

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

**Application Number:** 16/04460/FUL

**Parish:**

Whitchurch Urban

**Proposal:** Erection of four town houses, four apartments and two retail units following demolition of all buildings on site

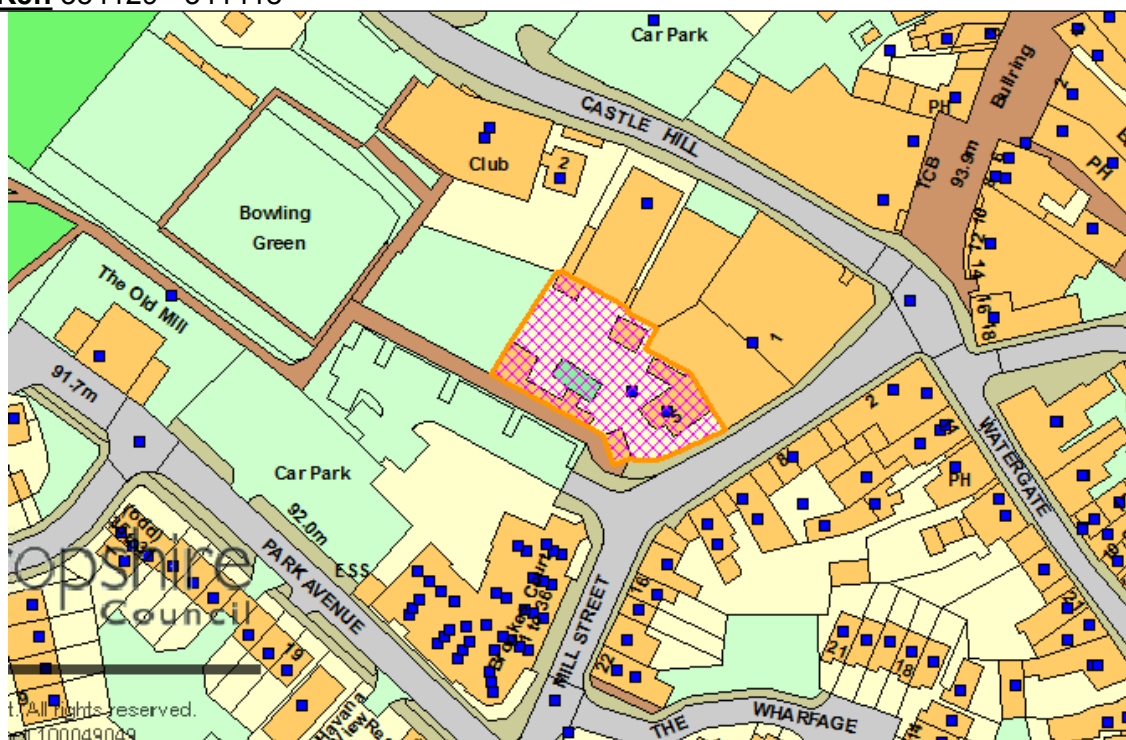
**Site Address:** 5 Mill Street Whitchurch Shropshire SY13 1SE

**Applicant:** Mr M Bate

**Case Officer:** Mark Perry

**email:** [planningdmnw@shropshire.gov.uk](mailto:planningdmnw@shropshire.gov.uk)

**Grid Ref:** 354129 - 341418



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 The submitted application is for the demolition of one dwelling and associated outbuildings and the erection of 4 town houses, 4 apartments above two retail units. The proposed dwellings would be arranged in a 3 storey terrace and each dwelling would contain 2 bedrooms. The proposed apartments would be over two floors above the new retail units and would each provide 1 bedroom units of living accommodation.
- 1.2 Small gardens would be provided for the proposed dwellings and there would be a communal parking area to the rear of the development and associated cycle and bin storage. Access to the parking area would be similar to the existing arrangement although widened following the demolition of the garage building.

