



Committee and date

South Planning Committee

6 December 2016

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 16/03288/FUL	Parish:	Bridgnorth Town Council
Proposal: Formation of new parking bays (fronting numbers 6 to 12 Woodberry Close) to include bollard security and landscaping.		
Site Address: Parking Bays At Woodberry Close Bridgnorth Shropshire		
Applicant: Shropshire Council		
Case Officer: Sara Jones	email: planningdmse@shropshire.gov.uk	

Grid Ref: 370806 - 293478



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

1.0 THE PROPOSAL

1.1 This application is a resubmission of a planning application which was originally submitted in January 2014 (application reference No. 14/00199/FUL refers.) The application was consulted upon locally during the course of the formal planning process and was reported to South Planning Committee on 1st April 2014. At that meeting the planning committee resolved that the determination of the application be deferred in order for the applicant to give consideration to submitted a different and improved scheme and to providing an alternative form of access for residents to access their frontages and for consultation to be undertaken with those residents to see if they would be willing to make a contribution towards any improvements. The original application was subsequently withdrawn.

1.2 Since the original application it is understood that the applicant has undertaken work to consider revisions to the original scheme and to consult further with local residents on the matter. Costings were prepared for alternative proposals and these were shared with local residents in March 2015. The applicant has confirmed that a small number of responses were received and that they indicated that they were unable to contribute financially to the alternative scheme. Accordingly the applicant has decided to resubmit the original proposal and considers that this scheme represents the best achievable option.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site refers to a large area of grass located within an established residential estate in Bridgnorth. The amenity space provides a barrier to the frontages of a number of dwellings (No. 6 -12) which do not have authorised vehicular access and have pedestrian access only. The Council has previously inserted five parking spaces using grasscrete.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council Constitution applications made by the Council or in relation to land owned by the Council which are not in-line with statutory functions shall be determined by the relevant committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Bridgnorth Town Council – Recommend approval.

4.1.2 SC Highways – No objection, recommend that the contractor contacts SC Streetworks team to obtain the necessary permissions to work on the Highway.

- 4.1.3 SC Drainage – No objections, recommend conditions.
- 4.2 - Public Comments
- 4.2.1 Site notice displayed/dated 05.08.2016 and 30.08.2016. Nineteen letters sent 05.08.2016.
- 4.2.2 Six representations received objecting to the application which may be summarised as follows:
- 4.2.3 Concern that Shropshire Council is re-submitting the same plans it was asked to amend. This application is neither "different" nor "improved" nor is it "providing an alternative form of access for residents to access their frontages".
- 4.2.4 The ground needs to be left as the status quo or access to the frontages provided, anything else will cause more problems than it supposedly aims to solve.
- 4.2.3 There is no parking problem within the Close. If the proposed extra spaces and bollards are put in then these 'extra' spaces will immediately be taken up by displaced cars from those properties no longer able to access their driveways. This means that in reality there will be no extra spaces. Where will visitors to the Close then park?
- 4.2.4 This plan will cause parking issues rather than alleviating any perceived issue.
- 4.2.5 With concrete bollards installed emergency services would not have direct access to the houses.
- 4.2.6 How could 40+ industrial bollards be in keeping in a close with all brick built houses.
- 4.2.7 Questions whether if the ordinary bays are to be designated to each of the houses affected by the proposed blocking of access to their frontages i.e. numbers 6 to 11 and why it is necessary to have 4 disabled bays. Consider that there are two people who could benefit from this but both houses have frontages that open onto the road. These bays would therefore stand empty for the vast majority of the time, if not always and as such are a waste of space.
- 4.2.8 The supporting statement for the application states "a small number of responses were received" for the costings for alternative proposals. This is highly misleading because only numbers 6-12 were asked for payment anyway so of course the number of respondents was few. In addition it states that "the best option was to resubmit the original proposal for determination, which meets with the support of the majority of residents in the Close." This is highly misleading as the majority of residents have said nothing (neither supporting nor opposing) the Council appear to be choosing to regard this silence as support.
- 4.2.9 Question why the public asked to contribute towards one scheme (access to frontages) when they are not being asked to contribute towards another (extra parking spaces)? It seems that the Council is using this obligation to pay to suit

itself in order to put one planning application over the other. It is unreasonable to ask anyone to hand over £10k per property.

- 4.2.10 Concern that the site notice dated 16th August in the planning application is nowhere to be seen (correct as of 21st August). This goes against the Council's own application process that states "site notices will be displayed for all applications except householder development proposals". Also did not receive any letter from the council either, happening only to hear of this re-application for planning permission through a chance conversation with a neighbour.
- 4.2.11 Considers that the Town Council should be asked as to why it has changed its recommendation without explanation.
- 4.2.12 Notes that the location plan submitted contains inaccuracies. House number 12 was extended a few years ago to twice its size and converted into 4 flats - all with parking on their frontage. Both sets of council garages have been demolished, the land sold and two houses built on each of the sites, with frontage parking. Another house has been added to the side of house number 22 again with its own frontage parking.
- 4.2.13 Consider that if the Council insists on blocking vehicular access, across Council property, to the frontage of houses 6 to 11 they should also be insisting that access to all house frontages should be legal i.e. where they cross footpaths they should have the relevant planning permission and the approved installation of dropped kerbs.
- 4.2.14 The best solution would be to install an access road to the affected properties. This need not be a fully tarmacked but could in fact be laid in a way similar to the existing parking bays thereby keeping the 'green' feel of the close. Looking at the plans the areas involved appear to be very similar, and the existing bays would still be available for all.
- 4.2.15 Acknowledge that parking in the close has never been ideal for those of us living in numbers 6 to 11, but consider that the Council's decisions and actions have made the situation much worse. Their decisions to allow further house building in the Close while at the same time taking away garages and land have significantly increased the number of cars and decreased the amount of parking space available. Therefore propose that the money raised from the sale of the garage land be used to help rectify the problem through the building of a slip-road to give access to house numbers 6 to 11.
- 4.2.16 The plans will stop residents parking on their drives. People have spent money putting drives in which they will no longer be able to use. We rented the property because it has a drive. We have four nearly five young children so it is important we can park outside our house. Our car insurance would also go up. The plans don't have enough parking spaces for the amount of cars which causes a big problem, where do the cars park that can't get a space? What about large vehicles? Ours is bigger and longer than a 4x4 so would it fit in a space? People also come home in work vehicles which won't fit so where do they park these? On bin day will the bins be left blocking spaces or the footpath once emptied? It's already a nightmare as it

is. The plans will cause chaos and arguments in what's normally a quiet friendly place to live.

