



Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Wednesday, 25 July 2018

**Committee:**  
**Central Planning Committee**

**Date:** Thursday, 2 August 2018  
**Time:** 2.00 pm  
**Venue:** Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,  
Shropshire, SY2 6ND

You are requested to attend the above meeting.  
The Agenda is attached

Claire Porter  
Head of Legal and Democratic Services (Monitoring Officer)

**Members of the Committee**

Ted Clarke (Chairman)

Nat Green (Vice Chairman)

Nick Hignett

Pamela Moseley

Tony Parsons

Alexander Phillips

Ed Potter

Kevin Pardy

Keith Roberts

David Vasmer

Vacancy

**Substitute Members of the Committee**

Peter Adams

Roger Evans

Hannah Fraser

Ioan Jones

Jane MacKenzie

Alan Mosley

Harry Taylor

Dan Morris

Lezley Picton

Claire Wild

Your Committee Officer is:

**Michelle Dulson** Committee Officer

Tel: 01743 257719

Email: [michelle.dulson@shropshire.gov.uk](mailto:michelle.dulson@shropshire.gov.uk)

# AGENDA

## 1 Apologies for absence

To receive apologies for absence.

## 2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the Central Planning Committee held on 5<sup>th</sup> July 2018.

Contact Shelley Davies on 01743 257718.

## 3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2 p.m. on Wednesday, 1<sup>st</sup> August 2018.

## 4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

## 5 28 Linley Avenue, Pontesbury, Shrewsbury - 18/00644/VAR (Pages 7 - 16)

Variation of conditions 5 and 6 attached to planning permission 17/05054/FUL dated 12/12/2017 (Erection of three affordable dwellings) to remove reference to affordable to allow dwellings to be sold on the open market.

## 6 Proposed Development Land To The West Of Meole Brace Retail Park, Shrewsbury - 17/05587/FUL (Pages 17 - 30)

Erection of Class A1/A3 Use unit with drive through, provision of parking, servicing, landscaping and all associated works.

## 7 Land Adj. Hawthorn Cottage, Longden, Shrewsbury - 18/00251/FUL (Pages 31 - 46)

Erection of 3No dwellings, formation of vehicular and pedestrian access and installation of package treatment plant.

## 8 The Shropshire Nuffield Hospital, Longden Road, Shrewsbury - 18/01747/FUL (Pages 47 - 54)

Retention of existing two storey temporary unit on raised foundations to provide theatre with plant room above for a further period of 3 years.

**9 Lane House, Quarry Place, Shrewsbury - 18/01916/FUL (Pages 55 - 66)**

Erection of single storey side extension and glazed rear extension with associated internal alterations.

**10 Lane House, Quarry Place, Shrewsbury - 18/01917/LBC (Pages 67 - 76)**

Erection of single storey side extension and glazed rear extension with associated internal alterations affecting a Grade II building.

**11 Proposed Dwelling North East Of Waters Edge, Mill Road, Meole Brace, Shrewsbury - 18/02307/OUT (Pages 77 - 90)**

Outline application (all matters reserved) for the erection of one dwelling.

**12 Schedule of Appeals and Appeal Decisions (Pages 91 - 94)**

**13 Date of the Next Meeting**

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 30<sup>th</sup> August 2018 in the Shrewsbury Room, Shirehall.

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## Committee and Date

Central Planning Committee

2<sup>nd</sup> August 2018

## CENTRAL PLANNING COMMITTEE

### Minutes of the meeting held on 5 July 2018

2.00 - 3.13 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

**Responsible Officer:** Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

### Present

Councillor Ted Clarke (Chairman)

Councillors Nat Green (Vice Chairman), Nick Hignett, Tony Parsons, Alexander Phillips, Ed Potter, Keith Roberts, David Vasmer and Harry Taylor (substitute for Kevin Pardy)

### 11 Apologies for absence

Apologies for absence were received from Councillors Pam Moseley and Kevin Pardy (Substitute: Harry Taylor).

### 12 Minutes

#### **RESOLVED:**

That the Minutes of the meeting of the Central Planning Committee held on 7<sup>th</sup> June 2018 be approved as a correct record and signed by the Chairman subject to the final paragraph of Minute 7 being amended as follows:

Having considered the submitted plans for the proposal and noted the comments of all the speakers, concern was raised by some Members that there was not enough information to make a decision, however, the majority of Members expressed the view that the application be approved as per the Officer's recommendation subject to the amendments to the conditions as outlined by the Technical Specialist Planning Officer.

### 13 Public Question Time

There were no public questions or petitions received.

### 14 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

With reference to planning application 18/01459/VAR Oak Cottage, Hanwood Road, Shrewsbury, Councillor Alex Phillips stated that due to a perception of bias he would leave the table, take no part in the consideration of, or voting on, this item.

## 15 Oak Cottage, Hanwood Road, Shrewsbury - 18/01459/VAR

The Area Planning Manager introduced the application for the removal of condition 6 (construction of footpath) attached to planning permission reference 16/03825/FUL dated 05/12/2016 and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

The Area Planning Manager advised the Committee that if they were minded to approve the application all relevant and appropriate conditions from the original permission should be attached to any permission granted and the date for implementation will stay the same as the original permission. He read out a late representation from Shropshire Council Highways which confirmed that there was sufficient width in the carriageway if a footpath was required in future and therefore no replacement condition was needed.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Keith Roberts addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- He noted the differing views of Shropshire Council Highways and WSP, Shropshire Council's engineering design consultants;
- He felt it was necessary to retain the footpath for the safety of pedestrians; and
- He supported the views of Shrewsbury Town Council in regards to the retention of the footpath.

Mr Graham Moss, agent for the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to a request from a Member to ask the applicant to provide an area for pedestrians to wait until they could safely cross the road, the Area Planning Manager stated that it was not necessary to make the application acceptable and therefore an unreasonable request.

Having considered the submitted plans for the proposal and noted the comments of all the speakers, the majority of Members expressed the view that the application be approved as per the Officer's recommendation subject to all relevant and appropriate conditions from the original permission.

### **RESOLVED:**

That planning permission be granted as per the Officer's recommendation subject to all relevant and appropriate conditions from the original permission.

**16 Proposed Camp Site Opposite Lythwood Hall, Bayston Hill, Shrewsbury - 18/00628/FUL**

*Councillor Ted Clarke as local ward Councillor vacated the Chair. Councillor Nat Green as Vice-Chairman presided as Chairman for this item.*

*Councillor Tony Parsons as local ward Councillor left the table during consideration of this item, took no part in the debate and did not vote on this item.*

The Technical Specialist Planning Officer introduced the application under Section 73a of the Town and Country Planning Act 1990 for the change of use of land from agriculture to camp site to include erection of utility block and siting of 2No. camping pods (part retrospective) and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included representations from the Case Officer detailing an amendment to condition 3 and an additional condition to address the comments of the Council's Conservation Officer and comments from Shropshire Council Highways confirming that they raised no objections and outlining informative notes which should be added to the decision notice if Members were minded to approve the application.

