Committee and Date	Item
Central Planning Committee 20th June 2013	7 Public

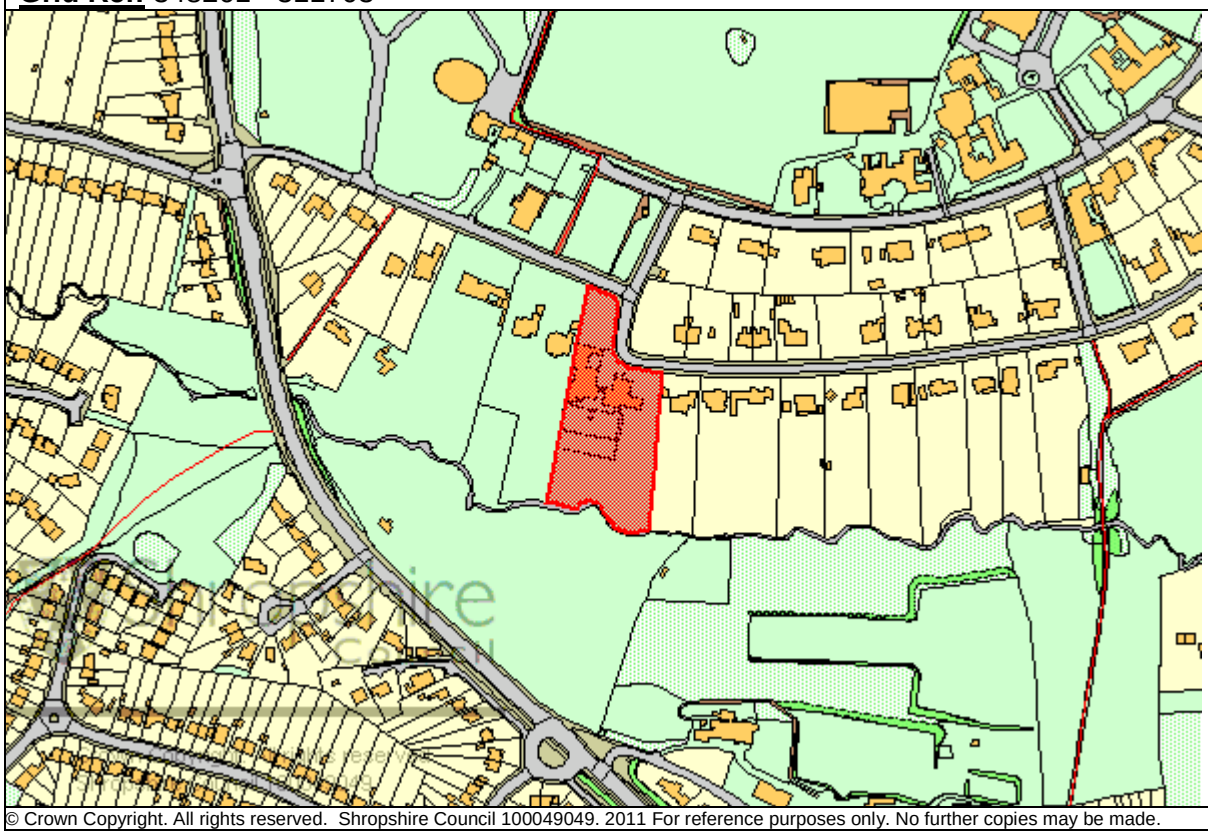
Development Management Report

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

Summary of Application

Application Number: 13/00156/FUL	**Parish:**	Shrewsbury Town Council
Proposal: Conversion of existing School buildings into 6 apartments with associated parking, after demolition of existing buildings, and addition of 2 homes with garaging		
Site Address: 33 Kennedy Road Shrewsbury Shropshire SY3 7AA		
Applicant: Shropshire Homes Ltd		
Case Officer: Karen Townend	**email:** planningdmne@shropshire.gov.uk	

Grid Ref: 348261 - 311703



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

Recommendation: Subject to the applicants entering into a S106 legal agreement Grant Permission subject to the conditions set out in Appendix 1.

Recommended Reason for Approval

The site is located within Shrewsbury and within an existing residential area where the principle of residential development is acceptable. Furthermore the site is considered to constitute a sustainable location for development as set out in the National Planning Policy Framework (NPPF). The scale, density, pattern and design of the proposed conversion and new dwellings are considered to be appropriate and the proposal protects, restores, conserves and enhances the natural and built environment without adversely affecting the amenities of neighbouring residents and the locality. The proposal is capable of being safely accessed, adequately drained and is considered to enhance the conservation area. Accordingly the proposal complies with Core Strategy Policies CS2, CS6, CS11, CS17 and CS18.

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 This application seeks consent for the conversion of the main school building, which was formerly the Junior School of Shrewsbury High School, into six apartments with associated parking and landscaping and the erection of two new dwellings within the grounds. The application also proposes alterations to the existing vehicular and pedestrian accesses; waste storage provision; drainage connections; removal of trees and new landscaping.

1.2 The single storey, flat roof red brick and rendered, classroom extensions are proposed to be demolished to enable the development. The three storey, red brick, main building is to be retained. The fenced, hard surfaced, area to the front, on the corner of Kennedy Road is also to be removed as this is the proposed location of one of the dwellings.

