

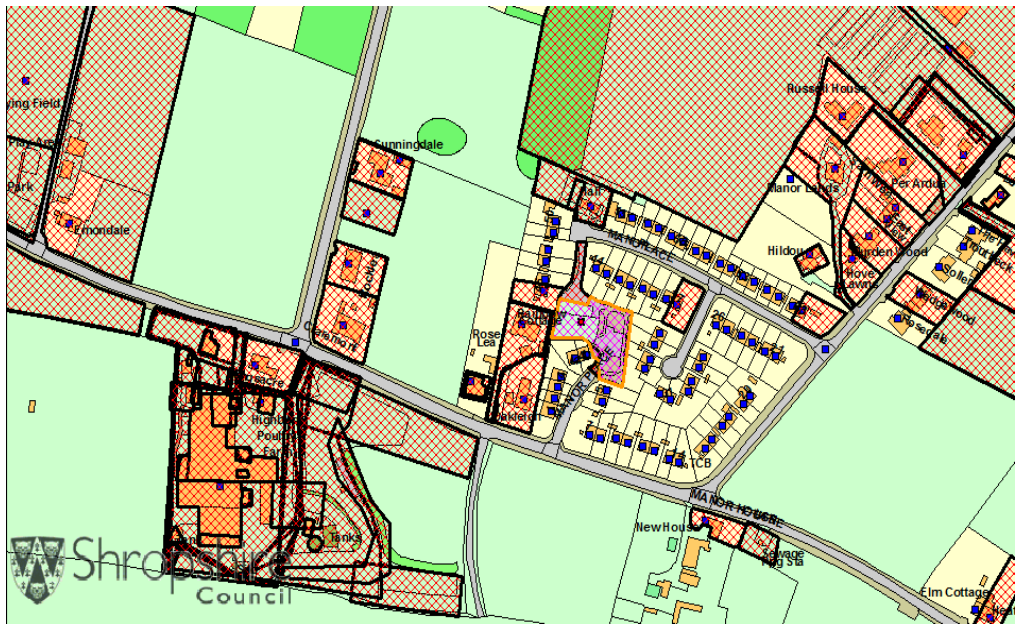
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 16/04846/FUL	Parish:	Prees
Proposal: Erection of five dwellings and associated access		
Site Address: Land At Former Garage Site Manor Place Higher Heath Whitchurch Shropshire		
Applicant: Shropshire Housing Group		
Case Officer: Mared Rees	email: planningdmc@shropshire.gov.uk	

Grid Ref: 356235 - 335329



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

REPORT

1.0 THE PROPOSAL

- 1.1 This proposal seeks full planning permission for the construction of 5 no. dwellings and associated access.
- 1.2 The dwellings would comprise a pair of 2 no. semi-detached properties and a row of 3 no. terraced properties.
- 1.3 Access to the semi-detached dwellings would be via the north and access to the terraced properties would be from the south.
- 1.4 The properties would be 2 storey with parking provision and rear garden areas.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located within Prees Higher Heath Settlement Boundary as identified on Policy Map S18 INSET 7.
- 2.2 The site is considered to be previously developed land, forming part of a previously used site for garages.
- 2.3 The site is currently used for car parking, however is not a formally designated car park.
- 2.4 Semi-detached properties lie to the north, east, south and west of the site.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The proposed development is considered to accord with the requirements of the Councils relevant adopted policies. The Parish Council object to the application. The Chair and Vice Chair of North Planning Committee, have agreed that the application should be determined at Committee, consideration to procedure as set out in Part 8 of the Council Constitution.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 SC Affordable Housing – No objection.

The Housing Enabling team have been in discussion with the Registered Provider and can confirm that all of the units will be for affordable rent properties. Shropshire Borough has an identified need for this size of property in this location and it is therefore considered that the development would go some way to meeting the affordable housing need.

4.1.2 SC Highway Authority – No objection.

Highway Authority raise no objection subject to conditions. Specified conditions will be provided in the update report and outlined verbally to members during

Committee.

4.1.3 SC Drainage – No objection.

No objection subject to conditions to secure a surface water disposal scheme and drainage system.

4.1.4 SC Ecology – No objection.

Condition recommended to secure provision of bird boxes.