Mr Michael Pritchard, on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Ted Clarke addressed the Committee as the local ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- He was concerned that part of the woodland area which was covered by a blanket Tree Preservation Order had been cut away;
- He referred to problems raised in relation to sewage disposal and access to a water supply;
- The access was via a private road used by large agricultural vehicles; and
- The proposal would harm the character of the area.

Mr Andrew Pearce, the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to concern raised in relation to access to a water supply, the Technical Specialist Planning Officer stressed that he was not aware of any issue in relation to the right to access of a water supply and suggested that if Members were minded to approve the application an additional condition could be added to any permission

granted to ensure that an adequate water supply was established prior to occupation of the camping pods.

Having considered the submitted plans for the proposal and noted the comments of all the speakers the majority of Members expressed the view that the application be approved as per the Officer's recommendation subject to the amendments as outlined on the Schedule of Additional Letters and the additional condition in relation to the water supply.

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation subject to:

- The Conditions as set out in Appendix 1 and any amendments considered necessary;
- An amendment to Condition 3 as detailed on the Schedule of Additional Letters;
- The inclusion of an additional condition in relation to the external finish of the walls of the pods and utility block as detailed on the Schedule of Additional Letters;
- The inclusion of an additional condition to ensure that an adequate water supply was established prior to occupation of the camping pods; and
- The informative notes recommended by the Council's Highways Officer as detailed on the Schedule of Additional Letters being added to the decision notice.

**17 28 Linley Avenue, Pontesbury, Shrewsbury - 18/00644/VAR**

*In line with his declaration at Minute 14, Councillor Alex Phillips left the table during consideration of this item, took no part in the debate and did not vote on this item.*

*Councillor Nick Hignett as local ward Councillor left the table during consideration of this item, took no part in the debate and did not vote on this item.*

The Area Planning Manager introduced the application to vary conditions 5 and 6 attached to planning permission 17/05054/FUL dated 12/12/2017 (Erection of three affordable dwellings) to remove reference to affordable to allow dwellings to be sold on the open market.

The Area Planning Manager drew Members' attention to the Schedule of Additional Letters which included representations from Pontesbury Parish Council stating that they had withdrawn their objection to the application and the Case Officer confirming that the application had been considered in light of the Equality Act 2010.

Members referred to the need for affordable housing in this area and queried whether a condition could be included to approve the application subject to the applicant submitting details of an affordable housing scheme for Pontesbury. In response the Area Planning Manager stated that such a condition would be unreasonable as it was not necessary to make the development acceptable.



Having considered the submitted plans for the proposal, Members unanimously expressed the view that the application be deferred to a future meeting of this Committee for further clarification from Severnside Housing in relation to their future plans in Pontesbury.

**RESOLVED:**

That consideration of the application be deferred to a future meeting of this Committee for further clarification from Severnside Housing in relation to their future plans in Pontesbury.

**18 8 De Quincey Fields, Upton Magna, Shrewsbury - 18/01113/FUL**

The Area Planning Manager introduced the application for the erection of a conservatory and conversion of existing garage to form a two storey apartment ancillary to dwelling and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

The Area Planning Manager drew Members' attention to the Schedule of Additional Letters which included representations from Upton Magna Parish Council setting out their objection to the application and the Applicant in response to the objections. It was reported that Councillor Lezley Picton, the Local Ward Councillor was unable to attend the meeting to address the Committee but had requested that the Committee be informed that she fully supported the objections of the Parish Council.

Having considered the submitted plans for the proposal Members unanimously expressed their support for the Officer's recommendation.

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation subject to the Conditions as set out in Appendix 1.

**19 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 2<sup>nd</sup> August 2018 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....

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<u>Committee and date</u>
Central Planning Committee
2 August 2018

<u>Item</u>
<b>5</b>
Public

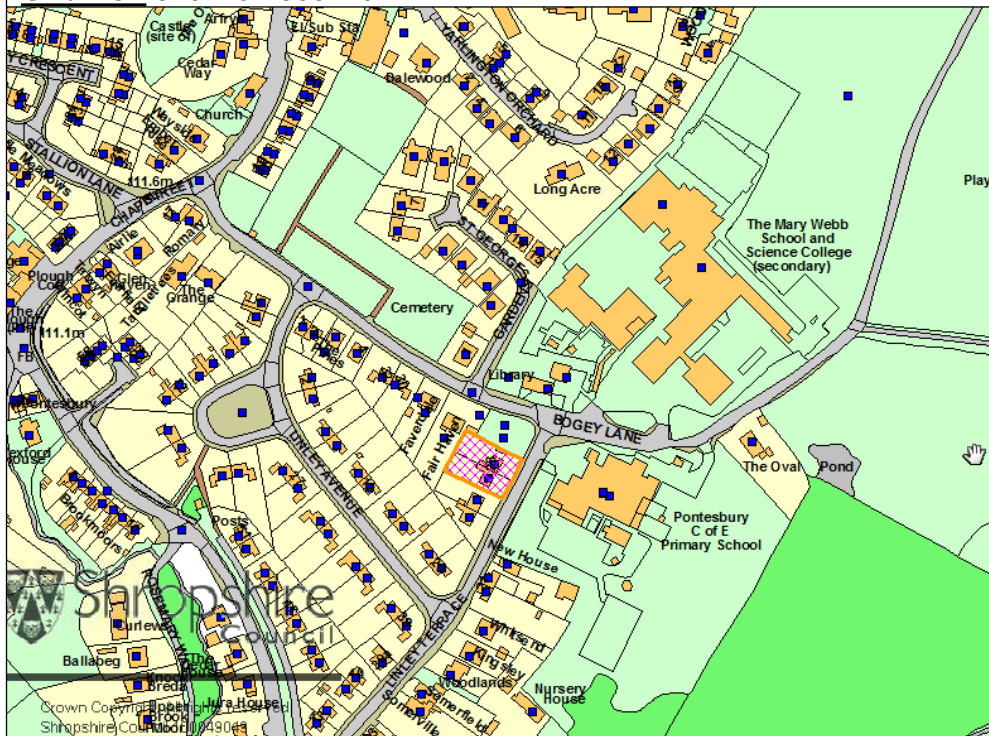
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 18/00644/VAR	<b>Parish:</b> Pontesbury
<b>Proposal:</b> Variation of conditions 5 and 6 attached to planning permission 17/05054/FUL dated 12/12/2017 (Erection of three affordable dwellings) to remove reference to affordable to allow dwellings to be sold on the open market.	
<b>Site Address:</b> 28 Linley Avenue Pontesbury Shrewsbury Shropshire SY5 0TE	
<b>Applicant:</b> Severnside Housing	
<b>Case Officer:</b> Nanette Brown	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 340279 - 305779



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### Update for 2<sup>nd</sup> August 2018 Central Planning Committee

The application was previously deferred by Members for officers to seek further clarification from Severnside Housing in relation to their future plans in Pontesbury. Further information has been submitted to Officers from Severnside Housing confirming that they have recently legally exchanged the conditional contract for a site at the edge of Pontesbury, subject to the receipt of planning consent for a number of affordable homes. Officers understand that this planning application will shortly be submitted for consideration and are satisfied that Severnside Housing is intending to provide new additional affordable homes within Pontesbury. The report previously submitted to Central Planning Committee is set out below.