1.3 Members initially considered the proposal at the meeting of 25th April 2013 and requsted amendments to retain the exisitng coach house building. This report now provides an update following receipt of amended plans. The previous report can be made available to members if required.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is on Kennedy Road within the Victorian neighbourhood and the Kingsland Special Character Area and Shrewsbury Conservation Area. The area is made up of large, spacious, Victorian and Edwardian villas. The main building, proposed to be retained and converted, was originally built in 1885 as a dwelling but has most recently been used as part of the school.

2.2 Access to the site is currently off Kennedy Road with an “in and out” system serving a small parking area. There are a number of mature trees within the curtilage of the building including a prominent Horse Chestnut in the pavement on Kennedy

Road and substantial trees to the side of the single storey classroom building. To the rear the garden area slopes steeply down towards Reabrook and contains a mix of well established and younger trees.

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 in consultation with the committee chairman to be based on material planning reasons.

4.0 COMMUNITY REPRESENTATIONS

4.1 **Consultee Comments**

4.1.1 **Shrewsbury Town Council** – Initally raised no objection to this application on the conditions that: The garage remains within the curtilage of the property, the garage cannot be sold separately and that the remaining trees are protected.

No further comments have been received on the amended plans at the time of writing the report.

4.1.2 **Council Affordable Housing Officer** – The accompanying proforma indicates the provision of one shared ownership affordable apartment together with a financial contribution. This provision will need to be subject to a S106 agreement which retains affordability in perpetuity.

4.1.3 **Council Conservation and Design Officer** – Commented on the original submission that it was considered to accord much more satisfactorily with the established plan form and the overall visual character of the area. The generous open spaces at the corners of the road intersections here are important features of this section of the Kennedy Road streetscape, and recognizes the established setback lines within this neighbourhood. Removal of the modern flat roof extensions to the east of the main building is of course supported, and while we supported the retention of the coach house as shown in the initial proposal, we recognize that it has been substantially modified, and its removal would allow for more flexibility in the siting of the proposed single detached dwelling.

Following receipt of amended plans advised that there are positive aspects to the current revised plan as it does allow for the retention of the late Victoria coach house associated with Ridgebourne House, which in turn allows for the opportunity of some internal vehicular parking and which reduces the amount of vehicles on view. Proposed House B has now been redesigned without an attached garage, allowing for a more traditional detached garage set away from the house. The re-designed dwelling allows for a better building set back with more garden to from the north-south aligned part of Kennedy Road, which is in keeping with the rest of the building plan form to the east along Kennedy Road.

More negatively, however, House B is now sited fully ahead of No. 35 to the west, which in my view is an awkward placement and out of sync with the overall building set back along the full length of Kennedy Road, and takes the project back to the positioning of the apartment building originally proposed in this location at the pre-application stage, which we objected to. Retaining the coach house along with

providing a detached garage between Ridgebourne House and the new dwelling means that the new dwelling is pushed deep into the open space/set back area from the Kennedy Road junction in somewhat of an isolated position relative to the existing dwellings to the west.

Details on the bin store which now appears to be quite closely sited to the Kennedy Road street line have not been provided. A very high quality of materials and standard of design are required in this highly visible part of the Conservation Area and relevant conditions on external materials need to be imposed.

These modified plans still propose a ground based solar panel array to the rear of Ridgebourne House. We need to be satisfied that views across the valley are not negatively impacted and at the least we would require the panels to be of a fully matte black design, with no silver framing, and sited so as to minimise any potential effect on the visual amenity of the area.

While keeping the coach house means that more of the original/early historic fabric associated with this property is retained, it does mean that the overall layout of this revised proposal is less satisfactory than the previous submission. Should the application be approved, conditions need to be imposed regarding further details on external materials, joinery, means of enclosure including boundary walls, gates and railings, and the design and appearance of any solar panels, in order to protect and enhance the appearance of the area, and to ensure the proposed works harmonise with the existing development.

4.1.4 **Council Archaeologist** – I have no comments to make on this application with respect to archaeological matters.

4.1.5 **Council Highway Officer** – Initially commented that although it would not be possible to achieve the required visibility distances from these for a 30 mph speed limit area in which the site lies that vehicle speeds are significantly limited by the road layout here and that highway safety would not be compromised by vehicles emerging onto carriageway at the three access points indicated. The bulk of vehicle movements would be likely to arise through the access to the parking for the apartments and this is located at a position where visibility for a greater distance is achievable in both directions.

Has not altered the recommendation of granting permission following receipt of amended plans advised that this latest variation of the proposed site layout (KR-P-01 Rev M).

4.1.6 **Council Waste Management Officer** – Previously advised that although the layout of the site does not appear to be suitable for the contractor's vehicles to enter, turn and exit the site

4.1.7 **Council Tree Officer** – Following negotiations on the original application confirmed that a realistic assessment of the probable distribution of roots has been undertaken; is satisfied that the no dig driveway can be installed without significant damage to the trees, but would recommend that a full construction method statement including tree protection measures and arboricultural supervision is

prepared and all works are in accordance with this document; the conditions of tree 11 would be improved; the trees which are to the north, north east and east of the proposed dwellings will not cast excessive shade over the buildings or garden areas; and new planting would bring the opportunity to introduce age diversity to the existing tree population and could bring significant benefits.

