



Committee and date

South Planning Committee

1 April 2014

Item

**10**

Public

## Development Management Report

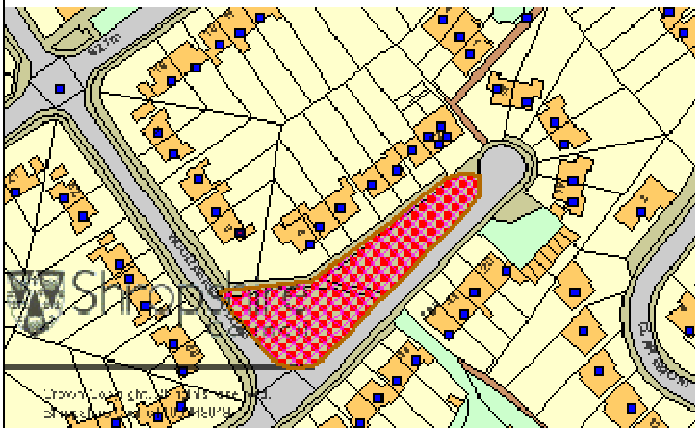
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 14/00199/FUL	<b>Parish:</b>	Bridgnorth Town Council
<b>Proposal:</b> Formation of additional parking bays (from 6 to 19) to include bollard security and landscaping		
<b>Site Address:</b> Land at Woodberry Close Bridgnorth Shropshire WV16 4PT		
<b>Applicant:</b> Shropshire Council		
<b>Case Officer:</b> Sara Jones	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 370761 - 293488



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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 involves alterations to the existing communal parking spaces increasing the existing parking spaces for local residents from 6 to 19 spaces and includes the installation of bollard security to stop vehicular encroachment onto the existing large grassed verge. The scheme includes additional soft landscaping to address the corner of the grassed area.
- 1.2 It is noted that the proposed to include a collapsible bollard system to allow grounds maintenance vehicles access to the area.

### **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.

### **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**

- Consultee Comments

- 4.1 Bridgnorth Town Council – Recommend refusal. Access should be improved to the properties on the other side of the road and the green area retained.
- 4.2 SC Highways – No objection – represents a highways benefit as it reduces the obstruction of the highway and improves access for all highway users, particularly emergency vehicles into all parts of this cul-de-sac.
- 4.3 SC Drainage – Recommends details of “grasscrete” should be identified on submitted drawing.

- Public Comments

- 4.4 Site notice displayed/dated 28.01.2014. Expired 18.02.2014. Eighteen letters sent 22.01.2014. Expired 12.02.2014.
- 4.5 Four representations received objecting on the following grounds:

-Block access to existing drives - Access to drives on Woodberry Close is historical, therefore surely to deny access to these drives goes against our residents rights?

-Woodberry Close is a cut through from one estate to another and of recent times there have been criminal activity. Extension of communal parking would make those who would be denied vehicular access would be made more vulnerable to crime.

-People using the proposed car parking spaces would have to cross a road in order to access the public footpath.

-Inadequate lighting in the area.

-If there are inadequate parking spaces on Woodberry Close, this will cause conflict within the estate. Leading to neighbours falling out over parking spaces, putting neighbour against neighbour and even family against family.

-The proposed plans are causing anxiety amongst the local people, particularly as they are contrary to what was discussed in the consultation last March.

-Occupier of No.7 Woodberry Close relies heavily on her disabled mother to provide childcare throughout the summer. If parking on her drive is denied, she would no longer be able to access this support.

-Sense of vulnerability as, as the proposal would mean that those denied use of their frontages to park would need to walk some 100 feet, in the dark to their front doors.

-The area needs to work for the people that access it as a productive and positive feature, creating a safe environment for all the residents in Woodberry Close.