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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks to vary or remove conditions 5 & 6 of planning permission 17/05054/FUL in order that the development of 3 dwellings can be sold for full market value. Conditions 5 & 6 read:

*5. The dwellings shall not be let or occupied other than under a tenancy in accordance with the normal letting policy of a Registered Provider.*

*Reason: To ensure compliance with the requirements of Shropshire Core Strategy Policy CS11 and ensure affordability in perpetuity*

*6. The affordable housing dwellings shall at all times be allocated and managed in accordance with the councils policies and procedures and advertised as available for occupation through its choice based lettings system, together with the requirements of any local lettings plan.*

*Reason to ensure compliance with Shropshire's housing allocations policy and core strategy policy CS11 with regard to local needs and prioritisation for local people.*

This application also seeks to amend the description of development to remove reference to the affordable housing.

- 1.2 Severnside Housing has confirmed that they propose to redevelop the site at Linley Avenue, Pontesbury by demolishing two existing dwellings and replacing them with three new dwellings for open market sale. It is understood that one of the two dwellings proposed for demolition are currently occupied on a short term tenancy and that Severnside Housing will offer the residents alternative accommodation by the Housing Association. The existing dwellings are of a non-standard form of construction, believed to be a prefabricated concrete 'Airey type' house, constructed after the Second World War. The houses are poorly insulated compared to current standards. Severnside Housing intends to redevelop the site to construct three new dwellings for open market sale.

1.3 Severnside Housing has also confirmed that No. 28 Linley Avenue was purchased by them as an open market property in August 2014 and that it is intended that the proceeds from the sale of the proposed development on Linley Avenue will be used to help subsidise future affordable housing developments, as necessary, in Pontesbury and the immediate catchment area. They have also confirmed that they are currently in advance negotiations for the potential purchase of a site for new affordable housing in Pontesbury and its hoped that a Planning Application will be submitted to Shropshire Council later this year. Severnside is keen to expand its affordable housing stock in Pontesbury and continues to seek potential sites.

## 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located within the village of Pontesbury. The site lies surrounded by residential properties and opposite to the local primary school.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council and Locally elected member have both submitted a view contrary to officers.

## 4.0 Community Representations

### 4.1 - Consultee Comments

#### SC Affordable Housing – Objection

Short of affordable housing in Pontesbury and therefore unhappy that there is no guarantee of the money being reinvested in the settlement. Can it be suggested that at least one of three dwellings is retained as affordable?

Variation of conditions 5 and 6 attached to planning permission 17/05054/FUL dated 12/12/2017 (Erection of three affordable dwellings) to remove reference to affordable to allow dwellings to be sold on the open market.

Reference to the above application. Would not wish to support this proposal, which would result of the loss of affordable housing. There is high evidenced need for affordable housing in Pontesbury. The Severnside Housing has indicated that the proceeds will be used to fund other Affordable homes elsewhere. There was no indication that this would be in Pontesbury. It is suggested that proposal is rejected.

#### Pontesbury Parish Council – Objection

Pontesbury Parish Council objects to this application as there is a clear shortage of affordable homes in rural areas and so they would not want to see a further decrease in the affordable housing stock available in Pontesbury and the county.

Cllr Nick Hignett, Locally Elected Member - Objection

I object to the variation of conditions 5 and 6 attached to this Application.

This Application was granted because 2 Affordable dwellings were being demolished, but 3 Affordable dwellings were being built on the same plot.

Pontesbury is in need of more Affordable Housing, and this factor was taken into account on the original Application.

#### 4.2 - Public Comments

None received

#### 5.0 THE MAIN ISSUES

Principle of development

#### 6.0 OFFICER APPRAISAL

##### 6.1 Principle of development

6.1.1 Applications for planning permission must be determined in accordance with the adopted development plan (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

6.1.2 The adopted development plans for Shropshire are the Local Development Framework (LDF) Core Strategy, the Site Allocations and Management of Development Plan (SAMDev) and the Supplementary Planning Document (SPD) on the Type and Affordability of Housing. Significant weight is also to be attributed to the National Planning Policy Framework (NPPF) in the determination of planning applications.

6.1.3 The application site is located within the development boundary that surrounds the village of Pontesbury. Pontesbury is part of an identified joint key centre with the neighbouring village of Minsterley as set out in policy CS3 of the core strategy and policy MD1 of SAMDev, where housing development may be permitted that is of an appropriate scale and design that respects the settlements character.

6.1.4 The application site forms a plot located to the west of Linley Terrace and opposite the local primary school. It is understood that of the two dwellings currently on site only one is currently rented and the applicant/housing provider intends to offer alternative accommodation to the occupants.

6.1.5 Officers note that by granting this application then the opportunity for three affordable homes are potentially lost within the village, including the two existing rented dwellings. However, there are no current adopted local plan policies that

specifically require the retention of all existing affordable housing. The applicants, Severnside Housing have now also confirmed that they bought the existing dwellings in 2014 as open market dwellings, not affordable housing.

- 6.1.6 Officers note that Severnside Housing, are registered housing providers within the Shropshire Council area who wish to manage their sites and housing stock to provide provision of accommodation as they consider it is required. The agents for the application have confirmed that proceeds from the sale of the proposed development on Linley Avenue will be used to help subsidise future affordable housing developments as necessary in Pontesbury and the immediate catchment area. They have also confirmed that Severnside Housing is in advanced negotiations for the potential purchase of a site for new affordable housing elsewhere in Pontesbury and it is hoped that a Planning Application will be submitted to Shropshire Council later this year. Severnside is keen to expand its affordable housing stock in Pontesbury and continues to seek potential sites.
- 6.1.7 Due to the sites location within the development boundary of Pontesbury the site would have been considered suitable for development of open market dwellings in policy terms should a new full planning application have been submitted. This fall-back position is noted by officers. As Severnside Housing have also now provided confirmation that they are seeking to provide new and additional affordable housing for Pontesbury and the surrounding area it is considered that on balance the proposed removal of conditions lifting the use of the proposed development as affordable dwellings is acceptable in this instance.