Following receipt of amended plans advised that the revised layout does not significantly alter the impact on the existing horse chestnut tree, T11. Arguably there will be slightly less disturbance of the tree's root area than under the previous layout. I would still consider that specialised foundations will be required for the parts of the property constructed within the RPA.

I would raise no objection to the alteration to the position of House 'B' and the revised site layout. It is recommended that a no dig foundation is provided for house 'B' within the RPA of Tree 11 and that all conditions detailed in previous comments are a condition of any planning approval.

4.1.8 **Council Ecologist** – Previously raised no objection and recommended conditions and informatives.

No physical evidence of bats was found on or within the buildings to be converted. Star Ecology (2012) conclude that no further bat surveys work is required and recommend that works should proceed in accordance with a method statement. In order to enhance the 'original' house for bats Star Ecology has recommended additional access to the roof space for in the form of Bat Access Tiles.

The development site has the potential for nesting birds. Historic evidence of nesting swifts was found within the main 'original' building during the Protected Species Survey report (Star Ecology, 2012). As such recommends the provision of artificial nests.

4.1.9 **Council Drainage Engineer** – The Applicant letter dated 20 February 2013 on soakaway tests and locations showed that the site is not suitable for soakaways.

The site is classed as brownfield, therefore a 50% betterment to the current surface water flows should be provided in accordance with Shropshire Council requirements. Since soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a brownfield run-off rate should be based on a rainfall intensity of 35mm/hr as stated in paragraph 4.3.3 of the SUDs Manual plus 50% betterment should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change and will not cause flooding of any property either within the proposed development or any other in the vicinity. There must be no discharge to a surface water body or sewer that results from the first 5mm of any rainfall event.

As part of the SuDS, the applicant should consider employing measures such as Water Butts; rainwater harvesting system; greywater recycling system. Consent is also required from the service provider to connect into the foul main sewer.

The above drainage details, plan and calculations should be submitted for approval prior to the determination of the planning permission.

4.1.10 **Shropshire Fire and Rescue Service** – Adequate access for emergency fire service vehicles and water supplies for fighting. Recommends minimum flow rates, locations of fire hydrants and the installation of sprinkler systems.

4.2 **Public Comments**

4.2.1 A site notice was erected on the application site, a press notice published and the immediate neighbours notified. 8 letters of representation were received as a result of this consultation raising the following concerns:

- Designs should be in keeping and pillars, rendering, block paving and three bay garages are out of scale and character
- House B results in the loss of the coach house and blocks the view of the original building and vista beyond
- The trees will not hide the garage and it will fill a gap in the street scene which should be retained as a gap
- Solar panels will adversely affect Kingsland/ Radbrook Valley
- Existing roadside wall on Kingsland should be retained
- Impact of construction works on neighbours amenities and highway safety
- New driveways will be on blind corners and have restricted visibility
- Insufficient parking for apartments
- Specimen trees should be retained and there should not be large scale tree removal
- Concern over works to atlas cedar and wellingtonia
- Potential impact on neighbouring gardens from proposed terraces

4.2.2 Following receipt of amended plans two further letters of representation have been received commenting that they are pleased the garage has been reduced but disappointed little else has changed. The position of the garage still prevents views to the Reabrook; the design of the houses has not improved; House B is too large and the conservatory is not sympathetic and the extent of tree felling and pruning is excessive.

4.2.3 The Shrewsbury Civic Society have also written objecting to the development on the basis that it would have a detrimental impact upon the architectural and overall aesthetic appeal of the area. Developing the existing buildings into flats would provide a relatively positive use for them, and with little impact upon their quality from the outside. With this in mind, and providing it is done sensitively, the society does not object to this conversion in principle.

Nevertheless, whilst the developers Shropshire Homes credit themselves on 'Quality & Character', we are a little more apprehensive as to the 2 additional new-builds indicated in the proposals. The designs show some promising attention to architectural details in chimney stacks, windows and the like, but we fear this is somewhat of a futile gesture when compared to the quality of its neighbouring buildings. Looking at the much higher level of detailing within the original surrounding houses and indeed the school buildings themselves, these two additions would distract from an established architectural vernacular and look more of an unsuitable pastiche than a welcomed addition.

As outlined by some already, the triple garage shown in Property A also seems an unnecessarily large addition. Overall, we feel these two designs need much more consideration and are currently unsuitable in what is a significant area.

4.2.4 The local member Councillor Chebsey has also commented on the application. On the whole the development of this site is to be welcomed but there are a number of issues that I would wish to raise. In relation to one of the detached properties, the triple garage does seem rather large and my concern would be that in the future it might be considered for conversion to a dwelling. To avoid this happening I would suggest that a planning condition is put in place to ensure that the garage has to remain within the curtilage of the house and therefore could not be sold as a separate entity.