4.1.5 SC Public Protection – No objection.

4.1.6 Prees Parish Council – Object to the application.

'Prees Parish Council objects to this Application on several counts. The design and layout of the buildings is not in keeping with the context, and they would overlook other housing. The creation of an alleyway bordered by high fences provides a potential crime area and contravenes the Crime and Disorder Act. Also, allowing this development would mean removing amenity space that neighbourhood consultation had earmarked for a community garden.'

4.2 - Public Comments

4 representations received, 3 objecting to the proposal and 1 neither objecting to or supporting.

Concerns raised include:-

Increased overlooking to neighbouring properties, loss of privacy, adverse impact on residential amenity, increase in crime, inadequate drainage facility, loss of playing area and car parking for local residents, loss of turning facilities for residents.

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 Prees Higher Heath Settlement Boundary as identified on Policy Map S18 INSET 7.

6.1.2 Prees Higher Heath is identified as a Community Cluster under SAMDev Policy S18.2(i) where amongst other criteria, development by virtue of groups of houses on suitable sites within the development boundary identified on the Policies Map will be allowed.

6.1.3 There is therefore a policy presumption in favour of residential development on this site.

6.2 Other Material Considerations

6.2.1 The site is considered to comprise previously developed land, being a site which formerly accommodated domestic garages for the parking of vehicles.

6.2.2 The garages have since been demolished and the site currently lies vacant. The proposal represents an opportunity to utilise this vacant piece of land.

6.2.3 In locational terms, the proposal is located within approximately 200m of two bus stops.

6.2.4 The proposal would help to foster economic growth both during the construction phase of development and throughout the associated supply chain and these are economic benefits which will arise from the development.

6.2.5 The proposal is for 5 no. affordable rented properties. Shropshire has an identified need for this size of property in this location and it is considered that the development would go some way to meeting the affordable housing need.

6.2.6 The principle of development, having regard to the sites location within Prees Higher Heath Settlement Boundary and its overall sustainability credentials is considered to be acceptable, subject to compliance with visual and residential amenity policies and other associated matters including highway and drainage issues.

6.3 Character and Appearance

6.3.1 It is officers opinion that the submitted Site Plan demonstrates that the application site is capable of accommodating 5 no. two storey dwellings with associated car parking, private amenity areas and a public footpath without appearing overly cramped or incongruous.

6.3.2 The overall scale of the properties are considered to be modest, comprising 5 no. 2 storey, two bedroom properties.

6.3.3 This is considered to be appropriate in relation to surrounding dwellings. Nevertheless, it is considered reasonable to add a condition to any grant of consent to remove permitted development rights, which would safeguard any potential for over-development of the site.

6.3.4 The application site is vacant and considered to be awkwardly shaped.

6.3.5 The proposal it is considered would provide an opportunity to enhance the site and overall area, provided high quality materials, landscaping and boundary treatments are utilised, which would be secured by condition.

6.3.6 The original Site Plan showed the provision of a public footpath running along the eastern boundary of the site. This was considered could result in potential issues relating to crime and safety. The footpath has now been relocated so that it runs through the centre of the site, which is considered would afford improved levels of

natural surveillance.

- 6.3.7 Boundary treatments along the footpath comprise 0.9m high metal hoop top fencing which run along the front and side elevations of the properties and 1.8m high close board fencing which run along the rear of the properties.
- 6.3.8 The extent and type of boundary treatments proposed are considered to be appropriate, clearly distinguishing between the private and public realm, resulting in a more inviting space for users and also improving connectivity through the site.
- 6.3.11 Overall, the proposal is not considered would adversely impact on the visual amenity of the area and would comply with Core Strategy Policy CS6 and SAMDev Policy MD2.

6.4 Residential Amenity

- 6.4.1 Spacing standards between the proposed dwellings are considered to be appropriate.
- 6.4.2 It is considered that adequate private amenity space would be provided with each dwelling.
- 6.4.3 It is acknowledged that the amenity space serving Plot 4 is slightly smaller than those serving the remainder of the plots. However this is considered to be appropriate, having regard to the size of the dwelling and that adequate space could be provided for accommodating basic facilities.
- 6.4.4 Separation distances between the rear elevations of plots 3-5 and the facing elevations of the properties directly north would be in excess of 21m.
- 6.4.5 Separation distances between the rear elevations of the properties to the east and the blank facing side elevation of Plot 5 would be in excess of 17m which is considered to be appropriate.
- 6.4.6 There would be no principal windows in the facing side elevation of the dwelling at Plot 1.
- 6.4.7 The rear facing principal windows serving the semi-detached bungalows to the south of Plots 1 and 2 would measure approximately 16m and 13m away from the rear facing walls of plots 1 and 2, respectively.
- 6.4.8 An existing approximately 2m high close board fence runs along the rear boundaries of these properties which already restricts outlook from these windows.
- 6.4.9 Furthermore, the windows are north facing and therefore naturally suffer from reduced levels of daylight.
- 6.4.10 Plots 1-2 would be orientated at an angle resulting in a layout not directly facing the bungalows, which is considered would help to off-set the massing when viewed from the principal rooms and rear amenity space of the bungalows.

