

Development Management Report

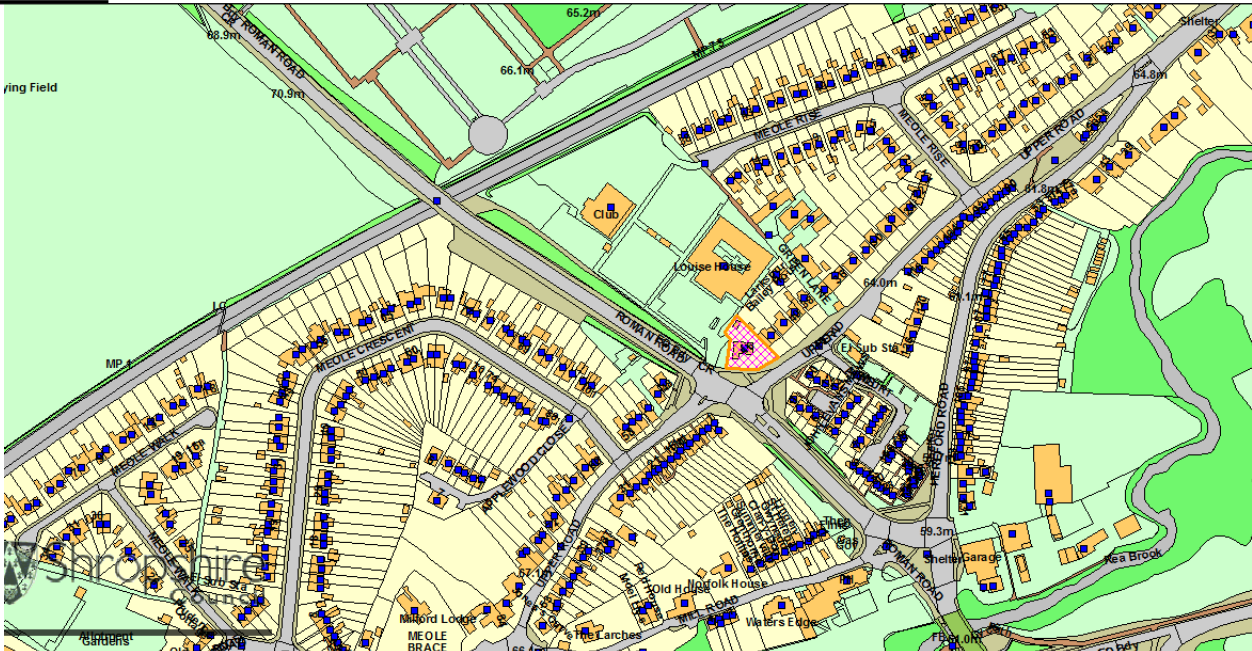
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 16/04061/FUL	Parish: Shrewsbury Town Council
Proposal: Internal and External alterations	
Site Address: The Rowans 46 Upper Road Shrewsbury SY3 9JQ	
Applicant: Shropshire Council	
Case Officer: Cathryn Robinson	email: planningdmc@shropshire.gov.uk

Grid Ref: 348963 - 310941



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

Recommended Reason for Approval

REPORT

1.0	THE PROPOSAL
1.1	This application seeks permission for both internal and external alterations to the existing residential care facility. The internal works proposed are not considered to constitute 'development' which requires officer approval, thus the external alterations only are to be assessed. These include; the removal of an existing chimney breast and stack and the construction of ramps and paving.
2.0	SITE LOCATION/DESCRIPTION
2.1	The Rowans is a sizeable detached property occupying a corner plot positioned to the intersection of Roman Road and Upper Road; currently occupied as a residential care facility, the property is located within a generally residential context with the rear garden backing onto Council owned facility Louise House. The development site sits approximately North-East of the Meole Brace Conservation area.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	This application is made by the Council; as per the adopted 'Scheme of Delegation' this type of application will be determined by the relevant planning committee.
4.0	Community Representations
4.1	- Consultee Comments
4.1.1	Shrewsbury Town Council The Town Council raises no objections to this application.
4.1.2	SUDs We have no comment from the drainage and flood risk perspective, regarding this proposal as there are no proposed changes to the footprint of the building.
4.2	- Public Comments
4.2.1	This application was advertised via notice at the site. Further seven neighbouring properties were individually notified by way of publicity. At the time of writing this report no representation had been received in response to this publicity.
5.0	THE MAIN ISSUES
	Principle of development Siting, scale and design of structure

	Impact on visual and neighbouring amenities
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	Alterations and development to properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extensions and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area. Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 7 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.
6.1.2	Shropshire Core Strategy Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets. MD13: The Historic Environment of the Site Allocations and Management of Development (SAMDev) plan further encourages development which delivers positive benefits to heritage assets.
6.2	Siting, scale and design of structure
6.2.1	The external works proposed consist of; the removal of the existing chimney stack and breast, the replacement of an existing ground floor with a door and the installation of a replacement bathroom window to the first floor. The replacement window, aside from being obscure glazed, shall mimic the existing in both materials and form. The proposed UPVC door to the South elevation also well integrates with the existing fenestration. Whilst, aesthetically, the loss of the chimney is somewhat regrettable it is not inappropriate. The proposed ramps and paving are also deemed appropriate.
6.3	Impact on visual and neighbouring amenities
6.3.1	Whilst not sited within the Meole Brace Conservation Area, the development site sits opposite this designation thus must be carefully considered in terms of visual impacts. The chimney stack, set for removal, is positioned to the North-West corner of the property; as afore-noted, whilst its removal is somewhat regrettable, its removal does not pose harm to the character of the neighbouring conservation area positioned to the South-West.
6.3.2	The introduction of an obscure glazed elevation to the first floor bathroom to the West elevation is considered an amenity improvement in terms of providing additional privacy from view of both motorists and pedestrians travelling South-East along Roman Road. Minor their nature, it is not considered that the remainder of the works proposed would pose adverse harm to the amenity of neighbouring residents.

7.0	CONCLUSION
7.1	The works are judged to be in scale and character with the original dwelling and its setting, and of no demonstrable harm in terms of neither visual nor residential amenities. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended.
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 1990.
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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

National Planning Policy Framework

MD2 - Sustainable Design

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

PREAPP/10/02118 Installation of a window in a shower room. Approx 600mm wide x 1200mm high, to be obscure glazed with a top hung opening light. 11th August 2010
16/04061/FUL Internal and External alterations PDE

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)

Cllr M. Price

Local Member

Cllr Amy Liebich

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 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**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. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner in order to secure an appropriate outcome as required by National Planning Policy Framework paragraph 187.

2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation. Your attention is specifically drawn to any conditions above that require the Local Planning Authority's approval.

In accordance with Article 27 of the Town & Country Planning (Development Management Procedure) Order 2015 a fee may be payable to the Local Planning Authority for applications to discharge conditions. If a fee is necessary this will be required per request. The required forms are available from www.planningportal.gov.uk or from the Local Planning Authority.

Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given. Failure to discharge pre-commencement conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.