There are a number of beautiful mature trees on this site and every effort should be made to ensure that these trees are adequately protected during any construction on site. Another issue is the solar panels to the rear of the housing. I am concerned about the visual impact these would have on Raebrook valley which is lovely green and natural area within the town. My last concern would be the vehicle access and egress. The site is on a very sharp bend in Kennedy Road and I hope that the developer will accept any advice necessary to ensure the safest possible road layout is achieved.

Following receipt of amended plans and details provided the following further comments: I have examined the amended documents and am pleased that the size of the garage in the grounds of one of the new build properties has been reduced but disappointed that it has not been moved closer to the boundary so that the vista remains from Kennedy Road.

There still seems to be the intention of removing a number of the trees at the rear of the original property and the installation of the solar panels all of which I believe will impact greatly upon the views from the Radbrook valley and Roman Road. This area of Shrewsbury retains a high quality of housing with individual properties set in their own charming surroundings therefore great attention should be given to the design and quality of materials used for the new build.

I hope this application will be debated and discussed at the Planning Committee as it is in a very prominent position within a conservation area.

5.0 THE MAIN ISSUES

- Policy & principle of development
- Layout, scale and design of development
- Proposed landscaping and solar panels
- Affect on conservation area
- Impact on residential amenity
- Highways
- Ecology
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

6.1.1 The application site is within the built up area for Shrewsbury and also within the Conservation Area. Policy CS2 promotes Shrewsbury as the focus for a significant level of growth whilst protecting and enhancing its character and the unique

qualities of the historic built and natural environment. Currently the original building has been extended and the curtilage altered but it sits within a very large plot, even in comparison to surrounding plot sizes. The principle of demolishing the existing single storey, flat roof, sections is supported and will make available space around the original building. The removal of the flat roof sections will enhance the original building by restoring its setting. The conversion of the existing building can be undertaken without detriment to the building or its context. What needs to be considered is whether the proposal to erect two new dwellings within the curtilage of the original building would be acceptable.

6.1.2 In principle officers consider that, although the original building could be reverted to one dwelling and its curtilage restored to garden areas, this is highly unlikely as the dwelling would be unreasonably expensive for the work which is required to restore it. The current proposal to convert the building to provide apartments enables the retention of the existing building but would have excessive amounts of garden land for apartments. As such officers are in support of the principle of development within the grounds of the original building. Whether the layout, scale and design are acceptable is considered in greater detail below along with matters of landscaping, access, ecology and drainage.

6.1.3 The proposal will also need to be considered against policies CS6: Sustainable Design and Development Principles, CS11: Type and Affordability of Housing, CS17: Environmental Networks and CS18: Sustainable Water Management. These matters are all considered in the following sections. In principle the development of the site would be sustainable given its close to centre location.

6.1.4 Policy CS11 of the Shropshire Core Strategy requires all developments to contribute towards affordable housing. The current target rate is 13% and as such for 8 dwellings (6 apartments and 2 new houses) this equates to just over one dwelling. The application proposes one of the apartments to be provided as a shared ownership dwelling and a financial contribution to provide the remainder of the provision. As such the scheme would meet the requirements for affordable housing, subject to the applicants entering into a S106 legal agreement.

6.2 **Layout, scale and design of development**

6.2.1 The original application was submitted with a design and access statement which details how the surrounding context has been taken into consideration in designing the layout and appearance of the development. The removal of the single storey, flat roof, classrooms is wholly supported and will enhance the existing building and the wider area. The most recent amendments, which are put forward to members at this meeting, are in response to comments raised at the April 2013 meeting requesting retention of the coach house.

6.2.2 The amendments proposed show the coach house to be retained and used as three garages for the apartments within the existing school building . The consequence of retaining the coach house is that the proposed House B is now further forward on the site than previously proposed. In the original scheme the removal of the coach house allowed House B to be positioned over the site of the coach house, as this is now to be retained, and given the position of tree 11 which every attempt is being made to retain, the new dwelling is 10m further forward with its garage now detached and sitting between the proposed dwelling and the coach house.

6.2.3 An amended street scene drawing has also been submitted which shows the coach house and new garage and also the distance between the buildings. The issues of scale and design of the proposed dwellings was considered in full in the previous report to members and the amended plans do not substantially alter either scale or design. The main impact of the amended requested by members is the change to the position of House B.

6.2.4 It is acknowledged that House B will be constructed in front of the existing building as viewed from the approach from the west, however the existing building is set back a significant distance from the road and is not prominent in the street scene. The new dwelling will be subservient to the existing building which will still be visible beyond and above the proposed new dwelling. Furthermore, as the viewer turns the corner of Kennedy Road the existing building will become more visible. The Council Conservation Officer has raised some concerns about the new position of House B however has accepted that this new position is in response to members comments at the previous meeting. Overall it is considered that the proposed dwelling in this revised position would not be unacceptably detrimental to the existing street scene.

6.2.5 Both of the proposed new dwellings have features in their designs which are visible in the immediate locality and the existing building. These include rendered gables, steep pitched roofs, decorative chimneys and bay windows. The houses are different in size and layout but will have some similarities in the design features. Concerns have been raised by local residents about the design details in that residents do not consider that all of the details or materials are appropriate for the area. Concern is raised about the use of stone pillars and render.