## 7.0 CONCLUSION

- 7.1 The site is located within an identified development boundary to a key centre where the development of new housing is considered to be acceptable in principle. Officers consider that the provision of three open market dwellings on this site would comply with the requirements and aims of these policies that include policies CS3, MD1 and MD2 of the adopted development plans as well as the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and national guidance in the NPPF. The applicants have confirmed that the site was purchased with the existing buildings in open market/private rented use and wish to redevelop the site in order to create funds to invest towards the provision of affordable accommodation elsewhere in the village and immediate area.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ② 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.

- ② 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

Central Government Guidance:  
NPPF

Core Strategy and Saved Policies:  
CS3 - The Market Towns and Other Key Centres  
CS6 - Sustainable Design and Development Principles  
CS11 - Type and Affordability of housing  
MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
SPD Type and Affordability of Housing

### RELEVANT PLANNING HISTORY:

17/05054/FUL Erection of three affordable dwellings following the demolition of two existing affordable dwellings. GRANT 12th December 2017

## 11. Additional Information

View details online:

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 R. Macey
Local Member Cllr Nick Hignett
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. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.  
Reason: To ensure that the external appearance of the development is satisfactory.
4. 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 including delivery times that incorporate busy school drop off and pick up times
  - 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
  - a Traffic Management PlanReason: To avoid congestion in the surrounding area and to protect the amenities of the area particularly in relation to the close proximity of a school.

**CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

5. The development hereby permitted shall not be brought into use until the accesses and parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated

use. Reason: To ensure the formation and construction of satisfactory accesses and the provision of adequate car parking, in the interests of highway safety and to avoid congestion on adjoining roads.

6. The access aprons shall be constructed in accordance with the Council's specification currently in force and shall be fully implemented prior to the development being brought into use.

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

7. Any hedge or other boundary treatment along the site road frontage is to be kept at a height of 0.6m at all times Reason: To ensure the provision of adequate visibility in the interests of highway safety.
8. Any gates provided to close the proposed accesses shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

### **Informatives**

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. 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 £116 per request, and £34 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.

3. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at:

<http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
5. This planning permission does not authorise the applicant to:
  - construct any means of access over the publicly maintained highway, footway or verge,
  - or
  - carry out any works within the publicly maintained highway, or
  - authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
  - undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway
 The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details  
<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

6. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
7. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
8. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:  
<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>.  
 The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.  
 Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365.  
 Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.



Committee and date  
 Central Planning Committee  
 2 August 2018

Item  
**6**  
 Public

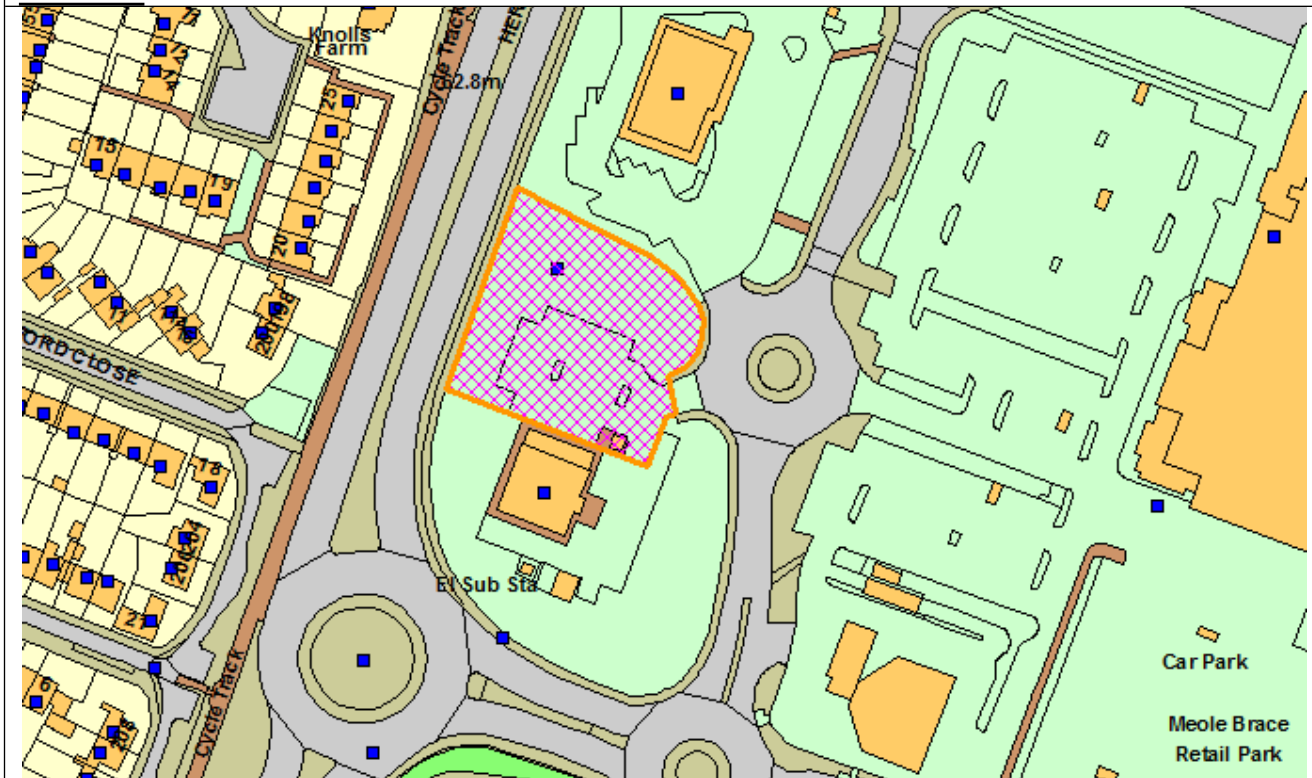
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 17/05587/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Erection of Class A1/A3 Use unit with drive through, provision of parking, servicing, landscaping and all associated works		
<b>Site Address:</b> Proposed Development Land To The West Of Meole Brace Retail Park Shrewsbury Shropshire		
<b>Applicant:</b> C/O Agent		
<b>Case Officer:</b> Shannon Franklin	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 349041 - 310310



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application seeks planning permission erection of Class A1/A3 Use unit with drive through, provision of parking, servicing, landscaping and all associated works. The description of development has altered from the original submission to change the use classes referred to. As such the relevant consultees have been re-consulted where necessary.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located within Meole Retail Park on the southern site of Shrewsbury. The wider site contains a number of retail and food units including coffee shops, sporting goods stores and supermarkets.
- 2.2 The proposed site for the additional unit is situated on the western side of the site between McDonalds to the north and Pizza Hut to the south. To the west the site is bounded by a culverted river, a landscaping belt and then Hereford Road. To the east the site is bounded by the mini roundabout providing internal road layout to access the wider retail park. The site is currently laid to grass with the southern portion laid to hardstanding and used as parking associated with Pizza Hut.

