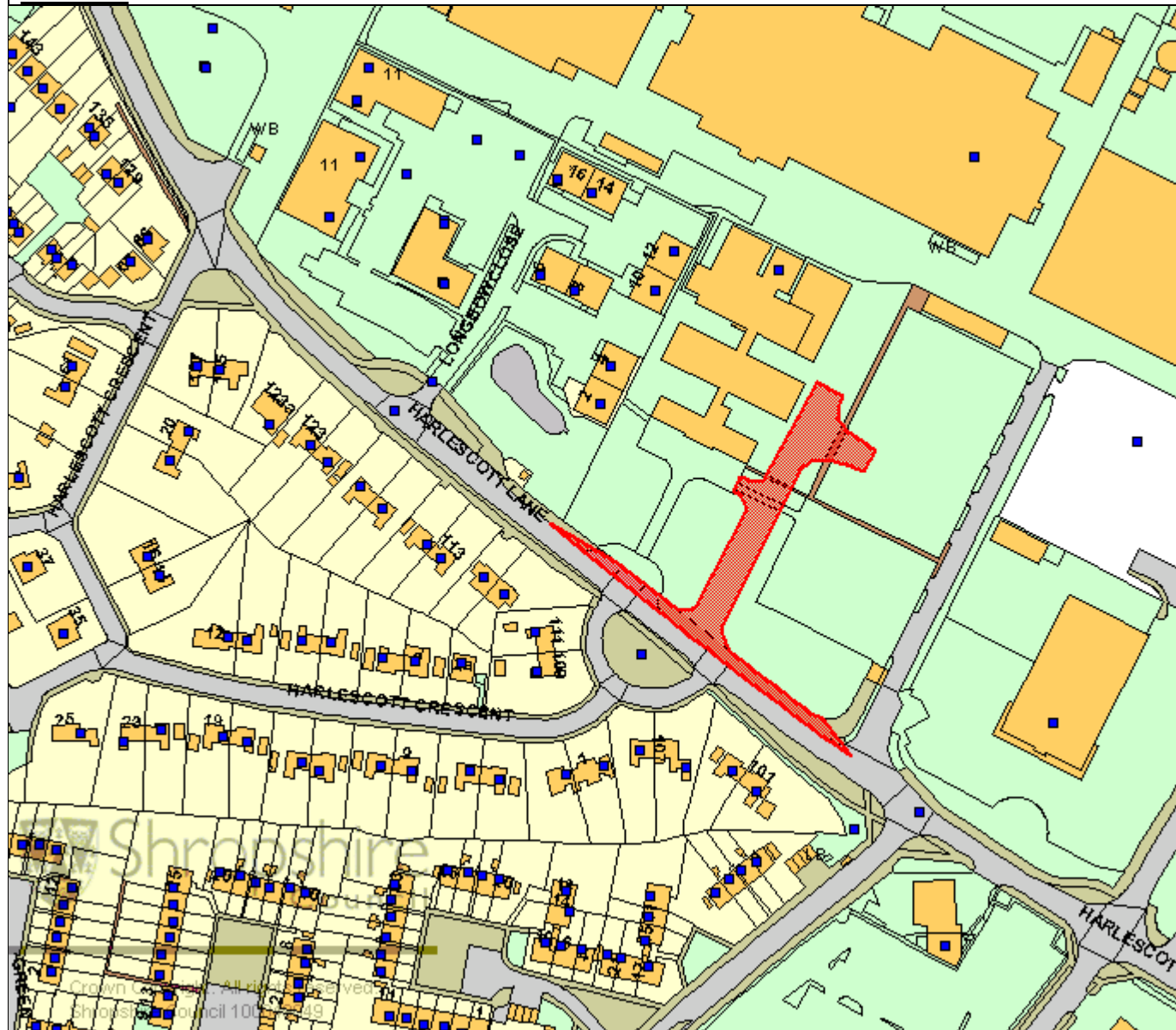


Development Management Report

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

Summary of Application

| | | |
|---|--|-------------------------|
| Application Number: 13/01549/FUL | Parish: | Shrewsbury Town Council |
| Proposal: Formation of new access road | | |
| Site Address: Stadco Limited Harlescott Lane Shrewsbury Shropshire SY1 3AS | | |
| Applicant: Capital Construction Management Ltd | | |
| Case Officer: Kate Whitfield | email: planningdmc@shropshire.gov.uk | |
| Grid Ref: 350711 - 316116 | | |



