

## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 17/00878/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Erection of a dwelling		
<b><u>Site Address:</u></b> Land East Of 62 Middlegate Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Mr D Perry		
<b><u>Case Officer:</u></b> Jane Raymond	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 349812 - 316330



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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application relates to full planning permission for the erection of a single dwelling.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site relates to the side garden of 62 Middlegate (an end of terrace in a row of five).

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the Area Planning Manager in consultation with the Committee Chairman (and local member) agrees that the application should be determined by committee.

### **4.0 Community Representations**

#### **4.1 - Consultee Comments**

- 4.1.1 **SC Affordable Housing:** If the development is policy compliant then 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, then national policy prevails and no affordable housing contribution would be required in this instance.

- 4.1.2 **SC Drainage:** Provides advice on sustainable drainage.

- 4.1.3 **SC Highways:**

No objection – subject to the development being constructed in accordance with the approved details and the recommended conditions and informatives.

#### Observations/Comments:

Middlegate is an urban unclassified estate road. The property is an end of terrace and it is proposed to erect a further single terraced property with parking spaces. Further parking is available in a communal parking area. A number of properties in the surrounding area have constructed off street parking and it is considered that the added movements associated with the development will not have a significant impact on the current situation and the proposal is acceptable from a highways perspective.

The proposed new parking for the existing property is accessed over private land and permission will need to be sought from the land owner. The applicant will need to contact Shropshire Council as landowner to discuss the proposal. The applicant will also need to gain permission from any utility companies regarding any apparatus located within the development area.

The first few metres of any drive/parking area should be given to a sealed surface so as to prevent re-location of loose material onto the highway. This is a highway safety issue where the braking surface could be compromised.

#### 4.2 - Public Comments

4.2.1 **Shrewsbury Town Council:** Objects - Considers these proposals to be overdevelopment of the site and therefore objects. There will be a loss of green amenity space for both the new building and existing dwelling (no. 62) and Members consider reversing out onto a junction is unsatisfactory.

4.2.2 A site notice has been erected and the adjoining neighbours notified but no response has been received to this publicity.

#### 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale, design and appearance  
Impact on neighbouring residents  
Access and parking

#### 6.0 OFFICER APPRAISAL

##### 6.1 Principle of development

6.1.1 The site is within the development boundary for Shrewsbury on the proposals map of the adopted SAMDev DPD. Development of this site would therefore be acceptable in principle as it would also accord with Core Strategy Policy CS2 that identifies Shrewsbury as the main focus for all new residential development.

##### 6.2 Siting, scale, design and appearance

6.2.1 Policy CS6 requires new development to be designed to a high quality that is appropriate in scale, density, pattern and design taking into account the local context and character of the area and make effective use of land whilst protecting the natural and built environment. MD2 of the recently adopted SAMDev amongst other things requires proposals to:

*Contribute to and respect locally distinctive or valued character and existing amenity value by:*

*i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and*

*ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion;*

- 6.2.2 The area is predominantly characterised by a mix of semi-detached houses and terraces of between four and eight properties. This proposal will add an additional house on to the end of the existing terrace of five and is designed to be the same scale, design and appearance of surrounding properties and is therefore considered to be an appropriate design given the context of the site. The proposal will result in the loss of the side garden for the existing property but the front and rear garden for both the existing property and the proposed new dwelling will be comparable to those in the remainder of this terrace and the locality. It is therefore considered that the proposal would not appear cramped, makes effective use of land and would not represent over development of the site and would have no adverse impact on the character and appearance of the locality.

### **6.3 Impact on neighbouring residents**

- 6.3.1 Policy CS6 requires new development to safeguard residential amenity. The main consideration with residential amenity is to ensure that new development does not appear overbearing and obtrusive, does not result in a loss of light and does not include windows that could result in overlooking of neighbouring properties and a loss of privacy. It is considered that the proposed end of terrace dwelling would have no adverse impact on residential amenity.

### **6.4 Access and parking**

- 6.4.1 There is a single parking space for the existing property (no. 62) and the proposal indicates that this space will be allocated to the new dwelling and that two additional spaces will be provided to the front of no. 62. The access to these two additional parking spaces will require access over Council land and an extension to the dropped kerb but there is no objection to this from highways.
- 6.4.2 Whilst cars will either have to reverse into or out of these spaces on to the Highway this will be no different to the existing situation and Highways have no objection. The road and junction is very wide at this point and has excellent visibility all round and there are also numerous parking spaces available that are shared by all residents. It is therefore considered that the proposal provides more than adequate parking provision and that there are no adverse highway safety implications associated with this proposal. If it is considered that the two additional spaces for number 62 was undesirable there is sufficient parking nearby that the proposal would still be considered acceptable without this additional parking. Furthermore all of the front and side garden could be hard surfaced and used for the parking of vehicles without the need for planning permission.

## **7.0 CONCLUSION**

- 7.1 The proposed development is acceptable in principle and accords with CS2 that identifies Shrewsbury as the main focus for all new residential development. It is

considered that the scale and design is appropriate given the context of the site, makes effective use of land and that it would not appear cramped and would not represent over development of the site and would therefore have no adverse impact on the character and appearance of the locality. The proposal makes adequate parking provision and would have no adverse impact on neighbouring residents. The proposal is therefore considered to accord with CS6 and MD2.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ② 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.
- ② 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 and SAMDev Policies: CS2, CS6 and MD2

## 11. Additional Information

View details online:

List of Background Papers: File 17/00878/FUL
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Vernon Bushell
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, 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

4. Prior to commencement of development full details for the parking of vehicles shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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**

5. Any hedge or other boundary treatment fronting the property shall be kept at a height of less than 1 metre at all times

Reason: To ensure the provision of adequate visibility in the interests of highway safety.