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

- 2.1 The site is located within the area that is identified as “Town Centre” in the SAMDev plan, but it falls just outside of the “Primary Shopping Area” the edge of which is just 160 metres to the north east. The site also falls within the town’s Conservation Area.
- 2.2 The site currently contains a two storey, red brick, double fronted dwelling which adjoins the shop unit next door. The dwelling is not listed but dates back to at least 1901 as it is shown on historic maps. The building is of some distinction and does make a positive contribution towards the character of the immediate area. However a survey of the building has indicated that it has suffered some settlement and the property has been compromised as a result. The site contains other buildings associated with the residential use of the site and these are considered to be of little heritage value.
- 2.3 The existing dwelling fronts, but slightly set back from Mill Street. On the corner of Mill Street there is a single garage which opens directly onto the wide pedestrian path which leads past the bowling greens to the town park. On the opposite side of the path is the former canal wharf, part of which has now been developed into a 4 storey retirement apartment block with extensive car parking to the rear.
- 2.3 To the rear (northern side) of the application site are the rear boundaries of the mainly commercial properties that front on to Castle Hill. These properties sit in a very elevated position resulting in their rear elevations towering above the application site.

### **3.0 COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 In the opinion of the Chair and Vice-Chair of the planning committee they consider that the comments made by the Town Council warrant consideration by the members of the planning committee.

#### 4.0 Community Representations

##### 4.1 - Consultee Comments Town Council- Objection

Whilst recognising the Government is committed to securing economic growth, as are this Council for Whitchurch. Whitchurch Town Council still consider that the proposed plans are over-development of the site. The Council do not consider that, within the defined network and hierarchy of Whitchurch centre, that this site is resilient to anticipated future economic changes, especially as it is outside the main retail area of the town.

##### 4.2 Highways- No objection subject to conditions and informatives. Preferable for the retail unit to have a rear door for deliveries.

##### 4.3 Affordable Housing- at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

##### 4.4 Public Protection- No objection subject to conditions regarding noise protection to residents.

##### 4.5 Welsh Water- No objection subject to conditions

##### 4.6 Archaeology- No objection subject to conditions requiring programme of archaeological works.

##### 4.7 Drainage- The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

##### 4.8 Conservation- No objections subject to conditions

##### 4.9 - Public Comments 7 representations received objection on the following grounds:

Noise and disturbance from building works  
No need for retail units- already empty shops in the town  
Impact on pedestrians using footpath  
Insufficient parking  
Impact on tree  
No need for more housing  
Impact on residents from nearby pub  
Impact on drainage

#### 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design of structure  
Visual impact and landscaping  
Impact on heritage Assets  
Drainage

Highway safety

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 The application site is located within the Whitchurch development boundary as detailed in the adopted SAMDev plan. Policy S18 of SAMDev sets out that Whitchurch will be a focus for significant development and will deliver around 1,200 dwellings, these will be provided on the allocated housing sites and also infill development within the town's development boundary. Adopted policy therefore supports the principal of housing development on the site.
- 6.1.2 The site is located within an area identified in SAMDev as being the town centre, although it does fall outside of what is shown as being the 'Primary Shopping Area'. Policy CS15 of the Core Strategy aims to ensure that development within town centres maintain and enhance their vitality and viability. Town centres are the preferred location for new retail, office and other town centre uses. Policy MD10a identifies the site as falling within a category B as Whitchurch has a town centre and the identified 'Primary Shopping Area'. In such locations there is a presumption for main town centre uses, this includes the creation of retail uses as the applicant has shown on the submitted plans. Paragraph 85 of the NPPF recognises that residential development plays an important role in ensuring the vitality of town centres and encourages residential development on appropriate sites. It is considered that the proposed mix use development of retail and residential would contribute positively towards to the town centre's vitality and viability.
- 6.1.3 Objections have been received commenting on how there are already a number of vacant retail units within the town, this is not an uncommon situation with many towns suffering as a result of economic downturn. However, this would not be a reason in itself to refuse planning permission as the site is identified as being within the town centre location. The creation of further shop units would increase the variety and supply of retail floorspace. The creation of new floor space could meet the needs of a potential retailer; whereas existing vacant units do not. The issue of vacant units is a consequence of market forces and not a matter that could be used to refuse an application in such a sustainable location where there is clear policy support for such a use.
- 6.1.4 The site is also located in a sustainable town centre location where there is easy access to local services and facilities. Further supporting the scheme is its location which is within the Conservation Area. The existing dwelling is approximately 125 years old and has been the subject of a number of different extensions, alterations and additions. From the roadside the building does appear to be in a sound condition, however further inspection does show that there has been movement and cracking with floors and ceilings out of alignment. There has been various attempts at remedial works over the years with varying degrees of success. To the rear of the dwelling there is a collection of outbuilding building which have little historic or aesthetic value. It is considered that the existing dwelling and the outbuilding has a neutral impact on the character and appearance of the conservation area. Any redevelopment of the site must ensure that the area is either enhanced or maintained.