-The safety and well being of all residents on Woodberry Close is paramount. Therefore the plans first proposed in March 2013 I feel would be a positive way forward. The drop-in session in March 2013 was welcomed and the suggested solution at that meeting was to both increase the number of communal parking bays whilst also providing suitable access (which would protect the grass verge) to the houses numbered 6-11. This seemed to be a workable solution that would greatly improve the situation for everyone involved by increasing parking and also keeping and preserving the grass verge. The current application is a very disappointing and pointless watered down version of the original suggestions presented at the consultation last March.

-There are to be houses built where there are currently garages in two separate areas on Woodberry Close. This will lead to not only more cars from the people whose garages are to be removed but also a significant increase in cars needing somewhere to park from the residents of the new houses.

-The current communal car park has 6 spaces which at the moment are always full in the evenings and at weekends. The proposed increase to 19 spaces, an increase of 13 spaces is completely inadequate, this would only be a workable solution if access to driveways at numbers 6-11 was also provided. If bollards are put up preventing access then an additional 8 spaces (at least) would be filled by those displaced from their own driveways. This would then leave 5 parking

spaces for not only the people whose garages have been taken away but also for the new residents in these houses yet to be built.

-Concern that the spaces would be wide enough to accommodate people with young children getting them and their car seats in and out of the car.

-The proposed use of concrete bollards will be an eyesore on Woodberry Close.

-Question the point in having a consultation if the wishes of the residents affected are to be cast aside. It is exactly this sort of occurrence that makes people less likely to engage with the Council in the future on any issue and provokes a complete lack of confidence and trust in the Council.

-Lead to an increase in car insurance for those losing their drives.

-Issues with refuse bin storage and collection blocking footpaths.

-Suggested solution would be to put in an access/feeder road directly in front of numbers 6, 7, 8, 9, 10 and 11 allowing the residents to utilise drives that are already built and that are currently helping to stop congestion in the close. As traffic would be for access to frontage only it could be built of the same construction material as proposed for the bays.

## **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. 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 Highways Development Control Officer has been consulted and considers 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 As summarised above the proposal has generated a number of additional concerns. In particular concern has been expressed regarding the safety of people using the proposed car parking spaces having to cross a road in order to access the public footpath. With respect to this it is noted that the proposed parking bays would be situated along the same edge of the Green as the existing ones. Further Woodberry Close is a cul-de-sac within an established residential estate and, whilst planning permission has been granted for an additional four dwellings (with 8 on site parking spaces) on two existing garages courts, the traffic use in the area is not considered to be a significant risk to pedestrians using the parking bays, if exercising the normal duty of care for themselves.

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

- 6.4.3 Concern has also been expressed that the submitted scheme is different to that which was discussed previously with residents. The applicant has clarified that the draft proposal to allow residents to access drives using a “grasscrete” material was put forward initially as an idea, however, cost projections were in excess of what was expected. Notwithstanding this, a financial contribution from ST&R housing for the works, aligned with a new increased housing build, dovetailed ideally into the aim of the proposal to return the space back to residents as amenity land. Project members also felt that by utilising this approach it would condone the use of green amenity grass for vehicular use and set a precedent for other areas with similar problems.
- 6.4.4 Turning to the concern that the spaces would be wide enough to accommodate people with young children getting them and their car seats in and out of the car. With respect to this the applicant has confirmed that it is envisaged that a number of the parking bays to the left of the footway will be left wider than the rest to assist child seat removal etc.

## **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.

## **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 three months 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: National Planning Policy Framework

Core Strategy:

CS6: Sustainable Design and Development Principles

CS17: Environmental Networks

CS18: Sustainable Water Management

### RELEVANT PLANNING HISTORY:

None

<b>List of Background Papers</b>
<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
<b>Local Member</b> Cllr John Hurst-Knight Cllr Les Winwood
<b>Appendices</b> 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.

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:

Hard surfacing materials (Grasscrete or similar)

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.



### **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:

CS6: Sustainable Design and Development Principles

CS17: Environmental Networks

CS18: Sustainable Water Management

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](http://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.