5.0 THE MAIN ISSUES

Principle of development
Visual impact and landscaping
Highway Safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Core Strategy Policy CS6 seeks to ensure development is designed to a high quality using sustainable design principles. All new development should achieve applicable national standards; be in accessible locations and protect, restore, conserve and enhance the natural, built and historic environment and be appropriate in scale and design taking into account local character. New development should also contribute to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. This reflects the guidance set out in the National Planning Policy Framework which seeks to promote healthy, safe, inclusive communities.

6.1.2 It is noted that residents over time have created drives that would not have originally existed and have used the green to access the drives, without highway permissions or easements. This has caused and continues to cause damage to the grass and requires drivers to drive across pedestrian footways. In addition vehicles parking on the grassed also cause an obstruction and interfere with maintenance operations (grass cutting). In addition it is noted that there have been complaints to local ward Councillors over a period of time regarding the mud caused by the vehicles covering both footways and carriageway causing health and safety concerns for users locally.

6.1.3 The proposal would increase the number of communal parking spaces available for all local residents from 6 to 19 spaces and as a consequence of the installation of bollard security stop vehicular encroachment onto the green space. Whilst it is acknowledged that the proposal would disadvantage the occupiers of those residents who have benefited from unauthorised access to the frontages of their properties, the proposal would make a positive contribution to the overall residential amenity of the area by providing additional communal parking spaces available to all on a first come first served basis.

6.2 Visual Impact and Landscaping

6.2.1 As stated above this area of grass has suffered from extensive damage and problems with its maintenance as a consequence of the unauthorised vehicles driving across and parking on it. It is accepted that the introduction of the parking spaces would reduce the overall size of the grassed area but it is considered that the formal arrangement and restrictions on access would have an overall benefit to the visual amenity of the area. Furthermore the introduction of additional planting of soft landscaping would help to soften the additional hard landscaping. Concern has

been expressed regarding the appearance of the bollards and in particular the use of concrete. This issue has been raised with the applicant and they have stated that the material used may be reviewed however given the challenging economic climate the costs of the project are a significant consideration. The detailed design of the bollards may be the subject of an appropriately worded condition; however it is considered that the use of concrete may not necessarily be inappropriate in the context of this location.

6.3 Highway Safety

6.3.1 The applicant confirms that the scheme has been brought forwards as a result of a number of highway and traffic issues locally. The Highways Development Control Team has been consulted. Initially improvements to the scheme were recommended including the use of tarmacadam for the disabled user bays and the amendments to the layout so that these are grouped two together either side of the footpath to keep them as close as possible to the commenting footpath. Amended plans have been received and overall it is considered that the proposal would represent a highways benefit as it would reduce the obstruction of the highway and improve access for all highway users, particularly emergency vehicles into all parts of this cul-de-sac.

6.4 Other Issues Raised

6.4.1 In terms of refuse collection, bin collection and storage the applicant previously confirmed that the refuse collectors would still be required to collect and return the wheeled bins to and from the curtilage of properties.

7.0 CONCLUSION

7.1 It is considered that the proposal would make a positive contribution to the overall residential and visual amenity of the area by providing additional communal parking spaces and protecting the amenity space from unauthorised access which serves to damage its surface. As such the proposal would meet the aims of Core Strategy policy CS6 and SAMDev policy MD2.

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 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:

NPPF: National Planning Policy Framework

Core Strategy Policies:

CS6: Sustainable Design and Development Principles

CS17: Environmental Networks

CS18: Sustainable Water Management

SAMDev Policies:

MD2: Sustainable Design

RELEVANT PLANNING HISTORY:

14/00199/FUL Formation of additional parking bays (from 6 to 19) to include bollard security and landscaping WDN 2nd June 2014

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=makeComment&keyVal=OAVU0VTDfWR00>

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr John Hurst-Knight Cllr Les Winwood
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 amended 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. All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of landscaping in accordance with the approved designs and to protect the visual amenity of the area.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
Planting plans
Written specifications (including cultivation and other operations associated with plant and grass establishment)
Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
Implementation timetable

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

5. No development approved by this permission shall commence until details of the bollards, including material, design and finish, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

6. No development approved by this permission shall commence until details of the specification for the parking construction, surfacing and drainage arrangements have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

Informatives

1. POLICIES MATERIAL TO THE DETERMINATION OF THE APPLICATION:
In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
NPPF: National Planning Policy Framework

Core Strategy Policies:
CS6: Sustainable Design and Development Principles
CS17: Environmental Networks
CS18: Sustainable Water Management

SAMDev Policies:
MD2: Sustainable Design

2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.
3. Any alterations to the highway kerbing or footway, required to facilitate vehicular access to the parking areas, shall not commence until the applicant has obtained a Highways Act, Section 184 licence issued by the Highway Authority to undertake the works. Details of how to obtain this licence, the fee charged and the specification for the works are available on the Councils web site.
4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties. Failure to discharge pre-start 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.