

Development Management Report

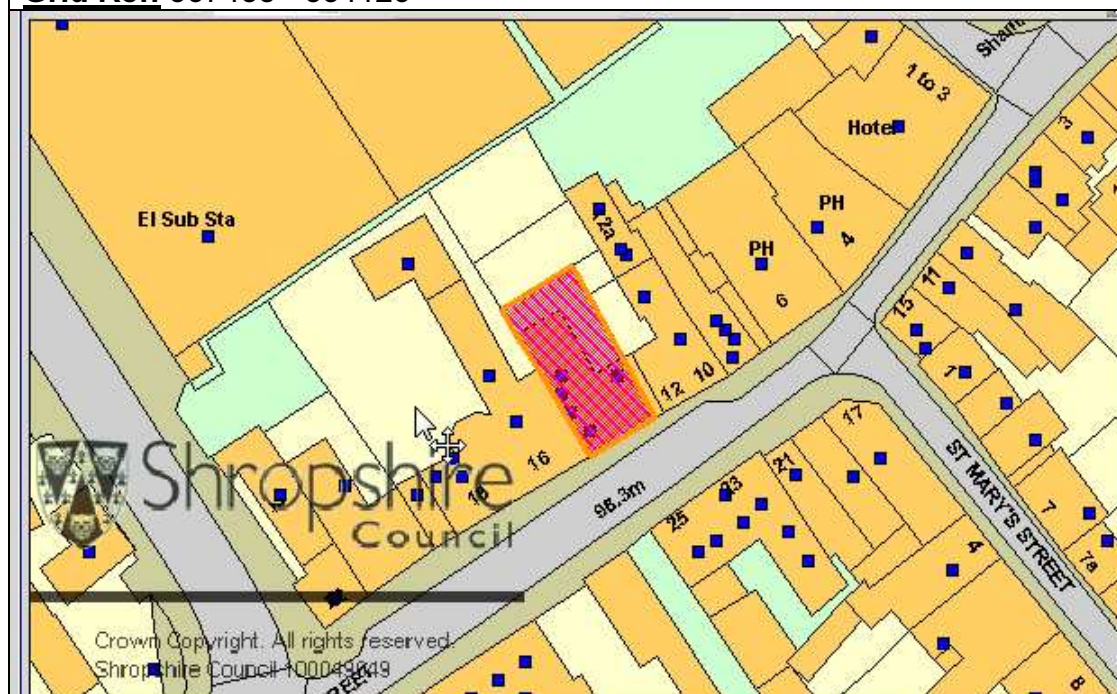
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 14/03821/FUL	<u>Parish:</u>	Market Drayton Town
<u>Proposal:</u> Refurbishment and upgrading of property to include formation of 1no. additional apartment (affordable)		
<u>Site Address:</u> 14 Shropshire Street Market Drayton Shropshire TF9 3BY		
<u>Applicant:</u> Mr Ali		
<u>Case Officer:</u> Alison Groom	<u>email:</u> planningdmne@shropshire.gov.uk	

Grid Ref: 367488 - 334126



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and subject to an s106 agreement for affordable accommodation .

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks full planning approval for the refurbishment and upgrading of property to include formation of 1no. additional apartment (affordable)
- 1.2 The proposals include refurbishment, re-fenestration and site clearance.
- 1.3 In 2008 approval was granted for the Change of Use and extensions to form a Restaurant and Takeaway (A3 and A5), the consent was never implemented and the property has remained vacant.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located within the town centre of Market Drayton and lies within the Market Drayton Conservation area. 14 Shropshire Street is a brick built, three storey Town Centre property with a ground floor shop and three flats above.
- 2.2 The building is currently vacant and is in a dilapidated state and unsafe in places.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment should be determined by the Planning Committee. In this instance Philip Belchere, who works as a Principal Conservation Officer in the Historic Environment Team for Shropshire Council, is acting as agent on this application.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 SC Archaeology

I have no comments to make on this application with respect to archaeological matters.