6.2.6 The comments of the Civic Society are also noted and their concerns are based on the proposed dwellings having less detail or features than the original Victorian and Edwardian dwellings in the area. The Civic Society consider that the two new dwellings would distract from an established architectural vernacular and look more of an unsuitable pastiche than a welcomed addition. This is a matter of opinion which the Civic Society are justified in making and which members may agree with.

6.2.7 However officers consider that the two new dwellings proposed have been well designed, taking into account the local context and character, but not attempting to replicate original period dwellings. The two new properties will appear as new in the street scene but will show the development of the area in the current time. Furthermore, the conversion of the existing building into apartments is sympathetic to the building. Overall it is officers opinion that the development meets the design criteria requirements of the Shropshire Core Strategy and the Supplementary Planning Document on Type and Affordability of Housing.

6.3 **Proposed landscaping and solar panels**

6.3.1 All parties, the case officer, Council Tree Officer, applicant and local residents acknowledge that there are a substantial number of trees on and adjacent to the site however there have been no alterations to the proposed lanscaping works from the scheme previously considered by members. The Council Tree Officer in his comments notes that many of the trees are a substantial component of the local landscape, character and amenity of this part of the conservation area. Concerns

have been raised by the local member and residents about the loss of trees, the landscaping proposals and specifically the proposed works to the Atlas Cedar and Wellingtonia. The majority of the trees are to the rear of the existing buildings with only 5 trees to the front, one within the pavement on the boundary adjacent to the proposed location of house B and the other four to the front and side of the existing classroom and proposed location of house A.

6.3.2 An arboricultural impact assessment has been submitted with the application and has been considered by the Council Tree Officer to correctly classify all of the trees condition and value. There are a significant number of trees proposed to be retained as part of the development, however it is acknowledged that the proposal also includes the removal of a large number of trees from the rear garden area and although some of these are visible from Roman Road the Council Tree Officer has advised that they are not particularly significant and he does not object to their loss. It is noted that the trees in the rear garden are great in number and some are being restricted purely by the density of tree cover. Local residents have commented that the loss of the trees would be out of keeping with the area and result in an adverse visual impact. However, it should also be noted that the views from Roman Road, across the valley, change along the road with differing degrees of tree cover in the rear gardens of the properties along Kingsland. A wide band of existing trees in the rear garden area, along the boundary with the valley, are to be retained along with all of the trees along the boundary with the neighbouring properties and the proposed removal of the trees within the lower, central section, of the garden are not considered by officers to result in a substantial harm to the character of the area.

6.3.3 In addition to the proposed tree removal the landscaping proposals designed as part of the current application include additional terracing within the rear garden. The land currently has two terraced areas and the remainder is sloped at varying degrees of angle. The terracing of more of the rear garden, along with the grass pathway proposed zigzagging down the side of the garden, will enable better use of this space for future occupants and provide access for a mower or wheelbarrow. The Council Tree Officer initially raised some concerns about the potential impact on some of the trees from the need to increase the ground level to create the path and the neighbouring residents have also raised concerns about the potential impact on the stability of their garden and trees from proposed terracing. However the levels adjacent to the trees are not to be altered with the path and changes in levels being outside the canopy of any of the trees on the boundary or in the adjacent garden. The terracing work itself is approximately 19 metres from the boundary with the neighbouring property and as such would not impact on their garden stability or their existing trees.

6.3.4 To the front of the site the proposal is to retain all five of the existing trees, construct new driveways using a no-dig system and build the proposed detached double garage for house A under the canopy of three of the trees. House type B is also proposed to be constructed using pile foundations which the applicants arboriculturalist advises will have less of an impact on the tree on the roadside boundary. The Council Tree Officer initially raised concerns about the proposed garage. Additional information has been submitted clarifying the root protection areas of the trees, the no-did system proposed and the potential impact on the two Atlas Cedars and the Wellingtonia. Although works are proposed to these trees the work is all maintenance of the trees to ensure their long term retention rather than work to enable the development.

6.3.5 The Tree Officer also raised concerns that future occupants of house A may seek consent to remove some of the trees as there is a risk that the height and close proximity of the trees will cause over shadowing of the house. Plans have since been submitted which shows the shadows of the trees and also the buildings which would fall at four times of the day in February, May, August and November. The plans show that in February the shadowing is all to the front of the properties starting out over the west in the morning and moving east during the day. In May the shadows are similar but shorter. In August the shadows in the morning are further to the west and again shorter than the previous months until the late evening shadows which are long eastern shadows. By November the shadows start in the northwest in the morning and are long shadows, during the day the shadows remain long as the sun. At no time is the rear garden of House A in shadow and a significant proportion of the garden of House B remains out of shadow for large parts of the year. Although there will be over shadowing from the trees to be retained and from the existing and proposed buildings any purchaser will need to be made aware of the protection of the trees afforded by the conservation area status of the area. There is always a risk of requests to remove trees within a conservation area and the impact of any such removal would need to be weighted against the reason proposed for the removal.

6.3.6 The other concern of local residents is the proposal to install a set of ground mounted solar panels in the rear garden of house A. Residents and the local member are concerned that these solar panels will impact on the views from Roman Road and the Reabrook. The proposal is for a set of 32 ground mounted panels on the third terrace of the dwelling in two rows. It is considered by officers that the views of these panels will be limited due to the distance from Roman Road and the tree cover which is proposed to be retained. However, the visual impact can be reduced further by following the recommendations of the Council Conservation Officer to ensure that the solar panels are wholly a dark matt colour thereby reducing any reflective properties and reducing the potential for highlighting their position in the wider area.