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

Recommended Reason for Approval

The proposed new access will support future re-development of the site which will contribute to the growth of Shropshire economy. The proposed access is acceptable in terms of highway safety and the proposed landscaping will mitigate any long term impact on the visual amenity of the surrounding area. The proposal is therefore considered to accord with the requirements of Shropshire Core Strategy Policy CS6 : Sustainable Design and Development Principles and Policy CS13 : Economic Development, Enterprise and Employment. 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.

REPORT

1.0 THE PROPOSAL

1.1 The proposal is for a new vehicular access to the application site from the 'C' classified Harlescott Lane. The access will lead onto a new driveway through the site which is around 100 metres long. An existing access onto the site is to be permanently blocked up.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is the large premises currently occupied by Stadco Limited and located in the Harlescott area of Shrewsbury. The site covers a 1.5 hectare area within the Benbow Business Park and consists of a large, main building on the western side and an existing parking area on the eastern side.

2.2 The original access to the site lies in front of the main building, however, this is gated and has not been used for some time. Instead the site is currently accessed from a service road on the south eastern side of the car park, between the application site and the neighbouring Volkswagen car dealership site. There is an entrance gatehouse on this access which monitors access to the site.

2.3 Other buildings within the Business Park lie off the northern side of Harlescott Lane. On the southern side lies the 'Chatwood Village' residential estate, which is also a designated Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application was requested to be referred to the Planning Committee by the Local Member and the reason for this referral has been agreed by the Area Planning Manager to be based on material planning reasons.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.2 **Shropshire Council Highways Development Control** : No formal consultation response received to date, however, the Highways Officer has provided some advice on the proposal which is covered in the Officer Appraisal section below.

- 4.3 **Shropshire Council's Drainage Engineer** : The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). No details of the proposed SuDS have been provided. Full details, plan and calculations of the proposed SuDS should be submitted for approval. This should illustrate how the development will comply with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy for the particular flood zone / site area and Shropshire Council's Interim Guidance for Developer, and how SUDs will be incorporated into the scheme.
- 4.4 As part of the SuDS, the applicant should consider employing measures such as the following: • Surface water soakaways (Designed in accordance with BRE Digest 365) • Swales • Infiltration basins • Rainwater harvesting system • Permeable surfacing on any new driveway, parking area/ paved area • Attenuation Details of the private drainage system and its outfall should be provided.
- 4.5 The site is considered to be classed as brownfield as the site has previously been developed. Therefore the drainage design should provide a betterment of surface water run-off from the site by 50%. The drainage system should be designed so that storm events of up to 1 in 100 year plus 20% will not cause flooding of any property either within the proposed development or any other in the vicinity. Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner. This will also serve to minimise flood risk as a result of the development.
- 4.6 Calculations and a contoured plan demonstrating that proposed highway gullies will be able to transfer the 1 in 100 year + climate change storm event into the surface water system efficiently should be provided. Alternatively, a plan indicating where exceedance flows will be stored prior to entering the system should be provided. Confirmation is required that exceedance flows will not flood any adjacent property.
- 4.7 The above drainage details, plans and calculations could be conditioned if planning permission will to be granted.
- 4.8 **Shropshire Council's Historic Environment Officer** : This application affects lands directly across from the north-easterly boundary of the Harlescott (Chatwood Village) Conservation Area, which was designated in 1993. The Conservation Area recognizes the 1926 model village of Chatwood, originally constructed as 44 semi-detached dwellings in the domestic Arts and Crafts style, designed to a high quality and arranged around crescents and squares to provide generous areas of open space, and originally grouped around a tennis court, which has since been developed for additional housing. The estate was created to provide housing for employees of the Chatwood Safe Company developed on the lands immediately opposite the north-easterly boundary of the Conservation Area, which runs along the length of Harlescott Lane, on lands now occupied by the current applicant.
- 4.9 The Harlescott Conservation Area Appraisal document requires that new development adjacent to the Conservation Area does not detrimentally affect the setting and character of the Chatwood Village including vistas and views within, into and out of the Conservation Area. Especially at this main entrance to the Conservation Area, there must be special regard for the design of the new access road and the road markings, road signs and other traffic management measures and they will need to be integrated into the historic environment without damaging the special character of the Conservation Area, and not appear intrusive or add visual clutter to the street scene.