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

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 - Consultee Comments

##### 4.1.1 Shrewsbury Town Council – 14.12.2017

The Town Council does not object to the principle of building another fast food restaurant with drive through but has concerns about the cumulative impact on the delicate access/egress to the retail park and the highway infrastructure in the environs of the retail park. This establishment would increase the number of car journeys joining a significant roundabout which is already heavily congested. Members also questioned whether the parking allocation is sufficient for the new premises and for Pizza Hut which will lose a significant number of parking spaces if this application was to go ahead.

##### 4.1.2 SC SUDS

##### No Objection – 09.01.2018

Our Drainage comments dated 30 November 2017 remained the same.

**No Objection – 30.11.2017**

No objection has been raised to the application however conditions and informatives have been recommended.

**4.1.3 SC Regulatory Services****No Objection – 03.01.2018**

I can see no additional information since my last comments were placed. I have noted a comment from the Town Council in relation to traffic related issues although am not qualified to make comment on this other than to state that I am aware that the access and egress from the retail park is often difficult and would agree that the proposal may add to the existing concerns.

**No Objection – 29.11.2018**

Having considered the location I have no objections to the proposals. I would advise the applicant to ensure that any external noise making equipment is positioned on facades that do not face nearest residential receptors and that noise from external plant and equipment is reduced wherever possible with silencers and baffling/louvres. Informatives have been recommended.

**4.1.4 SC Highways****Comments from Mark Wotton – Highways Area Manager North & Central****No Objection – 24.07.2018**

Whilst I remain to have concerns regarding the somewhat cramped layout of the site and the unwillingness of the site owner to deal more fundamentally with the traffic issues surrounding access, particularly traffic flow into the retail park, I consider that a highway objection would be difficult to sustain. I wish however to see the internal road improvements granted consent in relation to the new retail unit (adjacent next to Argos and TK Maxx) being implemented prior to the café being first brought into use/open to trading.

**Comments from Mark Wotton – Highways Area Manager North & Central****Additional Information Required – 23.07.2018**

Following our meeting with the applicant's land agent and consultant, I raised the issue of potentially improving the entry into Meole Brace Retail Park along the boundary of Pizza Hut. I have heard nothing back from either party, which I understood would be fed back from them.

The highway response provided by WSP included issues primarily relating to the TA submission. Whilst the issues raised are acknowledged, the fundamental issue of the highway authority's concern is the impact of this relatively small scale development upon the movement of traffic into and out of the retail park. As has been set out previously to the applicant and agents, there are traffic issues of entry in particular to the retail park and the site accesses onto the 2<sup>nd</sup> internal roundabout, which is effectively 5 arm. This internal roundabout is proposed to be improved in terms of circulatory space as part of the permission granted for the new unit between Argos and TK Max. This work should be carried out prior to the opening of the new unit, should permission be granted. The indication is that the development would provide a 'drive thro' coffee pod, taking up approximately half of

the current site and parking area accommodated by Pizza Hut.

It is acknowledged that the retail park already provides a number of coffee business both internally to individual units (including Next and Sainsbury's) and the stand-alone Costa Coffee unit at the northern end of the retail park area.

From the meeting held at the Shirehall, my understanding is that whilst the Pizza Hut and proposed unit car park are shown separately, there is not an issue with customers parking in either area irrespective of the customer choice. The submitted application supporting information include tracking of service vehicles entering and leaving the new unit, which show tracking across the disabled parking spaces. The transport agent informs me that the operator would not wish to be constrained by delivery specified periods and this is a concern set against service vehicles delivering to the site and the disabled spaces being occupied. In addition, no tracking information however has been provided in respect of the servicing arrangements and type of delivery vehicles associated with Pizza Hut. This suggests that in terms of deliveries the internal layout needs to coordinate with one another. This should therefore be clarified.

Subject to the above matters being clarified satisfactorily, I do not consider that a highway objection could be sustained based upon the scale of the development and potential impact upon traffic attracted to the retail park. This recognises that whilst the facility will attract some new passing traffic, there will be linked and cross visitation trips within the site.

#### **Objection – 13.12.2017**

The proposed development has failed to adequately demonstrate the proposed impact of this development, both in vehicular and pedestrian terms, on the local highway network (including the private service roads). Therefore, the Highway Authority cannot currently support this planning application.

## **4.2 - Public Comments**

4.2.1 The residents of eight neighbouring properties were individually notified by way of publication of this application together with the application being displayed on the online Public Access system. At the time of writing this report, no representation had been received either in support or objection to the scheme.

## **5.0 THE MAIN ISSUES**

- 5.1
- **Principle of development**
  - **Scale, design and appearance**
  - **Visual impact and landscaping**
  - **Highways**



## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 The application site is situated within Meole retail park to the south of Shrewsbury. Policy CS2 of the adopted Corse Strategy recognises the importance of this retail park; together with Sundorne retail park to the north of Shrewsbury, and acknowledges that there are enhancement and expansion opportunities available.
- 6.1.2 Since the adoption of Policy CS2 in 2011 expansion three additional retail units to the northern end of the site have been permitted and implemented under planning application reference 13/04101/FUL. These units are currently occupied by Costa Coffee, Card Factory and Carphone Warehouse. A Marks and Spencer's food hall has also been permitted and erected on the western side of the site under decision reference 13/01592/OUT. Additionally decision reference 17/00405/FUL granted planning permission for the erection of an additional retail unit between TKMaxx and Argos in the sites northeastern corner. It is understood that this unit, which has not been implemented to date will be occupied by Sports Direct.
- 6.1.3 It is therefore considered that Meole Brace Retail park and the facilities it offers has expanded significantly during the development plan period. The proposed development site, situated between McDonalds and Pizzahut, remains one of the last viable options for expansion of site due space constraints and the highways arrangements.
- 6.1.4 The applications proposes and A1/A3 use to provide a retail/café which it is understood will be occupied by Costa Coffee. This is considered to be a town centre A1/A3 use in an out of town centre location and both local and National planning policies are in place to ensure that development does not cause significant adverse impacts on the vitality of town centres, in this case Shrewsbury Town Centre. The NPPF states at paragraph 26 that applications which are not in accordance with the development plan and proposed town centre uses out to own, an impact assessment which assesses the impact of the scheme on the town centre should be submitted. An impact assessment is only required if the development is over a locally set threshold or where there is no local threshold the default is 2500sq m. Paragraph 24 of the NPPF also outlines that a sequential test should be applied to proposed main town centre uses that are not in an existing centre.
- 6.1.5 Policy SAMDev Policy MD10b follows this approach and encourages the use and consideration of town centre locations in the first instance. It also considers that where schemes for additional retails proposals are submitted in out of town locations with a floor area above 500 square metres, a town centre impact assessment should be submitted.
- 6.1.6 The development site is situated outside of Shrewsbury Town Centre but within and existing retail park. The proposal is for an A1/A3 unit with a floor area of 205m<sup>2</sup>, the scale of the development is therefor under the threshold of 500m<sup>2</sup> set by MD10b therefore a retail impact assessment is not required. Considering the location of the unit within the existing retail park it is likely that the majority of customers will already be using the nearby retail units. It is not appropriate in this instance to require the applicant to carry out a sequential assessment of alternative sites that might be available closer to the town centre. Given its size it is considered that the

proposal would not draw people away from the town centre and would have no impact on the vitality and viability of Shrewsbury town centre.