**6.2 Demolition of the existing dwelling**

- 6.2.1 In order to facilitate the complete redevelopment of the site it will be necessary for the existing dwelling to be demolished. The existing dwelling dates back to around 1901 and is considered to be a non-designated heritage asset. The frontage of the dwelling does have a strong visual presence although changes that have occurred to the rear have had a negative influence on some of the key views within the Conservation Area.
- 6.2.2 As the site is within the Conservation Area the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply. Proposals within Conservation Areas are required to preserve or enhance their character or appearance.
- 6.2.3 The applicant has provided a structural report for the dwelling which has identified various defect with the existing building. Some of the issues raised are only cosmetic however the building does have structural issues and as a consequence it cannot be mortgaged. There has been attempts at remedial action in the past with limited success. The level of works required would likely make it financially unviable to bring it up to modern standards. It is considered that the loss of the dwelling and the redevelopment of the site is an appropriate course of action.

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

- 6.2.1 There are two distinct elements to the scheme. The first is a two and a half storey building which would front directly onto Mill Street. This would involve the creation of two new shop units on the ground floor measuring 63 sqm and 85 sqm. Above these there would be 4 x 1-bed flats.
- 6.2.2 The second part is a 3-storey development which would create 4 x 2-bed dwellings, these would front onto a public footpath which runs between Mill Street and Jubilee Park. A new access would be created in the position of the existing garage block which would provide access in between the two new blocks and lead to a small private parking area. 8 parking spaces would be provided along with bin and cycle storage areas. Access would also be provided to the small private gardens at the rear of the proposed dwellings.
- 6.2.3 The block containing the retail units and the flats would have a traditional form with a traditional shop front at the ground floor, traditional sash windows and dormer windows on the second floor. The position of the building would be closer to the road than the existing dwelling is, this would allow the unsightly flank wall of the adjacent building to be obscured and create a continuous building line helping to enclose the street, create a stronger character to the streetscene and improve the appearance of the conservation area. The gable wall of the retail units will be prominent to those travelling north along Mill Street and anyone using the path from the park. The gable end will include a secondary shop window and a bay window above to add interest. The design and scale of the retail/ flat building part has been amended from its original submission following the concerns of the Conservation Officer. The changes involved reducing the height of the building and the inclusion of dormer windows. The height of the building would be taller than the adjacent retail units to the north but smaller than the retirement apartments to the south which is a mixture of 3 and 4 storeys. The dwellings and shops on the opposite side of the road are two storey, however it is considered that the proposed development

would be in keeping with the scale and proportions of other buildings within and around the town centre where there is a wide mix of scales and proportions of the built development.

- 6.2.4 The proposed block of terraced dwellings will front onto the public footpath which leads through to the park. These dwellings would be set back from the edge of the footpath by a walkway which would lead to the front doors of the proposed dwellings. Due to the change in levels the front doors and the walkway would be elevated above the footpath; metal railings would run along the edge of the elevated section and adjacent to the footpath.
- 6.2.5 At present the views from the footpath are of the bank brick wall which flank the application site and partially obscure the variety of outbuildings within the application site. The land to the north of the application site sits substantially higher this results in the rear elevations of those properties fronting Castle Hill dominating the site and any views from Mill Street or the footpath. The development of this part of the site will obscure the somewhat unsightly and dominant buildings. It is considered by Officers that the construction of the dwellings would enhance the appearance of this part of the site.
- 6.2.6 Each of the proposed dwellings will have a small area of private amenity space to the rear. Due to the change in levels, the gardens will need to be cut into the hillside. Whilst the gardens are small, they will provide enough space for occupiers to sit out, dry washing, store bikes etc. With the very short distance to Jubilee Park it is considered that there is adequate amenity and play space available as part of the development and locally. The application site is in a town centre, in such locations it is expected that there is a higher density of development and occupiers would not expect to have the same amount of garden space as dwellings further away from the town centre.
- 6.2.7 It is considered by Officers that the design and scale of the proposed dwellings is appropriate and will integrate with the surrounding built development and that the dwellings will provide an adequate amount of private amenity space for residents.