- 6.4.11 Plots 1-2 are not considered would result in any overlooking impacts to the neighbouring bungalows given there would be no rear first floor principal window serving plot 2 and in the context of the siting and distance of the rear first floor principal window serving plot 1, which is considered to be appropriate.
- 6.4.12 Overall it is considered that the proposed development would not result in any undue loss to existing or proposed levels of residential amenities, sufficient to warrant refusal of the scheme as submitted and the development is considered to comply with Policy CS6 of the Shropshire Core Strategy and Policy MD2 of the SAMDev.

6.5 Highway Safety

- 6.5.1 Highway Authority raise no objection subject to conditions.
- 6.5.2 Specified conditions and a more detailed response provided by the Highway Authority will be outlined in the update report and reported verbally to members during Committee

6.6 Drainage

- 6.6.1 SUDS raises no objection to the scheme subject to conditions to secure the submission of a surface water disposal and drainage scheme.

6.7 Affordable Housing

- 6.7.1 The Housing Enabling Team have been in discussion with the Registered Provider and can confirm that all of the units will be for affordable rent properties.
- 6.7.2 Shropshire has an identified need for this size of property in this location and it is therefore considered that the development would go some way to meeting the affordable housing need.
- 6.7.3 SC Affordable Housing raise no objection.

7.0 CONCLUSION

- 7.1.1 The principle of development is considered to be acceptable.
- 7.1.2 The proposed development is considered to be appropriate in terms of its overall layout and scale and would be sympathetic in terms of its impact on the existing and proposed locational context.
- 7.1.3 Any impacts on existing and proposed levels of residential amenity is considered could be mitigated against and the proposal is considered to be acceptable in this respect.
- 7.1.4 Resultant impacts on highways and drainage are considered to be appropriate and can be conditioned to secure mitigation where required.
- 7.1.5 Overall, the proposed development is considered to be acceptable and would comply with the above mentioned policies in the Core Strategy and SAMDev.

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:
CS4, CS6, CS9, CS11

SAMDev:
MD2, MD12, S18

RELEVANT PLANNING HISTORY:

12/05220/FUL Formation of two temporary car parks following the demolition of existing garages; highway alterations; provision of safety bollard lighting; landscaping (Part Retrospective) GRANT 10th April 2013

16/04846/FUL Erection of five dwellings and associated access 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)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Paul Wynn
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

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 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 surface water disposal and drainage scheme 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 unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of securing adequate means of surface water drainage.

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

5. Prior to first occupation of the development hereby approved, 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 hard landscaping details and details of planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, 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.

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 and residential amenities 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 development hereby approved, details for the provision of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 3 artificial nests of either integrated brick design or external box design, suitable for swifts shall be erected on the site. The boxes shall be sited in accordance with the latest guidance (currently <http://www.swift-conservation.org/Nestboxes&Attraction.htm>) and thereafter retained for the lifetime of the development. Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B and E of the Order shall be carried out. Reason: To enable the Local Planning Authority to control the development and to safeguard the visual and residential amenities of the area.
9. 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.
10. The affordable housing units shall be advertised through the Shropshire Choice Based Letting scheme. The affordable housing units for rent shall be allocated through the Shropshire Housing Allocation Policy and Scheme.

Reason: To ensure that all affordable properties are advertised in accordance with Shropshire Housing Allocation Policy.

11. The dwellings shall not be let or occupied other than either:
- a) under a tenancy in accordance with the normal letting policy of a Registered Provider;
 - or,
 - b) by way of a Shared Ownership lease or equity share arrangement whereby the occupier is able to achieve a share of 100% of the whole.

Reason: To ensure compatibility between the requirements of Shropshire Core Strategy Policy CS11 and the Homes and Communities Agency's affordable homes 2011/15 funding requirements for developments funded by the Agency.