6.3.7 As advised, although it is acknowledged that the proposal includes the removal of trees from the rear of the site the application also proposes new landscaping, including the planting of new trees to the Kingsland Road side of the properties, the planting of a native species hedge along the inside of the roadside boundary, retaining the existing brick wall, to provide additional landscaping and privacy to the proposed dwellings and the resurfacing of areas of existing hard standing to grass or permeable surfaces. Overall these landscaping proposals are considered by officers to further enhance the site.

6.4 **Affect on conservation area**

6.4.1 As previously noted the application site is within the Kingsland Special Character Area and Shrewsbury Conservation Area and as such policies CS3 and CS17 require any development to protect or enhance the character of the area. The layout, scale and design of the dwellings are considered in detail in section 6.2 of this report and the conclusion is reached that, in officer's opinion, the proposed development is appropriate. It is acknowledge that the demolition of the single storey structures, removal of the hard standing and fencing and removal of the yellow road markings advising of the school will alter the character of the area. However, all of these proposals are considered to be positive enhancements.

Furthermore it is acknowledged that the erection of two new dwellings will also alter the character of the area and the repositioning of House B has the potential to cause greater impact than the previously proposed layout. However, members afforded greater weight to the retention of the coach house which has resulted in House B being further forward on the plot.

6.4.2 The Council Conservation Officer has provided comments on the original submission and the amended plans. These concerns need to be balanced against members comments from the April meeting and the objections from local residents, which mainly relate to details of design and materials rather than the principle of the scheme. One concern raised about the impact on the character of the area relates to the scale of the garage as originally proposed. It was considered that the positioning of a three bay garage within the trees would not hide the garage but would fill in a gap in the street scene which should be retained as a gap. It is noted that the local objectors have commented that there are other existing gaps, however there are also properties without gaps and since the garage has been reduced to a double garage a gap will be provided between the new house and the garage.

6.4.3 Overall, taking into account the conclusions above relating to the layout, scale and design of the new houses and the conclusions relating to landscaping and the proposed solar panels it is officers opinion that the proposed development as a whole will protect the conservation area and special character area in accordance with the requirements of policy CS17.

6.5 **Impact on residential amenity**

6.5.1 The application site is within the Porthill area on Kingsland which is an existing residential area and also the location of Shrewsbury School. The buildings on site were previously used by the school but the main building was originally erected as a dwelling. There are existing dwellings to either side of the application site. 35 Kennedy Road lies to the west and was previously also associated with the school. The amended position of House B remains over 5 metres from number 35 and given that it is now set completely in front of number 35 it is not considered that it will cause an unacceptable detrimental impact to the amenities of the residents of the existing property.

6.5.2 31 Kennedy Road lies to the east and is a detached house within a plot approximately 25 metres wide and with its single detached garage to the side, between 31 and the application site. House A will be 26 metres away from 31 Kennedy Road with the existing trees and boundary between and this distance is considered sufficient to ensure that overlooking is not direct or unacceptable and prevent any overshadowing. The main concern raised locally is the position of the proposed garage, although it has been reduced from a triple to a double garage it remains positioned closer to the neighbouring property than the proposed property. The agent has advised that this is because this position has less of an impact on the trees to be retained than any other position within the curtilage of the proposed house A. Positioning it closer to the proposed house would mean it would be closer to the trunk of one of the trees to be retained and would not be accessible due to the trunk of another. It is considered by officers that the reduced scale of the double garage will ensure that it does not have a detrimental impact on the amenities of the residents of 31 Kennedy Road. The impact on the character of the area is considered in a separate section of this report.

6.5.3 The shadow plans submitted to respond to the Tree Officers concerns about risk of loss of trees also show how the proposed new houses will impact on the overshadowing of the neighbouring properties. It should be noted that the shadowing from the existing building and trees already exists. The details of the shadow movements are provided in section 6.3.5. A review of these plans shows that the existing property at 35 Kennedy Road is affected by the existing building and its front curtilage by the existing boundary trees, the new dwelling house B will result in an increase to the shadowing of the front of the curtilage of this neighbouring property, however this is not considered to be unacceptable. Number 31 Kennedy Road is also mainly affected by the existing trees with only an small increase to the shadowing of the side of the dwelling in the evenings in spring.

6.5.4 Concern has also been raised by local residents about the impact of construction works on neighbours amenities and highway safety. Any development on any site would have the potential to impact on existing surrounding land uses, including residential. To minimise any adverse impact the standard conditions relating to hours of demolition and construction and relating to ensuring construction storage and parking is provided within the site can be imposed. There would be sufficient space to the north of house B to provide this facility and reduce the potential for highway safety problems.

6.6 **Highways**

6.6.1 The site currently has 2 vehicular access points serving a small parking area for the school. The road is residential in nature but also serves the school properties along it and provides a through route from Roman Road to the Coleham area though it is unlikely to be regularly used as a short cut given the tight corners and most traffic is likely to use Longden Road to Roman Road. The proposed layout is for three vehicular access points, two serving the proposed new dwellings and amendments to the existing one to serve a larger parking area for the apartments. The recent amendments move the position of the access to House B but do not alter the principle of three access points.