### **6.3 Impact on Neighbours**

- 6.3.1 The site is surrounded by a mix of commercial and residential uses. It is considered that the proposed flats and dwellings would provide adequate separation from any neighbouring residential uses to ensure that there is not any detrimental loss of privacy, overlooking or loss of light.
- 6.3.2 The proposed change from one dwelling to 8 residential units plus 2 retail units may result in an increase in traffic movements from resident's cars and deliveries to the shops. However, the number of parking spaces within the site is limited to 8 which would encourage occupation by those that do not have cars or for residents to use public car parks elsewhere in the town. As a consequence the number of additional movements would not be so significant as to impact upon amenities of neighbours, especially in a town centre location where there are already significant number of both cars and delivery lorries/ vans throughout the day.
- 6.3.3 It is considered that the proposed development is of an appropriate design and layout and there would not be any detrimental impact upon the amenities of

neighbouring occupiers.

- 6.3.4 Any substantial development within close proximity to other residential buildings will inevitably result in an amount of disturbance whilst the construction works are taking place. To minimise any impact on neighbours it is appropriate to restrict the hours of construction by condition.

#### **6.4 Highway Safety**

- 6.4.1 The access into the development will be in a similar position to the existing access, which is on the corner of Mill Street and the entrance into the car park for the adjacent retirement apartments. The new access will be wider as the existing garage block will be demolished, this will also allow the access to be moved away from the point where it meets the footpath through to the park. The access will only be used by a small number of vehicles due to the small amount of parking space to the rear of the development.
- 6.4.2 Any deliveries to the retail units will need to be from the front where at present there are waiting restrictions and a short stretch of short stay on street parking. Such an arrangement is not uncommon in historic town centres and it is a matter of management to make sure that any deliveries arrive when the roads are quiet and vehicles are able to park nearby. There is some space available to the rear of the retail units which could be utilised for the parking of small commercial vehicles, this area could be marked out for such purposes. To mitigate the limited off street parking and the absence of amenity land for those occupying the flats, the applicant has detailed the provision of undercover cycle storage. The above would be conditioned accordingly if members are minded to approve the application.
- 6.4.3 It is considered that taking into account the site context which is in a busy town centre location, the amount of activity generated by a limited number of vehicle movements would not impact upon the safety of highway users. The scheme also provides an opportunity to clearly demarcate the vehicular access into the site which will provide visibility to anyone using the public footpath from the park.

#### **6.5 Drainage**

- 6.5.1 The applicant has detailed that surface water from the proposed development would be disposed of via soakaways. The technical details of the soakaways would be subject to a planning condition which would then be assessed by the Council's Drainage Team.
- 6.5.2 Welsh Water initially had concerns about the sewer network capacity within the vicinity of the site. The applicant has identified that the existing surface water flow discharges into the existing foul and surface water sewer. The creation of soakaways for the new development would remove some of the flows from the existing system. In principle Welsh Water raise no objection to the scheme but do require a condition to be imposed which requires a drainage strategy to be approved prior to any development commencing on the site.

#### **6.6 Archaeology**

- 6.6.1 The site is partially within and immediately adjacent to the historic core of

Whitchurch where there is the possibility of archaeological deposits of Roman, medieval and post-medieval date being present. The applicant has submitted a Historic Environment Desk Based Assessment which addressed the likely impact of the proposed development. The assessment concludes that there should be further investigations during the later stages of the demolition and site clearance works. A phased programme of archaeological works would be secured by condition if members are minded to approve the application.

## **6.7 Impact on Trees**

- 6.7.1 The site is the garden of the existing dwelling and it has been landscaped and planted accordingly which includes some ornamental tree planting. All of the trees within the site are small and are not considered to be of such merit where they make a contribution to the visual amenity of the wider area. As such it is considered that the clearance of vegetation from the site would not harm the amenity of the area.

