

Development Management Report

Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 16/02107/OUT

Parish:

Shrewsbury Town Council

Proposal: Outline Application for the erection of 1 No detached dwelling (all matters reserved)

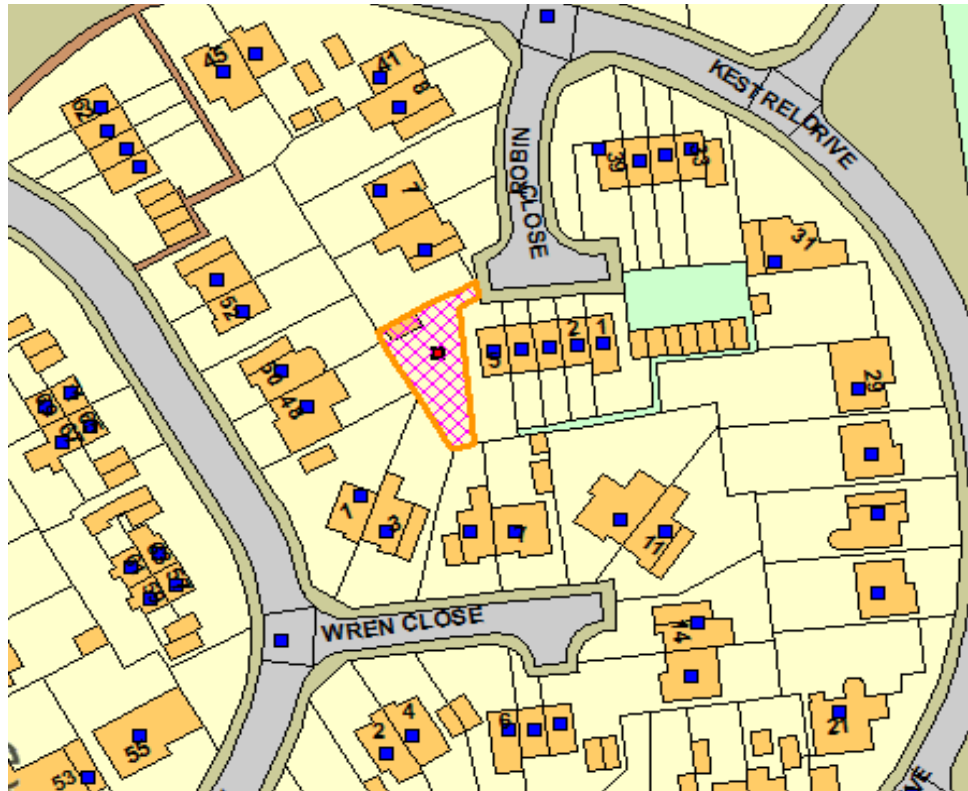
Site Address: Land Adjacent 5 Robin Close Shrewsbury Shropshire

Applicant: Mr C Elson

Case Officer: Mared Rees

email: planningdmc@shropshire.gov.uk

Grid Ref: 351997 - 315500



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2015 For reference purposes only. No further copies may be made.

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

1.0 THE PROPOSAL

- 1.1 This proposal seeks outline planning permission with all matters reserved for the construction of 1 no. market dwelling.
- 1.2 Access to the site is shown as direct off Robin Close.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located within the settlement boundary of Shrewsbury as delineated on Policy Map S16 INSET 1.
- 2.2 The application site comprises the side garden of No 5 Robin Close. The site is currently laid to grass and a detached garage lies at the northern portion site.
- 2.3 No 5 is an end of terrace property which lies to the east of the site. Pairs of semi-detached properties lie to the north, east and south.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The proposed development is considered to accord with the requirements of all of the Councils relevant adopted policies. Shrewsbury Town Council have expressed a view which is contrary to Officer recommendation and in consultation with Chair and Vice Chair of Central Planning Committee, it has been agreed that the application will be determined at Planning Committee, as set out in Part 8 of the Council Constitution.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 - **Consultee Comments**
SC Affordable Houses – No comments received.

SC Highways – No objection.

Highway Authority originally objected to the application on the basis of inadequate parking provision and highway safety impacts implications.

A revised annotated Site Plan was received on 30th June and supplementary information received on 17th June outlining the access and parking provision.

Based on the supplementary information received, Highway Authority raise no objection, stating that the principle of the access and parking layout is acceptable. Final design would be subject to a future reserved matters application.

