

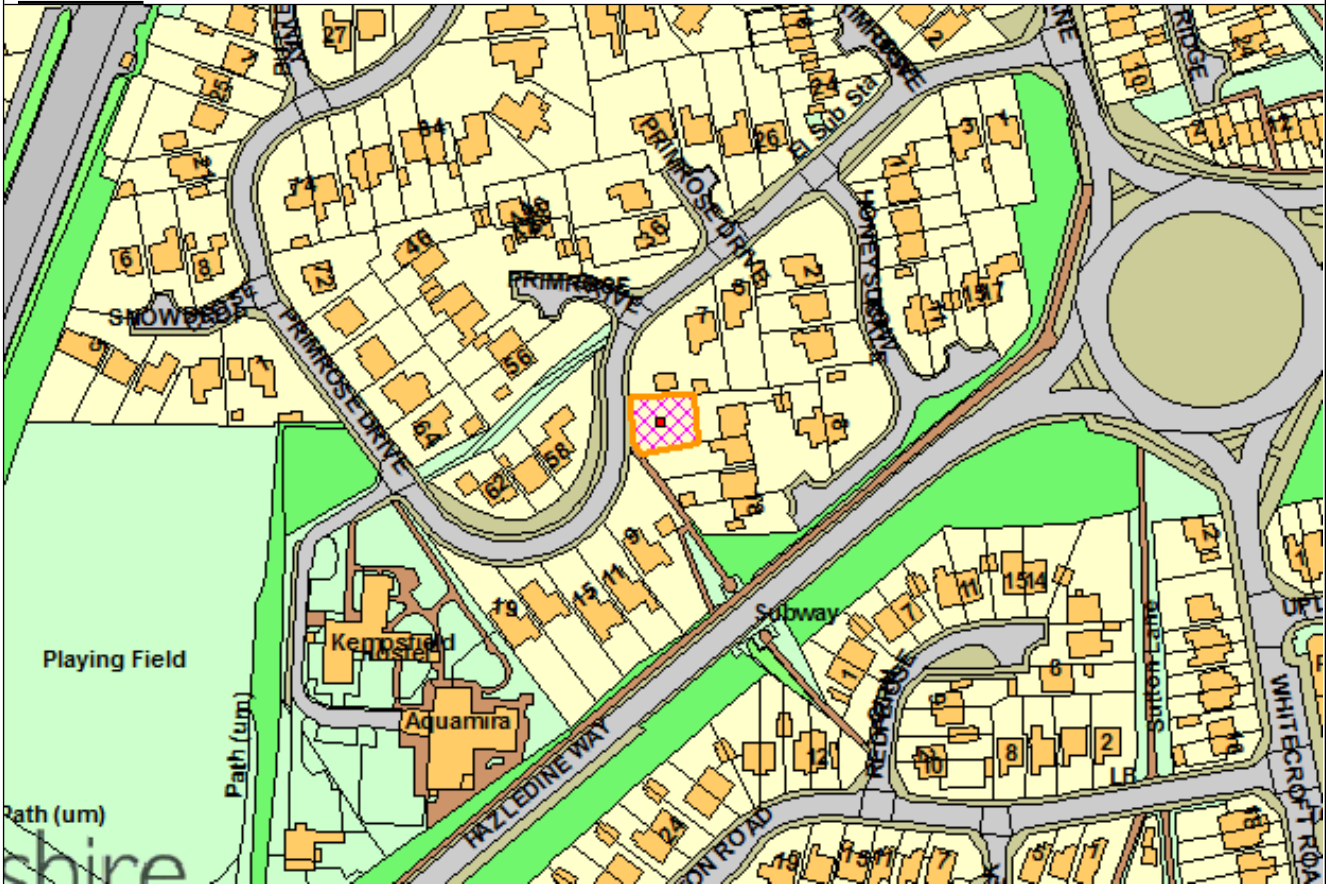
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

| | | |
|---|--|-------------------------|
| Application Number: 16/05410/FUL | Parish: | Shrewsbury Town Council |
| Proposal: Erection of single detached dwelling and garage; formation of vehicular access | | |
| Site Address: Proposed Dwelling On The East Side Of Primrose Drive Shrewsbury Shropshire | | |
| Applicant: Mr Mario Nicholas | | |
| Case Officer: Luke Ashley | email: planningdmc@shropshire.gov.uk | |

Grid Ref: 349907 - 311226



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal seeks to erect a two storey dwellinghouse sited on Primrose Drive. The dwelling is set behind No.12 Honeysuckle Row and adjacent to No.9 Primrose Drive.
- 1.2 A single storey garage will be erected between the dwelling and No.9 Primrose Drive with an interface distance between the host structure and No.9 being 15m. The new dwelling will exhibit 3no. front dormer windows, be brick built and will be set off the front boundary by 3m.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The plot under consideration is currently open with mature vegetation providing a screen into the site. The only access into the site is gained on a moderate bend on Primrose Drive, which itself is speed restricted to 30mph.
- 2.2 The location is suburban in nature with relatively recently constructed properties constructed at varying angles and interface distances. The site is surrounded to the front and side by existing dwellings although views into the site are restricted.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Objection received from local ward member. In light of this objection the proposal is therefore required to be heard before committee as set out in Part 8 of the Shropshire Council Constitution.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