6.6.2 Concerns have been raised by local residents that the access points proposed are on blind corners and have restricted visibility. The proposal has been assessed by the Council Highway Officer who acknowledges that the new entrances are located around two closely positioned 90 degree bends in Kennedy Road and that it would not be possible to achieve the standard visibility distances from these for a 30 mph speed limit area in which the site lies.

6.6.3 However the Highway Officer considers that vehicle speeds are significantly limited by the road layout here and that highway safety would not be compromised by vehicles emerging onto carriageway at the three access points indicated. The bulk of vehicle movements would be likely to arise through the access to the parking for the apartments and this is located at a position where visibility for a greater distance is achievable in both directions. The Highway Office has no objections to permission being granted for this application.

6.6.4 Both new dwellings are proposed with double garages and the most recent plans show both with detached double garages. In addition both dwellings have two external parking spaces indicated on the block plan and space for turning to ensure that vehicles can enter and leave the site in a forward gear. 12 parking spaces are

indicated for the 6 apartments and as such provides two spaces per unit, of which three are within garages created in the retained coach house. Although local residents have raised concerns that this is not sufficient parking it meets previous Council standards and it should also be noted that the site is within walking and cycling distance of the town centre and local services and facilities. As such the level of parking proposed is considered by officers to be acceptable for the scale of the development.

6.6.5 Concerns have also been raised by the Council Waste Management Team in that the layout does not allow for waste contractor vehicles to enter, turn and leave the site in a forward gear and as such the waste vehicle will need to park on the bend in the road. The agent has responded to these comments advising that the yellow road markings and railings are to be removed and has provided additional information on the size and number of containers to be provided. The agent has also commented that when the school was in use the refuse collection vehicle parked on the highway whilst collecting and that the current proposal would be likely to result in less waste. Although the concern of the Waste Team is acknowledged the case officer has considered both sides of the argument and given the previous use and the improvements proposed to the access and parking area does not consider that the concerns raised warrant a refusal of the application.

6.6.6 Overall it is acknowledged that the visibility available from the access points is less than the standards recommended in national guidance however taking into account the previous use of the site and the road layout and nature it is considered that the proposed development will not result in a detrimental impact to highway safety in accordance with adopted Core Strategy policies.

6.7 **Ecology**

6.7.1 A protected species survey has been submitted with the application which details the survey work undertaken by Star Ecology for bats, barn owls, breeding birds, badgers, great crested newts, reptiles and water voles. No physical evidence of bats was found on or within the buildings to be converted and Star Ecology (2012) conclude that no further bat surveys work is required and recommend that works should proceed in accordance with a method statement. In order to enhance the 'original' house for bats Star Ecology has recommended additional access to the roof space for in the form of Bat Access Tiles.

6.7.2 The development site has the potential for nesting birds. Historic evidence of nesting swifts was found within the main 'original' building during the Protected Species Survey report (Star Ecology, 2012). The survey has been considered by the Council Ecologist who has advised that they agree with the conclusions and recommendations and advised that subject to conditions to undertake the work in accordance with the recommendations and the provision of artificial nests the development will comply with policy CS17 with regard to statutorily protected species.

6.8 **Drainage**

6.8.1 The application form submitted details that the proposal is to connect the foul drainage to the existing mains system and connection to this will be a matter for the sewerage provider. Sewerage providers are duty bound to provide a connection though the cost of this to the developer may include any upgrading required to provide the connection. As such the principle of connecting to the mains system, where is it available, is always the preferred option for dealing with foul drainage.

6.8.2 Surface water is proposed to be discharged to an existing surface water drainage system within Kennedy Road as percolation test results have shown that the ground is not suitable for soakaways. At present the site discharges to this existing mains system and the applicant has commented that the amount of hard surfacing will be reduced following the removal of the classrooms and the play area.

6.8.3 Although the Council Drainage Engineer has required a 50% betterment the applicant is not proposing any further reduction measures and the lack of the 50% betterment, which is not a requirement within adopted planning policy, is not considered to be sufficient grounds on which to refuse the application. The development is not at a high risk of flooding and the reduction in surface water run off which will result from the re-development of the site will reduce the risk of flooding elsewhere. As such it is planning officer's advice that the development complies with policy CS18.

7.0 CONCLUSION

7.1 The site is located within Shrewsbury and within an existing residential area where the principle of residential development is acceptable. Furthermore the site is considered to constitute a sustainable location for development as set out in the National Planning Policy Framework (NPPF). The scale, density, pattern and design of the proposed conversion and new dwellings are considered to be appropriate and the proposal protects, restores, conserves and enhances the natural and built environment without adversely affecting the amenities of neighbouring residents and the locality. The proposal is capable of being safely accessed, adequately drained and is considered to enhance the conservation area. Accordingly the proposal complies with Core Strategy Policies CS2, CS6, CS11, CS17 and CS18.

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.

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.