## **7.0 CONCLUSION**

- 7.1 The proposed development will create a mixed use development in a sustainable town centre location, the scheme would increase the availability and variety of retail premises in the town. The redevelopment of the site provides an opportunity to enhance this part of the town's Conservation Area which to some extent is harmed by the existing outbuilding buildings and also the stark presence of the rear elevations of those building fronting Castle Hill; these would be either removed or obscured as part of the development. The site is in a sustainable location where there is easy access to services and facilities and the proposed uses will help to contribute to the town's vitality and viability. The proposal buildings are considered by Officers to be of an appropriate design and scale which would sit comfortably within the street scene and the Whitchurch Conservation Area. The proposal would not have any detrimental impact on the amenities of neighbours or the safety of highway users. Accordingly the scheme is considered to comply with policies CS3, CS6, CS11, CS15 and CS17 of the adopted Core Strategy and policies MD2, MD10a and MD13 of 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 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:  
National Planning Policy Framework

Core Strategy and Saved Policies:

CS3 - The Market Towns and Other Key Centres  
CS6 - Sustainable Design and Development Principles  
CS11 - Type and Affordability of housing

CS15 - Town and Rural Centres  
CS17 - Environmental Networks  
MD2 - Sustainable Design  
MD10A - Managing Town Centre Development  
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

16/04460/FUL Erection of four town houses, four apartments and two retail units following demolition of all buildings on site 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 R. Macey
----------------------------------------------------

Local Member Cllr Thomas Biggins Cllr Peggy Mullock
-----------------------------------------------------------

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 commence until a drainage strategy for the site has been submitted to and approved in writing by the local planning authority. The strategy shall include a scheme providing for disposal of foul, surface and land water and demonstrate the drainage arrangements of the existing property to be demolished, including details of surface water flows proposed for removal from the public sewerage system. If necessary a scheme to upgrade the existing public sewerage system in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter the strategy shall be implemented in accordance with the approved details prior to the occupation of the development and no surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

4. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

5. No development shall take place, including any works of demolition, until a Construction Method Statement (Traffic Management Plan) has been submitted to, and approved in writing by, the local Planning Authority. The approved Statement shall be adhered to throughout the construction period and 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 and HGV routing plan

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

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

6. Prior to being installed the construction details of the acoustic properties of the glazing to be used to all street facing elevations shall be provided. Glazing shall be capable of providing at least 28dB while providing suitable ventilation. Alternatively a noise assessment can be carried out and submitted for approval detailing background noise levels and proposing a level of noise protection which achieves noise targets set out within the world health organisation document Guidelines on Community Noise. The development shall thereafter be implemented in accordance with the approved details.

**Reason:** to protect the health and well being of future residents.

7. No demolition approved by this permission shall commence until a photographic survey (Level 2) survey, as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice') of the interior/ exterior of the buildings has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** This information is required before development commences to record the historic fabric of the building prior to development.

8. The following additional details shall be submitted to, and approved in writing by, the local Planning Authority:

- (i) The provision of an area within the rear parking court for the parking of a small service vehicle in relation to the retail units.
- (ii) Measures to demarcate the vehicle access route between the rear parking court and the existing dropped-kerb and to provide visibility to users of the adjacent pedestrian footpath link. The approved details shall be fully implemented before any part of the development is first occupied and shall thereafter be maintained free of any impediment to its designated use.

**Reason:** In the interests of Highway and pedestrian safety, to ensure the provision of adequate parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

9. 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.

10. Details of the materials and form of the heads and sills to openings in the external walls of the building shall be submitted to and approved in writing by the Local Planning Authority

before those works commence. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest of the area.

11. Prior to the commencement of the relevant work details of all external windows, doors shop front and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All works shall be carried out in complete accordance with the agreed details.

Reason: To ensure the character and appearance of the development.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 classes A, B and E shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

13. The development hereby permitted shall not be brought into use until the car parking and manoeuvring area shown on the approved plans has been provided, properly laid out, hard surfaced and drained, with the area thereafter maintained free of any impediment to its designated use.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

14. No construction or demolition works shall take place before 0730 hours on weekdays and 0800 hours on Saturdays nor after 1700 hours on weekdays and 1300 hours on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

15. Prior to first occupation of any part of the development hereby approved, cycle and bin storage facilities shall be installed in accordance with details/ specification to be approved in writing by the local planning authority. The facilities shall thereafter remain available for their designated use for the lifetime of the development.

Reason: In the interests of visual amenity and encouraging sustainable modes of transport.