- 4.1.1 **SUDS** – no objection
- 4.1.2 **SC Highways** – no objections
- 4.1.3 **Affordable Houses** – no payment required
- 4.1.4 **Cllr Tandy** - object to this second application as it is no different to the first application, which our officers refused. The only difference is a matter of 3 metres, bringing the proposed development even closer to the road than previously proposed. The surrounding residents still strongly feel that the application is overlooking their properties and the application still does not address the issues raised upon its first application. Therefore I shall simply repost my previous comments: 'I wish to object to this application. This is back garden development which is too near to a public footpath. I also object to the proposed driveway as it is right on the bend of the road. Cars and vans park on the road very near this area and this would obstruct the vision of cars coming out of the proposed drive way. The Detached Dwelling is overbearing for residents within the area and overlooks their back gardens. I wish this application to go to committee for consideration.' To sum up, this application should be objected and sent to committee for determination.

4.2

- Public Comments

4.2.1

13no. public objections received. For brevity the objections are précised below;

- The garden space provided would also be considered much too small for a house this size and would be out of keeping with the form of development in this locality
- The planned property it is being Shoe-Horned into a space that is inadequate to accommodate a detached 3 bed house with a garage.
- The construction of the building is 2 metres or less from the public footpath on the gable end of the building which I find totally unacceptable, there is no other property on the estate which is so close to the public footpath
- The driveway does not provide enough space to turn a vehicle to allow access and egress from the site in forward gear and an expectation of reversing onto a road at the crown of a bend puts the safety of the driver and other road users at risk
- The proposed new build has an overbearing and overshadowing impact that will be extremely close to the rear of our property on a downwards slope from the proposed 3 bed detached which would look directly into our bedroom encroaching on our privacy.
- The proposed planning application is a problem as my neighbour and I have had to unblock the sewerage drains a number of times, so it would not be able to take another property on the same drainage system otherwise it would be a serious problem for ourselves in the future.
- The proposed property will bring increased traffic through this already busy area of the estate. The estate and road layout/safety wasn't designed for all these additional properties
- The proposed location is also on a sharp S bend corner with public footpath entrances on both sides of the road which I believe could be a health and safety issue, not only during construction but once completed as vehicles are exiting (especially reversing) and parking outside the proposed property.
- This proposed building will yet again involve loss of garden land and will affect the open aspect of the neighbourhood
- Currently within Shrewsbury there already are large new developments taking place, so I do not believe there is a demand for one additional property
- Despite the planned development being amended from the original application we feel this has now made it more unacceptable by moving the proposed development even closer to the roadway fence and entrance to the footpath
- Vehicles visiting the nearby hostel, where parking is very limited, regularly park over this roadway and therefore any further driveways will become a major problem for both residents and drivers.
- Whilst it cannot be argued that the current Leylandii Conifers bordering the proposed building plot are the most aesthetically pleasing to the eye, it also cannot be disputed that they are currently absorbing a high volume of water from the surrounding surface area. Even now, as recently as 3 weeks ago, the surface water from the immediate vicinity drained away into the nearby underpass where it accumulated to a depth of approx. 8 inches rendering the underpass unusable.

5.0

THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure

- Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and the adopted SAMDev Plan.
- 6.1.2 The Council is satisfied it can demonstrate a deliverable 5 year supply of housing land to meet housing need through the sites identified in the SAMDev document and through provision of housing across the county through the community hub and cluster approach. The Council therefore considers the housing policies contained within the Core Strategy up to date and should be attached full weight.
- 6.1.3 Policy CS1 of the Shropshire Core Strategy states that Shropshire will flourish, accommodating investment and new development to contribute to meeting its needs and to make its settlements more sustainable, delivering over the plan period 2006-2026, around 27,500 new homes, of which 9,000 will be "affordable housing", around 290 hectares of employment land, and accompanying infrastructure across Shropshire in the following places. Shrewsbury, as a sub-regional centre and Shropshire's growth point, will be the focus for significant retail, office and employment development, and accommodate approximately 25% of Shropshire's residential development over the plan period;
- 6.1.4 Policy CS2 states that a comprehensive and co-ordinated approach will be pursued to the planning and development of Shrewsbury. The approach, encapsulated by the Shrewsbury Vision, integrates elements of housing, economic, transport, community and environmental policy, and will enable the town to achieve a significant level of housing and economic growth linked with infrastructure improvements, whilst protecting and enhancing the town's role, character and the unique qualities of its historic built and natural environment. Shrewsbury will provide the primary focus for development for Shropshire, providing approximately 25% of its additional housing for the period 2006-2026 (approximately 6,500 dwellings - 325 dwellings per annum) and 90 hectares of employment land.
- 6.1.5 SAMDev Policy Md1 states that further to the policies of the Core Strategy:
1. Overall, sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy, including the amount of housing and employment land in Policies CS1 and CS2.
 2. Specifically, sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1, having regard to Policies CS2, CS3 and CS4 respectively and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4.