10. BACKGROUND

10.1 Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS2 - Shrewsbury Development Strategy
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

10.2 Relevant Planning History

SA/07/0857/F Replacement of existing hard standing with soft play surface APPROVED 15th August 2007
SA/06/0465/TRE To fell 2 Western Red Cedar Trees within Shrewsbury Conservation Area APPROVED 21st April 2006
SA/05/0543/TPO To fell and replace one twin stemmed Lawsons Cypress and two multi stemmed Lawson Cypress protected by SABC (Kingsland No.2) TPO 1969 APPROVED 16th May 2005
SA/05/0480/TPO Various works to trees protected by SABC (Kingsland No 2) 1969 TPO (amended description). APPROVED 29th April 2005
SA/05/0466/TRE Various works to trees including the felling of 2 Thuja within Shrewsbury Conservation Area (amended description). APPROVED 25th April 2005
SA/02/0005/TPO To remove limb from 1 no. Cedar, remove a branch from 1 no. conifer, cut a line of sycamores to 1.5 metre above ground level, remove limb from 1 no. Welingtonia protected by the Borough of Shrewsbury (Kingsland No 2) TPO 1969. REFUSE 21st February 2002
SA/00/0762 Erect and display 2 no. non-illuminated signboards (1200mm by 800mm and 1400mm by 850mm). APPROVED 27th July 2000

SA/00/0635 Erection of a 2.8m high chain link fence to match existing along the boundary of Kennedy Road. APPROVED 27th July 2000
SA/98/0294 Erection of an extension to provide an enlarged dining hall. APPROVED 13th May 1998
SA/96/0779 Construction of an enclosed link corridor between No. 33 and No. 35 Kennedy Road. APPROVED 16th October 1996
SA/89/0134 Conversion of stable loft to use as art room and single storey extension for use as medical room and enlarged staff lavatory. APPROVED 22nd May 1989

11. ADDITIONAL INFORMATION

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Anne Chebsey
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 deposited plans and drawings as amended.

   Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. Work shall be carried out strictly in accordance with the Ecological Method Statement.

   Reason: To ensure the protection of bats, a European Protected Species.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

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

5. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted and approved in writing by the local planning authority to safeguard trees to be retained on the site and the adjacent land as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works. No construction materials or articles of any description shall be placed on the ground lying beneath the crown of the protected trees, nor shall the existing ground level be raised or lowered or any trenches or pipe runs excavated within these areas without the written consent of the Local Planning Authority.

   Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

6. Prior to above ground works samples of the roofing materials, materials to be used in the construction of the external walls and external hard surfacing, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in complete accordance with the approval details.

   Reason: To ensure that the external appearance of the development is satisfactory.

7. All hard and soft landscape works shall be carried out in accordance with the approved plan. The works shall be carried out prior to the occupation of any part of the development . 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 ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

8. A total of 3 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species and sparrow shall be erected on the site prior to first occupation of the buildings hereby permitted.

   Reason: To ensure the provision of nesting opportunities for wild birds.

9. The accesses shall be constructed in accordance with the approved drawing prior to the dwellings hereby approved being first occupied.

   Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

10. The development hereby permitted shall not be brought into use until the car parking areas shown on approved plans have been constructed and surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the parking space thereafter shall be kept clear and maintained at all times for that purpose.

    Reason: To provide for the parking of vehicles, associated with the development, off the highway in the interests of highway safety.

11. All foul drainage should be directed to a foul sewerage system and all surface water drainage to a surface water sewerage system prior to the occupation of any of the dwellings hereby approved.

    Reason: To ensure the proper drainage of the site and to minimise the risk of pollution.

12. Full details of the height and colour finish of the solar panels are to be submitted to the Local Planning Authority for written approval prior to any installation. The works shall thereafter be undertaken in accordance with the approved details.

    Reason: To ensure the effect on the amenity of the area is minimised.

13. Prior to the commencement of the relevant work on both the new dwellings and the conversion scheme details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

    Reason: To safeguard the architectural and historic interest and character of the conservation area.

14. Details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to their installation:
    - Fully detailed and dimensioned drawings, together with samples of scrolls, spearheads finials, and any other details
    - Details of the method of attachment of the decorative ironwork
    - Details of the proposed high-performance corrosion-inhibiting priming system
    - The colour scheme for the ironwork

    Reason: To ensure that the external appearance of the development is satisfactory within the conservation area.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

15. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium.

    Reason: To ensure that the external appearance of the development is satisfactory

16. The solar panels and associated infrastructure hereby approved shall be dismantled and permanently removed from the site and the land shall be restored to domestic garden land within three calendar months of the decommissioning of the solar panels from the production of electric power.

    Reason: To avoid the unnecessary accumulation of redundant structures in the conservation area.

17. No construction (and/or demolition) works shall take place before 7:30am on weekdays and 8am neither on Saturdays nor after 6pm on weekdays and 1pm on Saturdays; nor at any time on Sundays or Bank Holidays.

    Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

18. The detached double garage hereby approved for House A shall not be used for any purpose other than those incidental to the enjoyment of House A but not including use as living accommodation.

    Reason: To safeguard the residential character of the neighbourhood and to ensure the provision of adequate off-street parking accommodation to avoid congestion of adjoining streets by parked vehicles.