SC SUDS – No objection.**Shrewsbury Town Council – Object.**

'The Town Council objects to this application as they consider it to be backland development with insufficient access. To develop this site would not be in-keeping with the area and would be inconsiderate to the neighbouring properties that would overlook the new dwelling.'

4.2 - Public Comments

3 representations received objecting to the proposal.

Concerns raised include:-

Adverse impacts on overlooking and overshadowing, loss of a view, highway safety implications and disturbance as a result of noise and dust during construction works.

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 located within the settlement boundary of Shrewsbury to which there is a presumption in favour of development.

6.1.2 Policy CS2 of the Core Strategy states that Shrewsbury will provide the primary focus for development for Shropshire, providing approximately 25% of its additional housing, to which the proposal would help to achieve this target.

6.1.3 Policy S16.1 of the SAMDev states that one way in which new housing development will be delivered is via windfall opportunities, to which this proposal would represent.

6.1.5 In respect of the above, the principle of development is considered to be acceptable and would accord with Policy CS2 of the Core Strategy and Policy S16.1 of the SAMDev.

6.2 Character and Appearance

6.2.1 The application site is considered to be of a sufficient size to accommodate the proposed dwelling and associated amenity space without appearing overly cramped or incongruous.

- 6.2.2 The proposal would not appear discordant in its siting, in the context of its location within an established residential development and being adjacent to existing properties.
- 6.2.3 A future reserved matters scheme should ensure a similar palette of materials is used as per the existing surrounding dwellings to ensure appropriate integration with the surrounding development.
- 6.2.4 The overall scale and height of the proposed dwelling should ensure it is sympathetic to the existing dwellings and should not over-dominate adjacent properties.
- 6.2.5 Landscaping would be considered as part of any reserved matters application.

6.3 Residential Amenity

- 6.3.1 There are no principal windows along the facing side elevation of No 5 Robin Close.
- 6.3.2 An existing outbuilding runs along the ground floor side elevation of No 6 whilst there are no first floor principal windows in its facing side elevation.
- 6.3.3 A dense conifer hedgerow runs along the west elevation between the application site and the properties to the west and south.
- 6.3.4 In the context of the above, separation distances between the existing properties and proposed dwelling are considered would be appropriate at this stage.
- 6.3.5 It is considered that adequate private amenity space would be provided with the proposal.
- 6.3.6 Boundary treatments would be conditioned as part of any grant of consent.

6.4 Highway Safety

- 6.4.1 The Highway Authority originally raised objections to the scheme on the basis that the proposed parking provision could not be achieved and the proposed access into the site was not considered to be commensurate with local road conditions.
- 6.4.2 The revised 1:200 Block Plan received on 30th June and additional comments received by the agent on 17th June sought to address the Highway Authorities concerns.
- 6.4.3 The Highway Authority were subsequently re-consulted and advised on 26th July that the revised plan demonstrated that access into the site could be achieved, as well as provision of 2 no. parking spaces.
- 6.4.4 Highway Authority raise no objection to the principle of development, having regard to the proposed access and parking provision.
- 6.4.5 The proposal would comply with Core Strategy Policy CS6 and SAMDev Policy MD2.

6.6 Drainage

- 6.6.1 SUDS raises no objection to the scheme subject to pre-commencement conditions to secure surface water drainage and disposal schemes.

6.7 Affordable Housing

- 6.7.1 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 would not be sought in this instance.

7.0 CONCLUSION

- 7.1.1 The principle of development for a dwelling on this site is considered to be acceptable, subject to relevant conditions.
- 7.1.2 Further details in regard to design, layout, scale and appearance would be secured at reserved matters stage.

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, 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.

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 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.

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 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

SAMDev:
MD2, S16

RELEVANT PLANNING HISTORY:

N/A

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)
--

Cabinet Member (Portfolio Holder) Cllr M. Price
--

Local Member Cllr Malcolm Price

Appendices APPENDIX 1 - Conditions

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

1. Details of the access, 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 (received 13th May 2016)

1:200 Block Plan (received 01st August)

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. 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 and residential amenities of the locality in accordance with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

6. 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 strict 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 proposals in accordance with Core Strategy Policy CS18 and SAMDev Policy MD2.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

Informatives

1. The Local Planning Authority (LPA) in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. The proposal as submitted would result in harm to highway safety and is considered would not comply with the provisions of the NPPF.
2. As part of the SuDS scheme, the applicant should consider employing measures such as the following in order to ensure the development is undertaken in a sustainable manner:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new access, driveway, parking/paved area

Attenuation

Greywater recycling system

Green roofs