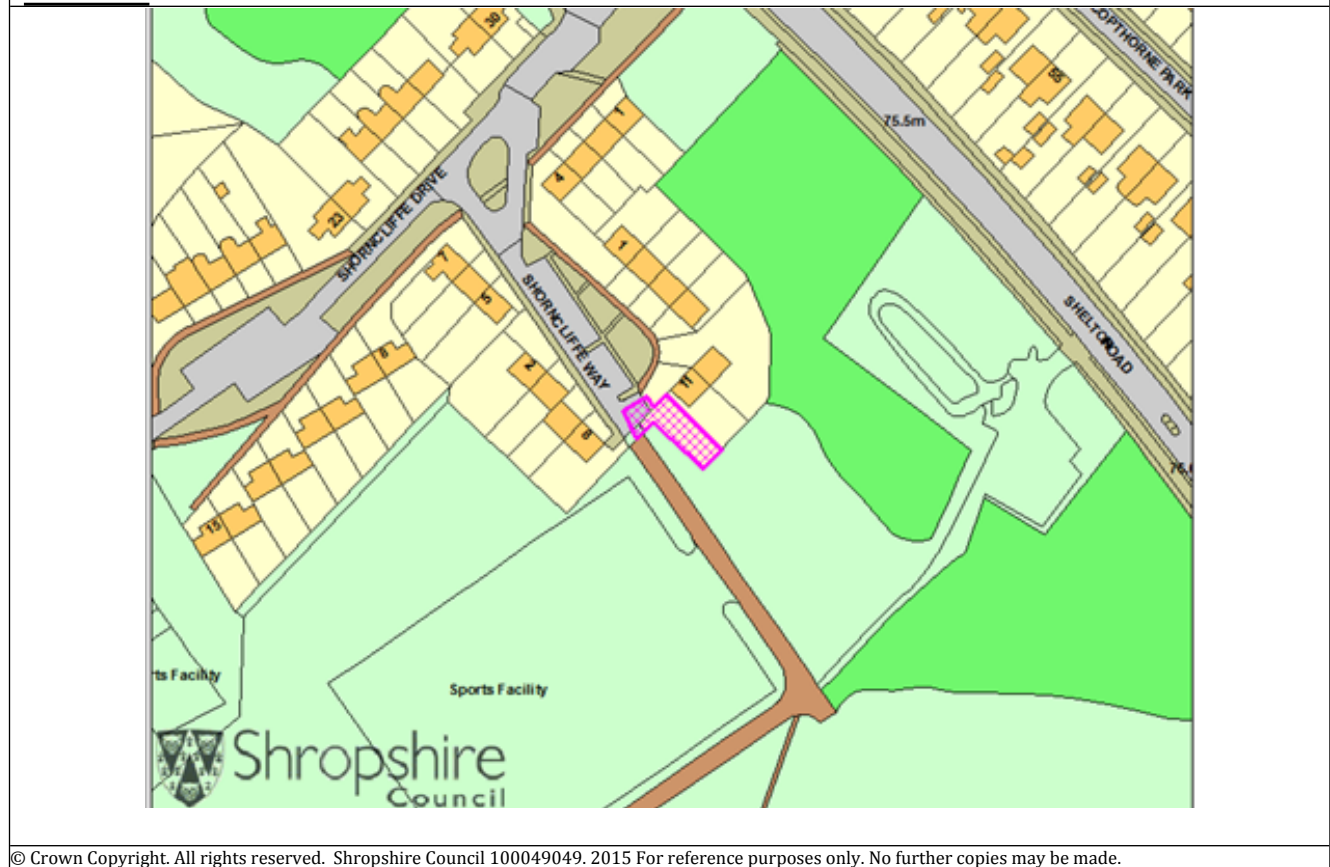
## Development Management Report

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><u>Application Number:</u></b> 16/01966/OUT	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Outline permission for the erection of a dwelling		
<b><u>Site Address:</u></b> 11 Shorncliffe Way Shrewsbury SY3 8TF		
<b><u>Applicant:</u></b> Mr Russell Homden		
<b><u>Case Officer:</u></b> Kelvin Hall	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 347161 - 312814



**Recommendation:** Refuse outline planning permission for the reasons as set out below.

Recommended Reason for refusal

1. The proposal for a detached dwelling would result in an incongruous development with a design and layout that is inconsistent with surrounding properties and that would adversely affect the character and appearance of the area. Notwithstanding the outline nature of the application it is not considered that it would be possible to provide an acceptable design, layout, access and appearance and as such the proposed development is contrary to Core Strategy policy CS6, SAMDev Plan policy MD2 and the National Planning Policy Framework. The benefits of the proposal, including the provision of an additional open market dwelling within a relatively sustainable location, are acknowledged. However these would not be sufficient to outweigh the harm to the area.