4.10 Removal of hedging to provide for the new access road is a negative aspect of the proposal however the site plan indicates hedging will be reinstated across the existing access road which may result in at least a neutral effect on the Conservation Area. More specific details on road markings (colour, location) and road signage details (height, colour, material) should be provided for review. Details on the new fencing proposed along the site boundary as well as any landscaping details should also be provided. Before a full assessment of this application can be made, the details required above should be provided to determine whether the proposal is detrimental to, maintains or enhances the adjacent Conservation Area and the entrance to it.

4.12 **Public Comments**

4.13 The application has been advertised by notices at the site and the 'weekly list' and 12 surrounding business premises and residential properties have been individually notified. The following representations have been received in response to this publicity.

4.14 1 representation has been received from a member of the public. The representation objects to the proposal. In summary the following points are raised :

- This application would appear to affect the Conservation Area (Harlescott Chatwood Village). Is the Developer is aware of this, and will the Historic Environment Dept of Shropshire Council will raise any concerns over this proposed development.
- There are concerns about the findings of the Safety Audit regarding vehicles turning right from Harlescott Crescent into Harlescott Lane. What were the hours the on-site vehicle survey was carried out? As a resident living close to the affected junction the majority of vehicles leaving the Crescent DO turn right onto Harlescott Lane. Inevitably there will be conflict with vehicles leaving the proposed access road opposite, which is unacceptable and dangerous.

4.15 **Shrewsbury Town Council** : The Town Council is conscious that the vicinity of this development site has high traffic flows, therefore if the emphasis on this application is to take HGV traffic off the main road for delivery to/from the site, it is to be supported. We would however not wish that this new access to generate even greater traffic congestion onto the main highway than is currently.

5.0 **THE MAIN ISSUES**

- Principle of development.
- Highway and Drainage matters.
- Impact of the proposed new access on the amenity of the surrounding area.

6.0 **OFFICER APPRAISAL**

6.1 **Principle of Development**

6.1.1 Development is acceptable in principle providing it meets the relevant criteria of Shropshire Core Strategy Policy CS6 : Sustainable Design and Development Principles. This policy states that development should be appropriate in scale, density, pattern and design and should also safeguard residential and local amenity.

6.1.2 Policy CS13 : Economic Development, Enterprise and Employment also encourages development which will help to develop and diversify the Shropshire economy, supporting enterprise and delivering sustainable economic growth.

6.2 Highway and Drainage matters.

6.2.1 The application advises that the site has been sold by its current occupier, Stadco. The new owner intends to re-develop the site in the future, potentially creating new units for B and sui generis uses. The existing access road does not form part of this re-development site and the new owner does not have a right of access from this road. To gain use of the access road would be cost prohibitive and therefore this application for a new access has been submitted. It is noted that the site does have the original access from Harlescott Lane, however, this has not been used for many years and does not meet current highways requirements. It is therefore proposed that this existing access will be permanently blocked off.

6.2.2 Simply in terms of the technical requirements of a new access Highways Officers have advised that the scheme put forward is acceptable. In addition, as part of the submission a Stage 1/2 Road Safety audit has been undertaken and this has not revealed any fundamental adverse safety issues.

6.2.3 A wider issue concerns the nature of development this access will serve, however, at this stage the Applicant is not able to provide any information on possible end users of a re-developed site. As part of any subsequent application for re-development of the site the suitability of the access would need to be assessed. Highways Officer have initially advised that they would not wish to see development which is likely to result in the generation of large type vehicle movements, however, it would be a matter for any potential developer to demonstrate the suitability and appropriate land use credentials of this site, supported by a Transport Assessment.