## **6.2 Scale, Design and Appearance**

- 6.2.1 Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles seeks to ensure that developments are sympathetic to the size, mass, character and appearance of the surrounding area and should also safeguard residential and local amenity. Policy MD2: Sustainable Design of the Site Allocations and Management of Development Plan (SAMDev) additionally seeks to achieve local aspirations for design where possible.
- 6.2.2 Section 7 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.
- 6.2.3 The proposed building will be situated between McDonalds and Pizzahut on the western side of the existing retail park. The site is currently occupied by car parking and landscaping. The building will be of a similar scale to the adjacent buildings and of a modest footprint at 205m<sup>2</sup>.
- 6.2.4 While it is accepted that the drive thru facility and siting of the building will bring the built development of the retail park closer to the Hereford Road frontage, reducing the width of the landscape belt in this location, it is not considered that this will have a significant visual or amenity impact in considering the overall context of the development and the mature planting to the western boundaries of Pizza Hut and McDonalds which are to be retained and will continue to provide screening will the proposed landscaping on site matures.
- 6.2.5 Overall given the site context the scheme is considered acceptable in terms of scale, design and appearance and no adverse impact on the character and appearance of the locality.

## **6.3 Visual impact and landscaping**

- 6.3.1 The site will utilise an existing portion of landscaping providing a buffer between McDonalds and Pizza Hut, as such from a position inside the retail park the development along this boundary will have an increased visual density. Some soft landscaping between McDonalds and the proposed development site will be retained, this strip will have a width of approximately 6.4m. Between the development site and Pizza Hut there will be no soft landscaping defining the two sites.
- 6.3.2 As outlined above the proposals siting will reduce the width of the existing landscape buffer between the retail park and Hereford Road from 11.2m in width to 5.9m in width for a distance of around 40m. While it is acknowledged this will have some visual impact the landscaping to the north and south at the rear of the adjacent units is suitably mature to assist with screening the proposal while the landscaping proposed on site, which include some internal landscaping to the east site of the site, matures.
- 6.3.3 Should planning permission be granted a suitable landscaping condition will be imposed on any decision to ensure full details of the proposed landscaping scheme are submitted to and approved by the Council.

## **6.4 Highways**

- 6.4.1 The highways consultee initially objected to the scheme due to the failure to demonstrate the impact on the wider highways network for both traffic and pedestrians. Additionally there are acknowledged issues with service vehicles and traffic entering and exiting the retail park which it was initially considered could be exacerbated by the cumulative impact of this development.
- 6.4.2 Following the provision of information regarding the internal highways improvements and consideration of amending the whole site access from Hereford Road, the highways consultee has confirmed the scheme is acceptable as an objection on highways grounds is unlikely to be sustainable. It is therefore concluded by officers that on balance the scheme is acceptable in highways terms.
- 6.4.3 Conditions will be implemented on any approval relating to the highways and parking arrangements on site in addition to ensuring the internal highways improvements detailed in submitted plan 1656-01 are implemented before the proposed unit is brought into use.

## **7.0 CONCLUSION**

- 7.1 It is considered that the proposed development is acceptable in principle as it relates to the provision of an A1/A3 unit with 205m<sup>2</sup> in floor space at an existing retail park and would not threaten the viability of Shrewsbury town centre. The scale, design and appearance of the building are acceptable given the context of the site and the existing and proposed landscaping mean the development would have no adverse impact on the character and appearance of the locality. A safe means of access and adequate parking and turning space will be available for customers and service vehicles. The proposal is therefore considered to comply with Core Strategy policies CS2 and CS6 and SAMDev policies MD2 and MD10b.

## **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

Central Government Guidance:

## West Midlands Regional Spatial Strategy Policies:

## Core Strategy and Saved Policies:

CS2 - Shrewsbury Development Strategy  
 MD10B - Impact Assessments for Town and Rural Centres  
 National Planning Policy Framework  
 CS6 - Sustainable Design and Development Principles  
 MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

10/03195/FUL Minor external works, new drive thru lane and additional signage. GRANT 22nd September 2010  
 10/03196/ADV Erect and display three internally illuminated rotating double 3-sided menu units and one non-illuminated customer order display unit GRADV 22nd September 2010  
 10/04732/VAR Variation of Condition No.10 attached to Planning Permission Ref.91/0085 and dated 03/04/1991 to allow the premises to open 24 hours. GRANT 22nd December 2010  
 11/05423/VAR Removal of Condition No. 10 of Planning Permission 91/85/417/74 to allow for the premises to open 24 hours a day seven days a week GRANT 25th January 2012  
 15/02508/FUL Alterations in association with refurbishment of the restaurant to include new roof cladding, single storey extension and associated works GRANT 5th August 2015  
 15/02509/ADV Installation of seven internally illuminated replacement fascia signs GRANT 5th August 2015  
 15/03280/ADV Erect and display 9No internally illuminated fascia signs GRANT 28th September 2015  
 17/05587/FUL Erection of Class A1/A3 Use unit with drive through, provision of parking, servicing, landscaping and all associated works PDE  
 18/02559/ADV Erect and display various internally illuminated signage (see attached schedule) PCO  
 SA/87/0671 Retail development including food supermarket, DIY store and garden centre, non-food units, restaurants, licensed premises, petrol station, leisure centre and associated open recreational facilities, services area, car parking and landscaping and new vehicular and pedestrian accesses REFUSE 4th October 1989  
 SA/88/0580 Retail Development Including Food Supermarket DIY Store & Garden Centre Non Food Units Restaurants Licensed Premises Petrol Filling Station Associated Road Access Service Areas Car Parking & Landscaping CALLIN 1st July 1988  
 SA/91/0904 Erect And Display A 3metre High Internally Illuminated Mcdonalds Sign And An Internally Illuminated Drive Thru Sign Both Mounted On A 6 Metre High Pole For Mcdonalds Restaurant Ltd REFUSE 18th September 1991  
 SA/91/0472 Erection Of 1 No Mcdonalds Flag On 7200 High Flag Pole For Mcdonalds Restaurants Ltd PERCON 19th June 1991  
 SA/91/0454 Erect And Display Various Illuminated And Non-Illuminated Building Signs For Mcdonalds Ltd PERCON 19th June 1991  
 SA/90/0023 Details Of New J Sainsbury & Homebase Stores Together With Associated Roads + Car Parking + Landscaping PERCON 12th June 1990  
 SA/91/0712 Erection Of A 6m High Flag Pole To Fly The Union Flag For Mcdonalds Restaurants Ltd PERCON 31st July 1991

