



Committee and date
Central Planning Committee
21 May 2015

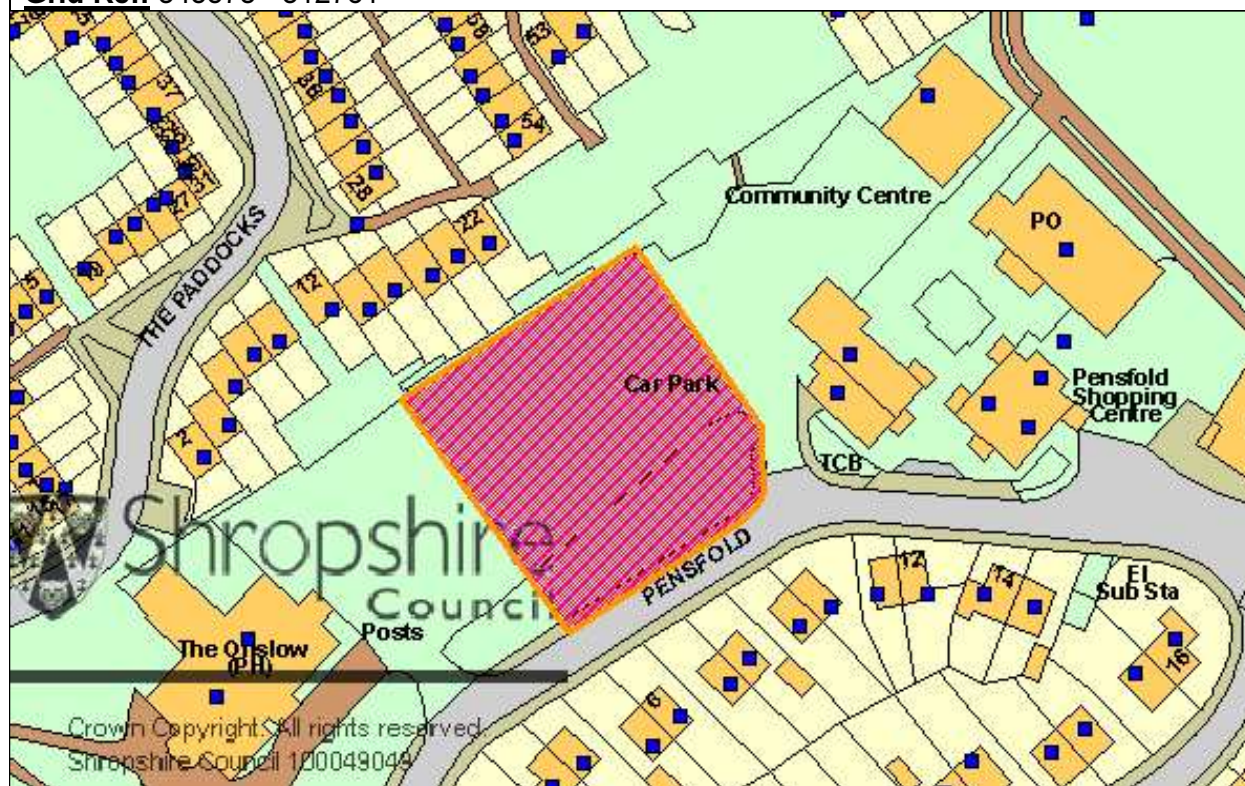
Development Management Report

Responsible Officer: Tim Rogers
email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/04195/FUL	Parish: Shrewsbury Town Council
Proposal: Erection of 12 dwellings (8 terraced houses and a 4 unit apartment building), formation of a vehicular access and associated works (amended description)	
Site Address: The Onslow Hotel, Pensfold, Bicton Heath Shrewsbury SY3 5HF	
Applicant: Mr Mat Morris	
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk

Grid Ref: 345573 - 312761



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Recommendation: Grant Permission subject to:

- A Section 106 Legal Agreement to secure 2 affordable dwellings on site and the balance of 0.4 as an affordable housing contribution (AHC);
- The conditions set out in Appendix 1 to the report to committee on 12 March 2015; and
- Additional conditions to ensure that no development takes place until full details of landscape works have been approved in writing by the local planning authority and to ensure the implementation and future maintenance of the approved landscaping.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application relates to the erection of 12 dwellings (8 terraced houses and a 4 unit apartment building) and formation of vehicular access. The application when first submitted was for 14 dwellings and included a 3 storey building to provide 6 apartments but was amended to a 2 storey building (to provide 4 apartments) to reflect the scale and design of the semi-detached dwellings opposite.