6.2.4 The application to establish access to the site without certainty of how the site will be developed is somewhat unusual. However, provision of a definitive access may actively progress future plans to re-develop the site with new industry and business which could contribute to the growth of the Shropshire economy. The proposal is therefore deemed consistent with the aims of Core Strategy Policy CS13. The access as designed is satisfactory and therefore it is not considered that there would be grounds for refusal on highway safety matters.

6.2.5 The Drainage Engineer has requested further details of the proposed surface water drainage system for the new access and driveway. However, it is advised that the provision of these details can be conditioned should planning permission be granted.

6.3 Impact of the proposed new access on the amenity of the surrounding area.

6.3.1 The northern side of Harlescott Lane is characterised by large commercial / industrial buildings, however, it also has to be noted that the 'Chatwood Village' Conservation Area lies on the opposite side of the road and therefore the visual amenity of the area is important. In the past a considerable amount of development has taken place in the Business Parks to the north of the site and so there are also understandable concerns over future development, which would potentially lead to more traffic along Harlescott Lane.

6.3.2 As stated above, the suitability of any future development on the site would need to be determined as part of a future application. However, the land is currently used as a parking area for Stadco and bearing in mind the number of vehicles this can accommodate re-development of the site could lead to a potential reduction in vehicle movements.

6.3.3 A mature hedgerow and a number of trees run along the northern boundary of this section of Harlescott Lane and provide good screening of the buildings beyond. In addition the original entrance to the Stadco site was fairly elaborately designed, with a large semi-circular recessed and gated entrance. In general therefore this section of the road has a fairly pleasant aspect, despite the large industrial estates lying to the north.

6.3.4 Some of this boundary hedgerow will need to be removed to create the new access and required visibility splays, however, the plans indicate that a new hedgerow will be planted behind the visibility splay. Also a section of new hedging will be planted across the original access which is to be permanently blocked up. In the long term therefore this should mitigate the impact of the new access on the visual amenity of the area. Given the provision of this additional landscaping and the fact that the site is located within an existing commercial area it is not considered that the provision of a new access could be reasonably opposed on grounds of visual amenity.

6.3.5 In light of the proximity of the application site to the Chatwood Village Conservation Area and the fact a fairly long section of hedgerow which will need to be planted a condition has been added to the permission to specifically request a landscaping scheme for prior approval, with a full specification of the proposed boundary treatment and hedge replacement.

7.0 CONCLUSION

7.1 The long term impact on visual amenity can be mitigated by new hedgerow planting and the location and design of the access is considered to be acceptable from a highway safety perspective. The proposed new access to this industrial / commercial site is therefore considered to meet the criteria of Core Strategy Policy CS6 and will allow a future re-development of the site which could potentially lead to further economic growth and is consistent with the aims of Policy CS13. Delegated approval is therefore recommended.

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 - written representations, a hearing or inquiry.
- ☐ The decision is 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 a) promptly and b) in any event not later than three months after the grounds to make the claim first arose 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 give 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 of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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:

CS6 : Sustainable Design and Development Principles

CS13 : Economic Development, Enterprise and Employment

RELEVANT PLANNING HISTORY:

12/04663/FUL Extension of staff car park GRANT 21st December 2012

11. Additional Information

List of Background Papers : Planning Application Reference 13/01549/FUL

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Vernon Bushell

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. The new access shall be constructed concurrently with the closure of the existing access to the site onto Harlescott Lane and in accordance with engineering and phasing details to be submitted prior to the commencement of development and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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. The submitted scheme shall include:

Means of enclosure and boundary treatment.

A planting plan indicating the extent of hedgerow to be removed and the area of new / replacement hedgerow.

Written planting specifications (including cultivation and other operations associated with plant establishment).

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate.

The approved scheme shall be carried out by the end of the first planting season following the construction of the new access and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, 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 maintain the amenity value of the area and ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5. Full details, plan and calculations of the proposed sustainable drainage system (SuDS) should be submitted for approval.

Calculations and a contoured plan demonstrating that proposed highway gullies will be able to transfer the 1 in 100 year + climate change storm event into the surface water system efficiently should be provided. Alternatively, a plan indicating where exceedance flows will be stored prior to entering the system should be provided. Confirmation is required that exceedance flows will not flood any adjacent property.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design

Informatives

1. 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 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.

2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 day's notice is required to enable proper consideration to be given.
3. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.