SA/91/0471 Erection Of 1 No Mcdonalds Flag And 7200 High Flag Pole For Mcdonalds Restaurants Ltd PERCON 19th June 1991

SA/92/1283 Reserved Matters Pursuant To Outline Ref 88 580 417 74 Dated 30 11 89 For Siting Design External Appearance Means Of Access And Landscaping Of 632 Sq Metres Of Retail Space Within Use Class A1 Together With Associated Road & Car Parking REFUSE 20th January 1993

SA/91/0453 Erect And Display Various Illuminated And Non Illuminated Building Signs PERCON 19th June 1991

SA/91/0452 Erect And Display Various Illuminated And Non-illuminated Directional Signs PERCON 19th June 1991

SA/91/0451 Erect And Display Various Illuminated And Non-illuminated Directional Signs PERCON 19th June 1991

SA/91/0086 Erection Of A Single Storey Brick Freestanding Building To Provide Fast Food Retail Outlet With Drive Thru Facility And Ancillary Office And Storage Space PERCON 3rd April 1991

SA/91/0085 Erection Of Single Storey Brick Freestanding Building To Provide Fast Food Retail Outlet With Drive Thru Facility And Ancillary Office And Storage Space PERCON 3rd April 1991

SA/90/0972 Erection Of A New Fast Food Unit With Car Park + Construction Of A Stormwater Retention Lagoon WDN 18th September 1990

SA/90/0743 Application Under Section 31a Of The Planning Act 1971 For The Development Of The Site In Accordance With The Outline Planning Permission Dated 30/11/89 Without Complying With Condition No. XIII PERCON 10th October 1990

SA/97/1193 Extension to existing restaurant to provide additional space for the crew room and extension to refuse area. PERCON 6th January 1998

SA/97/0503 Erect and display an internally illuminated pole mounted sign. REFUSE 2nd July 1997

SA/97/0290 Erect and display 4 internally illuminated freestanding menu boards. PERCON 30th April 1997

SA/96/1149 Variation of condition 2 attached to planning permission reference 93/1047/var/417/74 dated 15/12/93 to extend the period for the submission of reserved matters. WDN 23rd December 1996

SA/97/0015 Erection of an extension to provide third booth order taker. PERCON 19th February 1997

SA/95/1238 Extension to restaurant. PERCON 14th February 1996

SA/95/0372 Erect and display an internally illuminated pole sign. REFUSE 24th May 1995

SA/93/1047 Application under section 73 of the 1990 act for the development of land without complying with condition No.3 of planning permission ref. 90/743/417/74 dated 10/10/90. PERCON 15th December 1993

SA/93/1046 Renewal of outline planning permission (ref 90/743/417/74) dated 10/10/90 for retail and associated development including restaurants, licensed premises, petrol filling station, access roads, service areas, car parking and landscaping. PERCON 15th December 1993

SA/08/0640/F Refurbishment of existing restaurant and installation of customer order display unit PERCON 30th July 2008

SA/08/0620/ADV Erect & display 5 internally illuminated fascia signs, 1 internally illuminated freestanding signs, 1 internally illuminated monument sign, 1 internally illuminated height restrictor monolith sign, 4 internally illuminated rotating units, 3 internally illuminated post mounted banner signs and 1 non-illuminated grill order bay sign SPLIT 13th August 2008

SA/08/0090/VAR Variation of Condition No. 10 attached to planning permission ref: 91/0085/417/74 dated 3rd April 1991 to allow the restaurant to open between 06:00hrs to 00:00hrs Sunday to Thursday and between 06:00hrs to 03:00hrs Friday and Saturday REFUSE 20th March 2008

SA/07/0468/F Installation of 3 x 8m high columns and 1 x 5m high column with CCTV cameras PERCON 15th June 2007

SA/07/0051/VAR Variation of Condition No 13 attached to planning permission ref: 90/743/417/74 dated 10th October 1990 to allow the provision of 840sq.m at Unit 3 for the sale of convenience goods PERCON 1st November 2007

SA/02/0456/F Erection of an extension to existing store to include new exit lobby, customer toilets, customer restaurant and raising of roof, extension to provide 1400 sq. m. additional sales area and rearrangement of parking areas PERCON 21st May 2003

SA/01/0812/ADV Erect and display 1 no. internally illuminated fascia sign (950 x 275mm) on single storey building housing automatic teller machine PERCON 19th July 2001

SA/01/0811/F Erection of single storey building to house automatic teller machine PERCON 19th July 2001

17/05587/FUL Erection of Class A1/A3 Use unit with drive through, provision of parking, servicing, landscaping and all associated works PDE

18/02559/ADV Erect and display various internally illuminated signage (see attached schedule) PCO

#### Appeal

89/00445/UN Retail Development Including Food Supermarket DIY Store & Garden Centre Non Food Units Restaurants Licensed Premises Petrol Filling Station Associated Road Access Service Areas Car Parking & Landscaping ALLOW 30th November 1989

#### Appeal

89/00479/REF Retail development including food supermarket, DIY store and garden centre, non-food units, restaurants, licensed premises, petrol station, leisure centre and associated open recreational facilities, services area, car parking and landscaping and new vehicular and pedestrian accesses ALLOW 30th November 1989

#### Appeal

91/00649/REF Erect And Display A 3metre High Internally Illuminated Mcdonalds Sign And An Internally Illuminated Drive Thru Sign Both Mounted On A 6 Metre High Pole For Mcdonalds Restaurant Ltd DISMIS 22nd June 1992

#### 11. Additional Information

View details online:

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 R. Macey
Local Member Cllr Ted Clarke Cllr Jane Mackenzie Cllr Tony Parsons
Appendices APPENDIX 1 - Conditions

**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

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

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

**3. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).**

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

**4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.**

Reason: In order to protect the visual amenities of the area.

**5. Prior to the development being first opened to trading the internal highway measures, as shown on Drawing No.1656-01, shall be implemented in accordance with engineering details to be first submitted to and approved in writing by the Local Planning Authority. As part of these works the pedestrian crossing on the southern raised platform shown to be removed shall be re-instated at highway level and maintained as such in perpetuity.**

Reason: In the interests of highway safety.

**6. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plans have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to**



**be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the surrounding highways.**

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

**CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

7. The unit hereby permitted shall only be used for A1 Retail and / or A3 Restaurant & Cafes Uses as defined by The Town and Country Planning (Use Classes Order) 1987 (as amended).