2.0 THE PURPOSE OF THIS REPORT

- 2.1 This report is an addendum to the report presented to the Central Committee on 12 March 2015 (included as APPENDIX A). The purpose of this report is to consider whether the application can be approved and the decision notice issued in accordance with the Member's previous resolution but subject to a S106 agreement to secure the relevant AHC of in accordance with the SPD and the prevailing target rate (2 affordable dwellings and the balance of 0.4 as a financial contribution) rather than 3 affordable dwellings previously recommend to members in error.

3.0 BACKGROUND

- 3.1 Members resolved at the committee on 12 March 2015 that planning permission be granted as per the Officer's recommendation, subject to:

- A Section 106 Legal Agreement to secure three affordable dwellings on site;
- An additional condition to ensure that no development takes place until full details of landscape works have been approved in writing by the local planning authority; and
- The conditions set out in Appendix 1 to the report.

The recommendation to members to approve subject to a S106 agreement to secure 3 affordable dwellings on site was made in error and was the number of affordable dwellings that the applicant had specified for the original proposal for 14 dwellings. However the proposal had been reduced to 12 dwellings and the relevant affordable housing contribution should have been 2.4. The applicant is willing to enter into a S106 to secure 2 affordable dwellings on site and the balance of 0.4 as a financial contribution.

4.0 RECOMMENDATION

- 4.1 It is recommended that members approve this application subject to the relevant AHC of 2.4 which is in accordance with the SPD and the prevailing target rate of 20%.