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for the erection of one detached open market dwelling, with all matters (appearance, landscaping, layout, scale and access) reserved for subsequent approval. The proposal would involve the subdivision of the side garden of no. 11 Shorncliffe Way to form the new building plot with an area of approximately 150m<sup>2</sup>.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located at the end of Shorncliffe Way, a cul-de-sac on the western side of Shrewsbury. The site comprises the garden area of 11 Shorncliffe Way together with an adjacent area of private parking space at the end of the cul-de-sac. Adjacent land to the north-east is in residential use. Other adjacent land forms part of a large recreational area extending to the south.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council's views are contrary to those of the Officer recommendation. The Planning Manager, in consultation with the Committee Chairman, has agreed that the application should be determined by Planning Committee.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 Consultee Comments

4.1.1 **Shrewsbury Town Council** No objections.

4.1.2 **SC Affordable Houses** Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, national policy prevails and an affordable housing contribution should not be sought in this instance.

4.1.3 **SC Drainage** No objections subject to conditions requiring submission of drainage details, plan and calculations for approval at the reserved matters stage, and informatives (see Appendix 1).

On the planning application, it states that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection must not be made, as it can result in increased flood risk elsewhere. The use of soakaways should be investigated in the first instance for surface water disposal. Should soakaways not be feasible drainage calculations to limit the discharge rate should be submitted for approval. Details of interceptors should be submitted for approval if non permeable surfacing is used on the new access, driveway and parking area.

4.1.4 **SC Highways** No objection – subject to the development being constructed in accordance with the approved details and conditions requiring that prior approval is obtained of the means of access and parking for vehicles.

4.1.5 **SC Ecology** Recommends conditions and informatives.

## 4.2 **Public Comments**

4.2.1 The application has been publicised by site notice. In addition four residential properties in the vicinity have been directly notified. One objection has been received, on the following grounds.

- A request and subsequent payment to the Land Registry has failed to supply the necessary documents for comparison to the drawings supplied in the application
- Proposal would be out of character with the rest of the houses in Shorncliffe Way as there are a pair of Semi-detached houses (9 and 11) and the rest being all terraced
- Requirement under Council policy for 2 spaces per development not achievable
- Parking in front of the house goes against this policy
- Adverse impact on character of existing houses from parking in front of property
- proposed plot is very cramped and will not be in keeping with the other properties as there are no detached houses in Shorncliffe Way
- road is now adopted by the Council, however, from the proposed drawings the applicant is now claiming its ownership
- inadequate capacity of existing drainage system
- insufficient room to accommodate construction traffic

## 5.0 **THE MAIN ISSUES**

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Drainage

## 6.0 **OFFICER APPRAISAL**

### 6.1 **Policy and Principle of Development**

6.1.1 The site lies within the development boundary for Shrewsbury as defined within the SAMDev Plan. Core Strategy policy CS2 states that Shrewsbury will provide the primary focus for development in the county. The site lies in a relatively sustainable location near the centre of Shrewsbury, close to good public transport links.

SAMDev Plan policy MD1 provides support in principle for sustainable development in Shrewsbury. It is also recognised that the NPPF imposes a presumption in favour of sustainable development in respect of applications for residential development.

6.1.2 In principle the development of the site for a separate open market dwelling can be supported, however the extent to which the proposal complies with other Development Plan policies is discussed below.

## 6.2 **Design, Scale and Character**

6.2.1 Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. SAMDev Plan policy MD2 requires that developments contribute to and respect locally distinctive or valued character of places. One of the core planning principles as set out in the NPPF is to seek to secure high quality design and a good standard of amenity (para. 17), and para. 64 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

6.2.2 The existing properties on Shorncliffe Way are of a generally similar appearance. They form short terraces or semi-detached properties, of a similar width. They all have open grassed front gardens and their front elevations face around the central part of the cul-de-sac. This central area includes the public highway, an adjacent designated parking strip and an area of grassed amenity space, both of which run down the length of the street. There is a further designated parking area between two of the terraces. As such there is no vehicle parking directly in front of any of the properties.