4.1.2 SC Drainage

Informative: The applicant should consider employing measures such as the following:

- ' Water Butts
- ' Rainwater harvesting system
- ' Permeable surfacing on any new access, driveway, parking area/ paved area
- ' Attenuation
- ' Greywater recycling system

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

4.1.3 SC Affordable Housing

The additional unit will be provided as an affordable rent dwelling which will be secured in perpetuity by a S106 agreement. Rent levels, lettings and management will also need to adhere to Shropshire Council policy.

4.1.4 SC Conservation

This site is within the Market Drayton Conservation Area, however, it is considered that the scheme of conversion put forward does not have a harmful impact on the setting or character of the Conservation Area.

No objection is raised to the application.

4.1.5 SC Ecologist

4.2 Public Comments

4.2.1 A site notice was displayed and an advertisement was published due to the site being located within the Market Drayton Conservation Area, no comments have been received.

4.2.2 Parish Council

Raise no objection to this application.

5.0 THE MAIN ISSUES

Principle of development

Affordable Housing Contribution

Character and appearance of the Conservation Area

Amenity impact on neighbouring units

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of the development is to refurbish the existing run down property, to retain the existing shop area on the ground floor and apartments to the first and second floor, this will include 1 additional apartment to be provided for affordable residential use. Due to the current state of the property the proposal will enhance the property and the design will reflect that of the existing character and setting of the conservation area. The principle of the proposal is acceptable under the Structure Core Strategy policies CS6, CS8 & CS17

6.1.2 Affordable Housing Contribution

Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current

prevailing target rate as set out in the Shropshire Viability Index.

- 6.1.3 The proposal will provided 1 apartment for affordable residential use, having consulted with the affordable housing team; it has been granted affordable dwelling status subject to a section 106 agreement.

6.2 Character and appearance of the Conservation Area

- 6.2.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the high quality and local character of Shropshire built and historic environmental and that it should not adversely affect the visual or heritage values and functions of these assets. This is reiterated in policy 12 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework which supports the desirability of sustaining and enhancing the significance of heritage assets and putting them to a viable uses consistent with their conservation.

- 6.2.2 The proposal has been designed to enhance and reflect the local vernacular, and given the property location within the centre of Market Drayton, it is considered that the proposed change of use would not significantly alter the character of the conservation area and will not have a harmful impact on the setting of the Conservation Area.

6.3 Amenity impact on neighbouring units

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

- 6.3.2 The proposal it to reinstate the existing building and use, therefore it will not create any additional overbearing impact, noise / disturbance or loss of privacy to the neighbouring amenities.

7.0 CONCLUSION

The proposed internal and external alterations enhance the local character and will not adversely affect the setting of the conservation area. The proposal will be of a great improvement to the properties current state and will provide additional dwellings to the area; it will also reinstate an employment premises therefore will help deliver a more sustainable community by making contribution to the local infrastructure. As such the proposals comply with the NPPF and policies CS6, CS9, CS8, CS11 & CS17 of the Shropshire Core Strategy and I therefore recommend permission is granted subject to the imposition of conditons and the signing of a section 106 agreement .

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 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
Planning Practice Guidance

Core Strategy and Saved Policies:
CS6 – Sustainable Development and Development Principles
CS8 – Facilities, Services and Infrastructure Provision
CS9 – Infrastructure Contributions
CS11 – Type and Affordability of Housing
CS17 – Environmental Networks

RELEVANT PLANNING HISTORY:

NS/07/02276/FUL Change of Use from A1 (Retail) to A3 (Restaurants and Cafes) and erection of 2no. single storey extensions CONAPP 10th January 2008
NS/08/01022/FUL Change of Use from A1 (Retail) to A3 (Restaurants and Cafes) and erection of single storey extension (amendments to previously approved 07/02276/FUL) CONAPP 6th August 2008

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Roger Hughes Cllr David Minnery

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

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.