APPENDIX A: Report to Central Committee 12 March 2015Committee and date

Central Planning Committee

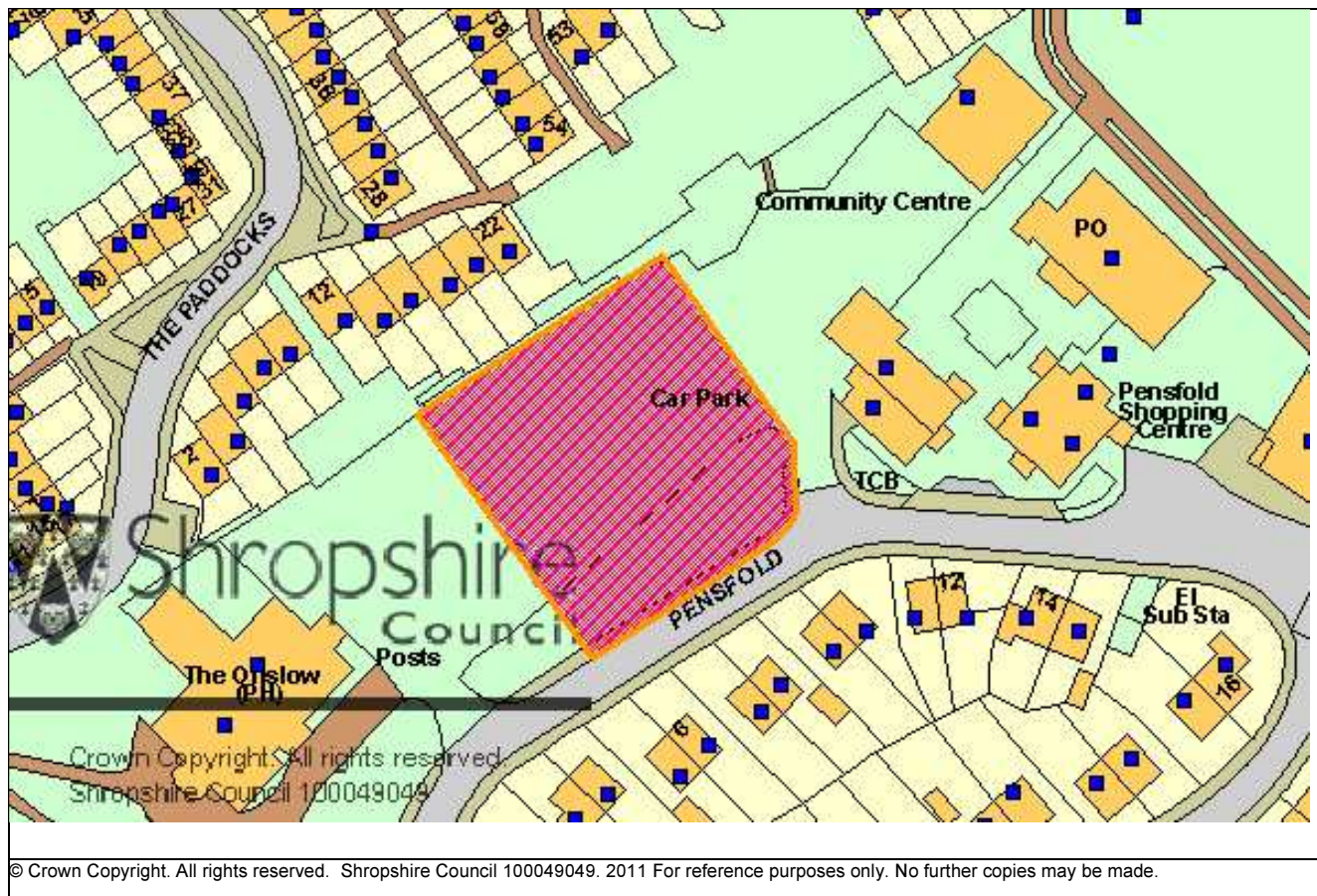
12 March 2015

Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619**Summary of Application**

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<u>Applicant:</u> Mr Mat Morris		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	
<u>Grid Ref:</u> 345573 - 312761		



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a s106 agreement to secure 3 affordable dwellings on site.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of 12 dwellings (8 terraced houses and a 4 unit apartment building) and formation of vehicular access. The application when first submitted included a 3 storey building to provide 6 apartments but this has been amended to a 2 storey building to reflect the scale and design of the semi-detached dwellings opposite.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is part of the large car park associated with the Community Centre and is surplus to requirements and little used the majority of the day. It is used in the morning and afternoon by some parents to park their cars when collecting children from school but this is an informal arrangement and the owners of the car park could close the car park and prevent the public from using it at any time.

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 application has been requested to be referred by the Local Member, and the Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 **Community Representations**

4.1 **- Consultee Comments**

4.1.1 **SC Drainage:**

The drainage details, plan and calculations could be conditioned if planning permission were to be granted.

4.1.2 **SC Highways:**

The highway authority raises no objection to the granting of consent and provided the following initial response to the application dated 17/11/14:

“Further information is required regarding the loss of parking before the local highway authority is able to provide a recommendation on this application.

We understand that the various community facilities on this site are within the applicant's ownership so they have a responsibility to ensure that sufficient parking is available for the use of these facilities to prevent parking on the adjacent public highway. We are aware of the arrangement in place for parents to use the car park to drop off their children who attend the nearby Oxon Primary School. However the landowner allows this parking on an informal basis and as the car park is privately owned, the landowner has no responsibility to provide parking for another facility outside their ownership.

We require the applicant to carry out a parking survey to establish the occupation of the car park and the available capacity. Data is required for normal working days, weekday evenings and at the weekend. We suggest that two sample working days and evenings between Tuesday and Thursday and weekend afternoons and evenings be surveyed. In our assessment of this data we will take into consideration any time periods which are affected by the school.”

Following this response the applicant carried out a survey of the car park on a normal school day with the results published in the supplied Highway/Parking Statement. The survey revealed that this car park is used almost exclusively for parents dropping off their children to Oxon School, presumably because this is the most convenient car park to use at the Pensfold community centre site. We understand that parents are encouraged to park at the Pensfold community centre by the school, as opposed to parking off Racecourse Lane due to safety considerations there. However no formal arrangements for this parking exist with the Pensfold community centre owners, who have no responsibility to provide parking for the school.

Whilst the proposed development if constructed will displace the existing parking,

we agree with the conclusions of the report that most if not all of the vehicles counted can be accommodated on the remaining car parking at the wider community centre site, in particular it is likely that the adjacent Onslow pub car park will not have many vehicles parked in it during school drop off and closing times. There is the possibility that some parked vehicles may be displaced by this development onto the surrounding public highways, but the fact remains that the owner of the car park could chose to restrict the school parking that occurs here at any time, irrespective of the proposal of any development. We understand that the site owners do not intend to restrict school parking on the site any time in the future and this could be considered to be in their best interests as the businesses occupying the site require the support of the local community. We therefore consider that if the development does go ahead, the parking will migrate to elsewhere on the car park and there should be little or no increase in parking on the surrounding public highways.

We note that 27 parking spaces have been proposed for the 14 units, which should be more than sufficient to accommodate parking for an affordable dwelling site. There does also appear to be space within the car park for some 'overspill' parking by residents/visitors if required.

The development proposes to use the existing community centre road for access, which we encouraged in early discussions regarding this development. We were keen not to see a further access created on to Pensfold as there is a lot of activity in this area.

4.1.3 **SC Affordable Houses:**

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The current prevailing target rate for affordable housing in this area is 20% and therefore a development comprising 14 dwellings would necessitate a provision of 2.8. The whole units (2) would be provided on site and the remaining fraction as a financial contribution. However, the accompanying proforma notes that three affordable dwellings would be provided on site, thereby exceeding Policy requirements. The assumed tenure split of the affordable homes would be for 2 dwellings to be rental as per the SPD and the remaining one, low cost home ownership. There would be an expectation for the affordable dwellings to be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's Allocation Policy.

4.2 - **Public Comments**

4.2.1 11 letters of objection have been received summarised as follows:

Highways/Parking/Access

14 dwellings is over development of the site and will result in additional traffic
Insufficient parking for proposed dwellings
Loss of parking for parents who use this car park when dropping off and collecting children from school which will result in parking in the street and

congestion particularly in Racecourse Lane
 Loss of parking for the community centre and shops leading to more congestion and impact on highway and pedestrian safety
 The access is also used by delivery vehicles and increased traffic in addition to existing will impact on highway safety.
 Disputes the figures in the highway assessment and considers that the area cannot accommodate cars at the school drop off and pick up times without keeping this car park for that purpose. Considers that Shropshire Council should undertake its own traffic survey and also block off the car park for a day to assess the impact.

Impact on residential amenity

Overlooking of existing properties and loss of privacy
 Noise from the proposed properties affecting existing residents
 Destruction of an existing outlook of hedges and trees
 Devaluation of properties
 The adjacent funeral director business may affect future residents

4.2.2 **Shrewsbury Town Council** – Objects – Members felt strongly that a development of 14 dwellings is inappropriate and overdevelopment of this site. It is already a heavily congested area with traffic especially at peak times surrounding school drop offs/pick-ups and the new development would exacerbate this issue. Parking already spreads into Pensfold which blocks residents from entering/leaving their own property and at times prevents access to the shops. Deliveries to the businesses would be hampered and members were concerned for the safety of pedestrians, especially children, at these peak times. Members objected to the previous application for far less properties but their reasons against the application remain.

4.2.3 **Local member Cllr Adams:** Objects

1. The terraced houses are said to be in line with existing local ones. This may be true but planning ideas have moved on. Virtually all planning officers say that the layout of properties on Gains Park would not be allowed now, but this plan extends a failed idea. To see a better type of plan see the current ideas for Corner Farm Drive.

2. The justification used for building on the car park was that the owners could remove permission for use at any time, because it is their private land, but in the same document, it says the top part of the car park can be used instead. But this land is owned by the same people who could do the same with that. I find this intellectually incoherent, and insulting.

3. We know in practice this decision will cause traffic and parking problems, and virtually nothing has been done to support the school and local residents to cope here.

4.2.4 **West Mercia Police Crime Prevention Design Advisor** - . There are opportunities to design out crime and /or the fear of crime and to promote

community safety. The applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at www.securedbydesign.com Section 17 of the Crime and Disorder Act 1998 states that it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area.

5.0 THE MAIN ISSUES

Principle of development
Layout, scale, design and appearance
Impact on neighbouring properties
Access and parking
Developer Contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The development will be situated in an established residential area within the urban development boundary of Shrewsbury. It is close to essential services and facilities that could be accessed by foot or by cycle and the Town Centre is readily accessible by public transport. The location of the development therefore accords with the NPPFs presumption in favour of sustainable development and the Shropshire LDF Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. In addition it represents development of a brownfield site which is supported by the NPPF. This weighs heavily in favour of the development in addition to the provision of much needed smaller lower cost homes in addition to 3 affordable homes.

6.2 Layout, scale, design and appearance

6.2.1 The application when first submitted included a 3 storey building to provide 6 apartments but following officer advice this has been amended to a 2 storey building that reflects the scale and design of the semi-detached dwellings opposite. The row of 8 dwellings matches the footprint of the dwellings to the rear and offers a satisfactory amount of amenity space in keeping with and more than some properties in the locality. It is considered that the dwellings would not appear cramped on the site and will respect the context and pattern of the surrounding development and would not adversely impact on the character and appearance of the locality and therefore accords with CS6 in this respect.

6.3 Impact on neighbouring properties

6.3.1 Some residents are concerned that the proposed dwellings will result in noise and disturbance to existing residents but it is not considered that the noise from the use of the site for residential purposes would be any greater than its existing use as a car park. There is no right to a view and this and the concern about devaluation in property prices is not a material planning consideration. There is also concern that the proposal would result in overlooking and a loss of privacy. It is not considered that the relationship between the front of houses in Pensfold and the front elevation of the proposed apartment building is any greater than the relationship between the fronts of houses in this locality and a distance of between 18 and 20 metres is an acceptable distance between front facing elevations. Similarly the proposed row of 8 properties will be back to back with properties in The Paddocks and it is also considered that a separation distance of approximately 20 metres is also acceptable and more than the average distance of 17 metres between the rear elevations of existing properties in this locality. It is therefore considered that the proposal would not result in overlooking and a loss of privacy and would have no significant impact on existing residents.

6.3 Access and parking

6.3.1 Access to the site will be via the existing community centre road off Pensfold and Highways have no objection to this and do not wish to see an additional access created on to Pensfold. The proposal has been reduced from 14 to 12 and 24 parking spaces will be provided (2 for each dwelling) which is considered satisfactory and exceeds the parking standards. The majority of objection has been to the loss of part of this car park for public use and that it will result in congestion in the roads in the area at school drop off and pick up time. However this is a private car park and could be closed at any time and is not a material consideration to be taken into consideration when determining this application. However Highways did ask for a highway assessment and have commented that whilst the proposed development will displace the existing parking, considers that most if not all of the vehicles counted can be accommodated on the remaining car parking at the wider community centre site and that it is likely that the Onslow pub car park will not have many vehicles parked in it during school drop off and closing times. Has commented that there is the possibility that some parked vehicles may be displaced by this development onto the surrounding public highways, but that the owner of the car park could chose to restrict the school parking that occurs here at any time. It is considered that the proposal will not result in a significant increase in traffic, adequate parking for future occupiers and visitors will be provided, adequate parking will remain available for use by visitors to the Community Centre and shops and it is considered that the proposal would have no adverse highway implications.

6.4 Developer Contributions

6.4.1 CS11 requires that all new housing developments make a contribution to affordable housing and the relevant rate in this location is 20% which equates to 2.4. The applicant will either provide 3 affordable units on site or 2 whole units and a financial contribution for the balance. The proposal will also be liable to CIL and this could partly be used to address any perceived issue regarding parking for parents.

6.5 Drainage

- 6.5.1 SC drainage has confirmed that surface water drainage details can be conditioned and submitted for approval prior to commencement of development.

7.0 CONCLUSION

- 7.1 The development of this brownfield site is acceptable in principle providing 12 dwellings situated in a sustainable location within the urban area of Shrewsbury. The relevant AHC will be secured by a S106 including 2 or 3 units on site. It is considered that the dwellings would not appear cramped on the site and will respect the context of the surrounding development and would not adversely impact on the character and appearance of the locality or the amenity of neighbouring residents. A safe means of access exists and adequate parking will be provided. The loss of parking for parents during school drop off and pick up time is not material to the consideration of this application as the car park could be closed to public use at any time by the current owners. It is therefore considered that the proposal accords with the NPPF and Shropshire policies CS2, CS6 and CS11.

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: NPPF

Core Strategy and Saved Policies: CS2, CS6 and CS11.

RELEVANT PLANNING HISTORY:

SA/04/0724/F - Erection of 7 No. 2 storey terraced houses, together with new vehicular and pedestrian access and parking area (amended description). REFUSED 29.07.2004

11. Additional Information

View details online:

List of Background Papers: File 14/04195/FUL
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Peter Adams
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:

- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o wheel washing facilities
- o measures to control the emission of dust and dirt during construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works

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

4. Prior to the commencement of development a surface water drainage strategy to include full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. The approved details shall be implemented prior to the first occupation of the dwellings.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

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

5. No built development shall commence until details of all external materials, including hard surfacing, 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.

6. The parking and turning areas 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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- addition or alteration to the roof
- any windows or dormer windows

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.