6.2.3 The proposed dwelling would be sited within the side garden of no. 11 Shorncliffe Way. This property has a disproportionately large plot compared to other nearby properties. The application site has a width of approximately 7.5 metres and a length of 19 metres. It is considered that in principle there would be adequate space within the side garden to provide a dwelling with front and rear garden space which has similar proportions to neighbouring properties. However it is proposed to provide a side passage for no. 11 between the two properties. As such the application site boundary does not extend up to the side elevation of no. 11. Whilst the siting of the proposed dwelling would be reserved, it would nevertheless not be possible to provide anything other than a detached dwelling on the plot given the application site as submitted.

6.2.4 The two alternative indicative layout plans submitted show the new dwelling set back into the plot. The reasons for this appear to be two-fold: to maintain an open outlook from the ground floor and first floor windows on the southwestern elevation of no. 11; and to provide a car parking space on the plot in front of the property. These indicative plans also indicate that the existing car parking space for no. 11 would become a shared access, and parking for no. 11 would be relocated onto an area of grassland at the front of the new plot.

6.2.5 The new dwelling would be detached, and there are no other detached dwellings on this street. The dwelling would be likely to need to be set back into the plot to provide adequate parking space, and it is noted that there are no other properties on the street with parking provision directly in front of the property. In addition it is not clear how the parking space for no. 11 could continue to be provided without relocating this to in front of the application plot. The indicative plans also show that the proposed dwelling would be 6.4 metres in width. This would be narrower than the other properties on the street which are generally approximately 7.5 metres width. It is considered that this, combined with the detached nature of the property, the need for on-site parking, and the constraints on positioning of the dwelling within the plot, would result in a development which would be inconsistent with the design and form of other dwellings on the estate. It is considered that this would adversely affect the character of the area. It is acknowledged that it may be possible to provide a dwelling with similar external materials, fenestration, and height to other properties on the estate. However it is considered that the detached dwelling would still appear as an incongruous development. Overall it would not be possible to provide an acceptable design, layout, access and appearance and as such the proposed development is contrary to Core Strategy policy CS6 and SAMDev Plan policy MD2.

### 6.3 **Impact on Residential Amenity**

6.3.1 Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires that development safeguards residential and local amenity. The proposed development does have the potential to adversely affect the amenity of the neighbouring property, given that its windows on the ground and first floor elevations facing the application site are 1 metre from the application site. Nevertheless the application is in outline and details of the proposed positioning of the dwelling within the plot would be reserved for later approval. Notwithstanding concerns over potential layout, Officers consider that the size of the plot is of a sufficient size that it may be possible to provide a dwelling which avoids adverse impacts on residential amenity to no. 11.

### 6.4 **Highways**

6.4.1 Core Strategy policy CS6 requires that development should be designed to be safe and accessible to all. The indicative drawings show that in principle vehicle access to the property, and a parking space, could be provided which does not adversely affect highway safety. No objections have been raised by the Council's Highways Officer. Detailed designs would be reserved for later approval should outline permission be granted.

### 6.5 **Drainage**

6.5.1 The Council's Drainage Officer has advised that further details of surface water management arrangements are required. These matters could be dealt with by planning condition, should outline permission be granted.

## 7.0 **CONCLUSION**

7.1 The provision of a dwelling adjacent to no. 11 Shorncliffe Way would result in a detached property on an estate comprising short terraces and semi-detached properties. In order to provide parking space and avoid blocking the outlook from the side windows of the adjacent property, the dwelling would need to be set back into the plot. Vehicle access to the dwelling would displace the existing parking

space for no. 11 to a position in front of the plot. It is considered that a development of this nature would be inconsistent with the design and form of other properties on the cul-de-sac. It would result in an incongruous development which would adversely affect the character and appearance of the area.

7.2 Notwithstanding the outline nature of the application it is not considered that it would be possible to provide an acceptable design, layout, access and appearance and as such the proposed development is contrary to Core Strategy policy CS6, SAMDev Plan policy MD2 and the NPPF. It is not considered that the benefits of the application, including the provision of an additional open market dwelling within a relatively sustainable location, would be sufficient to outweigh the harm to the area. As such it is considered that outline planning permission should be refused for the reasons as set out in Appendix 1.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ 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 - written representations, a hearing or inquiry.
- ☐ The decision is 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 a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose first arose.

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.

### 8.2 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.

**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 of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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

Core Strategy and Saved Policies:

CS2 - Shrewsbury Development Strategy  
 CS6 - Sustainable Design and Development Principles  
 MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design  
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

SA/95/1007 Provision of car parking area and road alterations. NOOBJC 16th November 1995

**11. Additional Information**

View details online:

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)
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Cllr M. Price
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Local Member
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Cllr Peter Nutting
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Appendices
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APPENDIX 1 – Recommended reason for refusal
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