6.1.6 The development plot is located within Shrewsbury which has been identified as the main location for housing growth within the region. Shrewsbury is well served by services which are required by householders and there are transport links available to the future residents of the dwelling. In this regard it is considered that the location is sustainable and the principle of development has been demonstrated.

6.2 **Siting, scale and design of structure**

6.2.1 Core Strategy Policy CS6 states that;

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness.

6.2.2 It further states that that all development:

Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance.

6.2.3 SAMDev Policy MD2 states that to respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets, in accordance with MD12 and MD13

6.2.4 Officers consider that the details submitted within the application illustrate a moderately sized dwelling, constructed using appropriate materials and demonstrating a vernacular which would not appear to be out of kilter with surrounding buildings. Moreover, the design of this dwelling would appear to lift the built quality within the immediate location and the proposal is considered appropriate in terms of design quality.

6.2.5 It is recognised that the building has moved forward within the plot provided and will be set 3m away from the front boundary. Objections raised have made reference to this issue, however it is considered that on balance, a 3m set back away from the front curtilage of the site at this particular location would not represent an obtrusive built form. There are other built elements within the street scene that come closer to the public highway than the proposed dwelling, and due to the boundary treatment included within the application this proposal is not considered unacceptable.

6.3 **Residential Amenity**

6.3.1 A previous application on this site (16/04175/FUL) was refused on the grounds that the dwelling would represent an oppressive and overbearing structure when viewed from neighbouring properties. This assessment was based on the insufficient interface distances provided by the applicant and it was considered within the original officer report that “new to new principal rear elevations for 2 storey properties should achieve a minimum of 20 meter offset with minimum garden depths of 10 metres”.

6.3.2 The current application which has since been submitted to the LPA has addressed this issue and the required interface distances mentioned above have now been provided on site. In this regard officers advise that the LPA can no longer consider that the building would represent an oppressive built form as the dwelling will be set away from neighbouring properties to a sufficient degree whilst also providing a 10m rear garden area.

6.4 **Access**

6.4.1 SC Highways have commented that subject to conditions, the proposal would not represent any untoward highway safety issues. It was considered that Primrose Drive is a winding estate road governed by a 30mph speed limit. Other houses on the estate have accesses close to bends but because of the open aspect of the estate, this arrangement works effectively.

6.4.2 SC Highways have also stated that due to the inclusion of a new-build on Primrose Drive which will neighbour the proposed house, the view around the bend is more constrained and for this reason, it is considered that the fencing around the hardstanding of the driveway be reduced to a height of no more than 600mm and that vegetation to the frontage be planted to grow no higher than 600mm to allow for a visibility splay to view approaching pedestrians on the footway which leads immediately to a footpath to the shops on the neighbouring estate.

6.4.3 Furthermore, due to the constraints of the site with daytime parking in the vicinity by visitors to nearby facilities, a construction management plan will be required to assist in the maintenance of the free-flow of traffic in the area.

6.4.4 In regards to the above it is considered that subject to the conditions recommended by the highways authority the proposal would be acceptable.

7.0 **CONCLUSION**

7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore acceptable in principle. It is not considered that there would be any significant adverse impacts of the proposal that would outweigh the benefits. The proposal would not result in the loss of any significant trees, and have no adverse highway implications subject to conditions being imposed. The building is considered appropriate in its design and would also lead to an enhancement of the site in terms of its visual appearance. It is therefore considered that the proposal accords with Shropshire Core Strategy policies CS6, SAMDev policies MD1, MD2 and the aims and provisions of the NPPF.

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

Core Strategy:
CS4, CS6, CS9, CS11

SAMDev:
MD2, MD12, S18

Relevant planning history:

16/04175/FUL Erection of single detached dwelling and garage REFUSE 2nd November 2016

11. ADDITIONAL INFORMATION

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| 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 Jon Tandy Cllr Ted Clarke Cllr Jane Mackenzie |
| 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 shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/ use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access to the highway.

4. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

5. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction

- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Traffic Management Plan

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

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

7. No gates are to be provided to close the proposed access from the carriageway.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

8. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new access/ driveway run onto the highway.

8. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

- Residential Dwellings per hectare Change allowance % of impermeable area
- Less than 25 10
- 30 8
- 35 6
- 45 4
- More than 50 2
- Flats & apartments 0

- Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces.