



Committee and date

South Planning Committee

16 June 2015

## Development Management Report

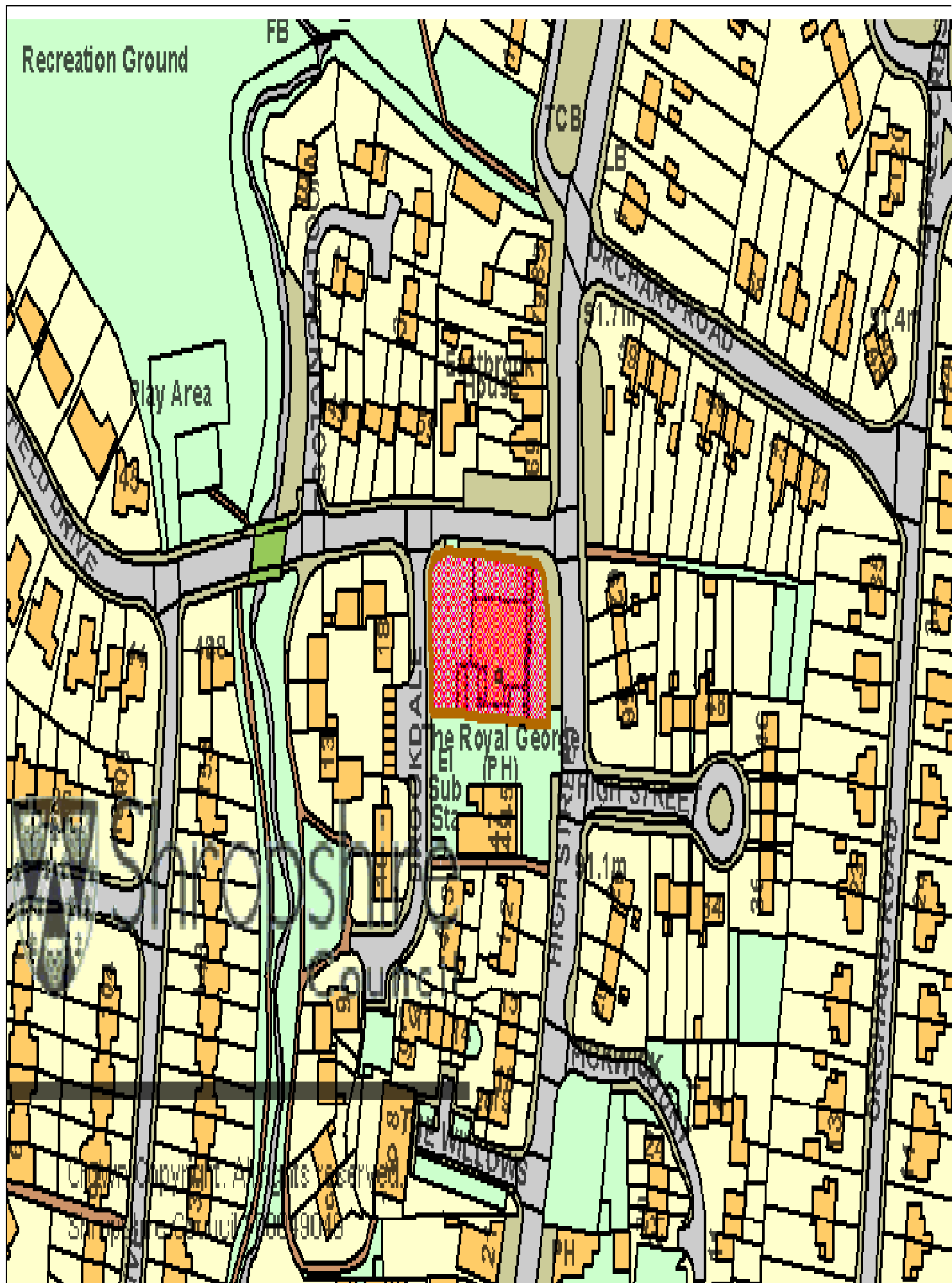
Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 15/00321/FUL	<b><u>Parish:</u></b>	Shifnal
<b><u>Proposal:</u></b> Extension and alterations to existing public house to facilitate conversion to Class A1 convenience store with ATM and associated servicing, refuse, plant and parking areas		
<b><u>Site Address:</u></b> Royal George High Street Shifnal Shropshire TF11 8BL		
<b><u>Applicant:</u></b> New River Retail Property Unit Trust No.4		
<b><u>Case Officer:</u></b> Thomas Cannaby	<b><u>email:</u></b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 374907 - 308303



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.****REPORT****1.0 THE PROPOSAL**

- 1.1 The proposal is for the erection of an extension to the public house building to facilitate its conversion to Class A1 convenience store, including ATM and parking areas.
- 1.2 The change of use of a public house to retail is not what is being applied for, as this falls within permitted development rights, albeit these have been recently amended so that anyone wanting to change the use of a public house to another use cannot do so if the building is on the register of community assets, or been nominated to that register. In this case the Royal George is not a registered community asset, and has not at this time been nominated as such.
- 1.3 The application is for the demolition and reconstruction of 70sq.m of existing floor space and the construction of a 24sq.m extension to “square off” the currently L-shaped single storey section of the building. The new frontage will include a glazed shop front and new entrance, with the existing entrances to the public house being closed off.
- 1.4 As part of the development, but not requiring consent, the timber decking and seating area will be removed and the line of bollards across the car park removed to allow greater circulation of vehicles.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The Royal George Public House is a detached building situated within a corner plot with the High, Street, Wheatfield Drive, and Brookdale. The building is set back from the road at the front by a grassed beer garden, which runs alongside the High Street. A car park runs along the rear of the site, with the area predominately residential properties, with a small number of commercial and retail units in the vicinity.
- 2.2 The application documents state that the application is part of the Co-op’s intention is to close the existing store adjacent to the application site and relocate the store to the converted Royal George, with the new location allowing for a more extensive range of goods to be sold. The application documents state the extension is “desirable but not essential” to the retail use of this premises.

**3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

- 3.1 This application is referred to Committee for determination as the Town Council has expressed a view contrary to the Officer recommendation that permission be granted, and following discussions between the Case officer and the Chair of the

Committee the application is referred to Committee for determination in accordance with the Council's adopted scheme of delegation.

#### 4.0 Community Representations

##### - Consultee Comments

##### Shifnal Town Council – Objects

1. The plans detailed by New River for the development are based on an 18 foot fixed base lorry. However, articulated delivery lorries are currently seen at least twice a day at the current Coop store.
2. A written petition by local residents was received by Shifnal Town Council at the Full Council meeting on 19.2.15 with currently 152 names on it.
3. With the proposed housing development at Haughton Road, there will be an increase in vehicles using the High Street, thus resulting in potential traffic problems.
4. The Royal George is used as a community facility including the local football team and darts team.
5. The Royal George is the only public house in Shifnal that has specified wheelchair access.

SC Drainage – No objections.

SC Conservation – No comments to make on application.

SC Archaeology – No comments.

SC Highways – No objections subject to conditions.

##### - Public Comments

The comments received are summarised below and the full text of the comments may be read on the Council's web site.

##### 20 Objections

- ☒ No requirement for another convenience store
- ☒ Would negatively impact on existing retail in the town
- ☒ If new supermarket in town, should not be another coop.
- ☒ Loss of community pub
- ☒ Inappropriate design
- ☒ Insufficient parking
- ☒ Negative impact of traffic in area
- ☒ Loss of pub with disabled access
- ☒ Disturbance to nearby properties from in house bakery and long opening hours

##### 8 Support comments:

- ☒ Enough pubs in Shifnal
- ☒ Another store would be more convenient to many people in this location
- ☒ Store accessible by pedestrians from surrounding residential areas
- ☒ New housing developments in area create need for another store
- ☒ Larger store will create new jobs
- ☒ Building already has dedicated car parking

#### 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design of structure  
Highway Issues

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The application is for the extension to the building and associated works, and not the change of use from a public house (A4) to retail store (A1) which is dealt with under a separate procedure under the General Permitted Development Order (2015). Therefore, whilst a number of objection comments, and comments of the Town Council relate to issues regarding the change of use of the public house to a convenience store and the implications and impacts of this, such as on the highway network and loss of community facilities, unless these issues can be directly related to the building works applied for under this application (rebuild of 70sq.m and a 24sq.m extension), these issues are not material to the application under consideration.

6.1.2 In terms of the principle of the application, the erection of extensions to commercial properties is generally accepted by the Council's adopted policies, subject to appropriate design and being in keeping with the character and appearance of the area as set out in Core Strategy Policy CS6. The principle of an extension to a commercial unit can legitimately raise issues such as impact on highway safety, neighbour amenity, etc if these can be directly related back to the additional impacts arising from the extension and increase in operational activity as a result of this. In this case, the actual extension to the building is 24sq.m in scale, which is a relatively minor increase in floor area, and it is not considered that such a modest extension can reasonably be considered to result in an increase in activity at the site that would be so significant so as to warrant refusal of the application.

### 6.2 Siting, scale and design of structure

6.2.1 The extension proposed is a relatively minor addition to the property in terms of increase in floor area. The proposal would replace the existing single storey sections with a new extension, with a modern shop front appearance, with large glazed sections. The site is not located within a conservation area, and is not a listed building. The resultant extension would have a uniform roof height to replace the staggered height of the existing single storey sections, and a cohesive appearance across the extension which provides a more uniform appearance than the present extensions. In the context of the site the proposed extensions are not considered to detract from the appearance of the property, they replace existing extensions and make minimal alterations to the main building of the Royal George.

The extensions are located away from any residential properties, facing onto the high street and side onto the car park area, and so would not have a direct impact on the amenities of any residential properties.

### 6.3 Highways issues

6.3.1 The Royal George Public House is currently 520.2sq metre, net gross floor area (GFA) with a permitted Class A4 usage. Under permitted development rights, a change of use to A1 (Retail) classification is permitted without the requirement for

planning permission. The application under consideration therefore is for additional 24sq metres of floor space to provide an extension to the existing public house building, in order to facilitate the change of use to A1 to provide total 544.2sq metres. It is worth noting that the above mentioned GFA are higher than figures used within the submitted Transport Statement, which assumes a GFA of 320sq metres with a proposed total GFA of 331sq metres. This is assumed to be incorrect, for the purpose of this analysis.

6.3.2 The Council's highways officers have considered the application and have made the following comments with regards to the proposed development:

#### Access

As outlined within the submitted Transport Statement, it is proposed that the existing access off the B4379 and Wheatfield Drive are used for deliveries, and visibility requirements are in accordance with appropriate design criteria set out in the Department for Transport, Manual for Streets. It is noted that the proposed access to the site off the B4379 is outside the site boundary; however it is assumed that a right of access is permitted and will be retained for the duration of the development.

#### Impact on the surrounding road network

The submitted Transport Statement provides an indication of likely trip values for a GFA of 350sq. m. However, as outlined within the submitted Transport Statement, the proposed change of use is permitted under the Town and Country Planning Act and in view of the proposed scale of the development under consideration and the impact is considered minimal. In addition, it is also noted that the existing food store located adjacent to the site has operated for a number of years and will be closing and relocated to the proposed site.

#### Parking

The submitted application form indicates that the existing level of parking is 37 spaces; with 3 disabled parking spaces, it is assumed that this includes parking outside of the site boundary. Section 3.6 of the submitted Transport Statement calculates the proposed level of parking based on the GFA 331sq.m of 17 spaces. Based on the GFA of 544sq.m the recommended level of parking should be 27 spaces, it is therefore considered that the level of parking needs to be increased.

#### Disabled Parking

The level of proposed Disabled parking is also incorrect. Section 3.6.3 states that the standards identify for car parks used for shopping and with up to 200 bays a provision of 3 bays or 6% of the total capacity, whichever is greater. Therefore it is considered that 3 disabled parking bays should be provided, not the proposed one space.

#### Deliveries

Swept path analysis has been submitted to demonstrate that service vehicles will enter and exit the site in a forward gear. Due to the existing use of the site, and existing food store to be relocated, it is assumed that a

number of deliveries are already made to the site.

As outlined above, it is noted that the proposed access to the site is outside the site boundary; but it is assumed that a right of access is permitted and will be retained for the duration of the development

6.3.3 The National Planning Policy Framework (NPPF) considers the acceptability of developments in terms of highway and transport matters. Paragraph 32 states that; *'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.*

6.3.4 The Council's highways officers consider that in terms of the proposed additional GFA, in comparison to the permitted development of the existing site, it is considered that the proposed extension will not result in a significant amount of traffic movement. However, whilst the recommended parking standards are maximum standards it is recommended that the number of allocated parking spaces are increased to take into account the proposed GFA.

6.3.5 It is recommended that should permission be granted, conditions requiring the submission and approval of car parking details and on site construction methods are attached to any decision notice in order to ensure that an adequate parking scheme is provided and that construction and development on the site does not have an adverse impact on the amenities of the area.

## 7.0 CONCLUSION

7.1 The change of use of the building, and the loss of the public house and any impacts and implications of this are not the subject of this application, as these matters are dealt with under a separate procedure under the Town and Country Planning (General permitted development) Order 2015. The only considerations that can be taken into account are those that relate directly to this application which consists of the replacement of 70sq.m of existing single storey extensions and the erection of a 24sq.m extension to the front of the property.

7.2 The extension is a relatively minor addition to the dwelling, which would result in a more cohesive appearance across the frontage of the property onto the High Street and which would not detract from the character or appearance of the area. And given its location and single storey nature, would not have a detrimental impact on the amenities of any nearby residential properties. As such it is considered that the application accords with the requirements of Policy CS6 of the Shropshire Core



Strategy and it is recommended the committee permit the application on this basis.

7.3 As the application relates solely to the extensions any conditions would only apply to these sections of the building, and so it is not considered reasonable to attach conditions limiting the use or operation of this small section of the building which would not apply to the property as a whole. Suggested conditions are therefore limited to approval of materials to ensure a satisfactory appearance of the property, along with conditions to ensure adequate parking is provided and to limit the impact of disturbance resulting from the development to nearby residential properties. Any signage proposed would require a separate application for advertisement consent if it exceeds the limitations for deemed consent set out in the Town and Country Planning (Control of Advertisements)(England) Regulations 2007, as amended.

## 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

Policies material to the determination of this application:

National Planning Policies:

- National Planning Policy Framework
- National Planning Practice Guidance

Shropshire Core Strategy:

- CS6 Sustainable Design and Development Principles
- CS8 Facilities, Services and Infrastructure Provision

### RELEVANT PLANNING HISTORY:

BR/APP/FUL/09/0022 Erection of outside drinking and smoking shelter GRANT 25th February 2009

BR/APP/FUL/07/0969 Retention of outside drinking area and smoking shelter REFUSE 25th January 2008

BR/APP/ADV/03/0011 Retention of non-illuminated and externally illuminated signs GRANT 4th March 2003

BR/APP/FUL/02/0628 Erection of single storey extension and new doors GRANT 13th September 2002

BR/97/0075 CONSTRUCTION OF A PLAY AREA SURROUNDED BY A 1.8M HIGH FENCE REF 27th March 1997

**List of Background Papers** (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Design and Access Statement

Planning Statement

Transport Assessment

**Cabinet Member (Portfolio Holder)** - Cllr M. Price**Local Member** - Cllr Kevin Turley**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.

3. Before the construction of any above ground works, all details of all external materials, including hard surfacing, shall be first submitted to and approved in writing 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.

4. No development shall take place until details for the parking of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - wheel washing facilities

- measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from demolition and construction works
- Reason: To avoid congestion in the surrounding area and to protect the amenities of the area

### **Informatives**

1. 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.
2. Policies material to the determination of this application:  
National Planning Policies:  
NPPF, NPPG  
  
Shropshire Core Strategy:  
CS6, CS8
3. The applicant should consider employing measures such as the following:  
Surface water soakaways (Designed to BRE Digest 365)  
Water Butts  
Rainwater harvesting system  
Permeable surfacing on any new driveway, parking area/ paved area  
Attenuation  
Greywater recycling system  
Green roofs  
Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.
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.