Reason: In order to control the occupation of the units.

**Informatives**

1. In arriving at this decision Shropshire 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. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.
3. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
5. As this application contains the proposal for a food premises I would like to inform the applicant that if this application is granted consent a food premise registration form will need to be completed. The form can be found at the following address:

<https://new.shropshire.gov.uk/environmental-health/food-safety/food-safety-for-business/register-a-food-business/>

The completed form should be completed and returned to the Health Promotion and Prevention team, Public Protection, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND and it is recommended that it is returned prior to the food premise opening.

The applicant should ensure that the design and layout ensures that all food safety and hygiene legislation can be complied with in full.

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Committee and date  
 Central Planning Committee  
 2 August 2018

Item  
**7**  
 Public

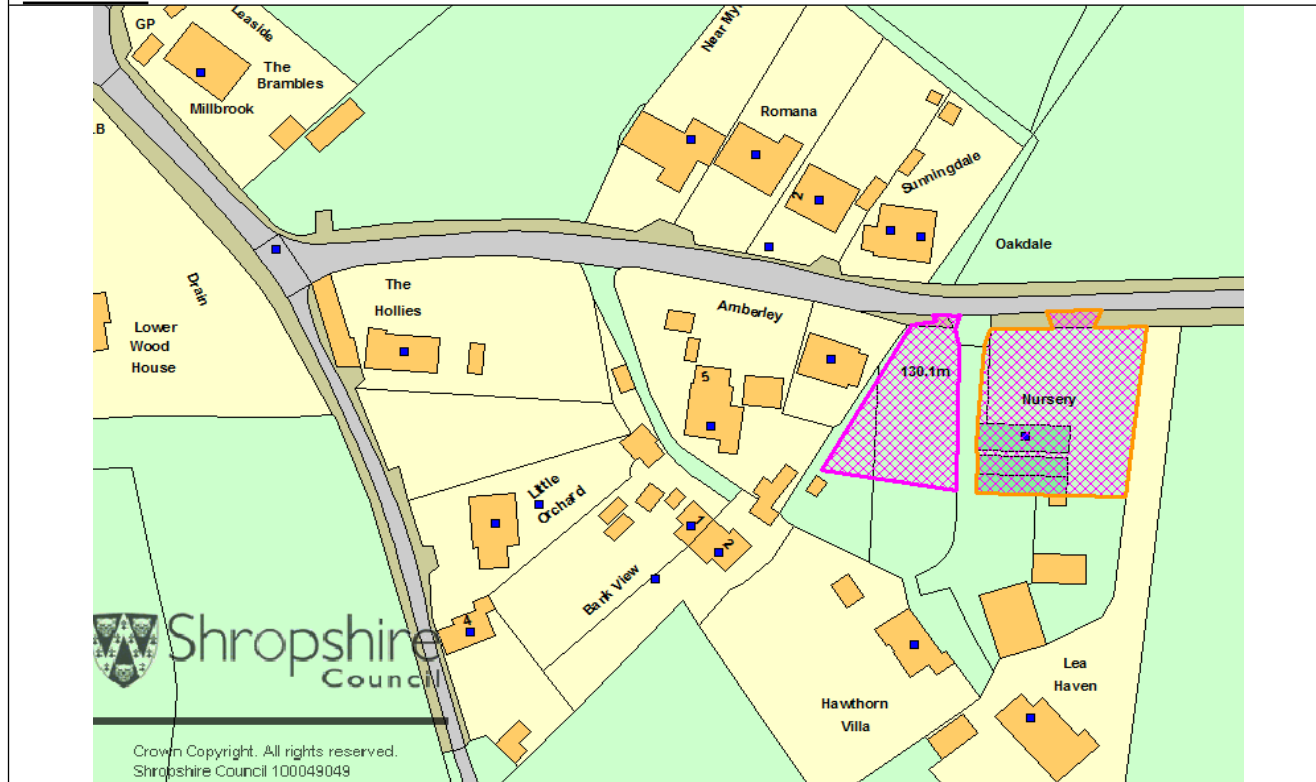
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 18/00251/FUL	<b>Parish:</b> Longden
<b>Proposal:</b> Erection of 3No dwellings, formation of vehicular and pedestrian access and installation of package treatment plant	
<b>Site Address:</b> Land Adj. Hawthorn Cottage Longden Shrewsbury Shropshire	
<b>Applicant:</b> Mr M Hollings	
<b>Case Officer:</b> Shannon Franklin	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>

**Grid Ref:** 345571 - 305323



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**Recommendation:- Grant permission subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of 3.No dwellings, formation of vehicular and pedestrian access and installation of a package treatment plant.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application is located within the village of Lower Common, 1.7km to the south east of Longden and 7.9km south of Shrewsbury town centre. The whole site previously occupied a nursery use and comprises of a lawned area, a loosebound access track, additional hardstanding and 3no. derelict glasshouses constructed of a brick plinth with a timber, metal and glass frame to the upper portion. There are additional outbuildings and an area for open storage of timber associated with the wider sites use as a timber yard located to the south of the site although these do not form part of the current application.
- 2.2 The site is bounded to the south and east by residential properties and their curtilages. To the west the site is bounded by an access track leading to the dwelling Lea Haven; located to the south of the site, and to the north by the unnamed road from which the site gains its access. The sites boundaries are formed of mature native species hedge planting to the north, east and west, to the south the site is currently open to the dwelling Hawthorn Villa.

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

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 - Consultee Comments

##### 4.1.1 Longden Parish Council

After discussion it was agreed that the parish council do not support this application. The site boundaries do not match on the Location and Block Plan and the Proposed Block Plan. On the Location and block plan it is not possible to put three dwellings on the site. An extra piece of ground is shown on the proposed block plan. Also the Parish Council is over its numbers for SAMDev for this area of the parish.

##### 4.1.2 SC SUDS

No objection has been raised to the application however the applicant should implement an appropriate sustainable drainage scheme. The relevant Guidance

provided by the council and within the Planning Practice Guidance should be adhered to and preference should be given to drainage measures which allow rainwater to soakaway naturally.

#### 4.1.3 **SC Highways**

No Objection – subject to the development being constructed in accordance with the approved details, and the appropriate conditions & informatives.

#### 4.1.4 **SC Trees**

There are a number of trees on this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The proposed development would result in the loss of two minor trees, and some small sections of hedgerow. This would not have a significant impact on the rural character of the area or on public amenity and could be easily mitigated through additional new planting.

No objection is raised to the proposed development and subject to appropriate conditions.

#### 4.1.5 **SC Affordable Housing**

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

#### 4.1.6 **SC Ecology**

##### **No Objection 28.06.2018**

Following provision of an Ecological Appraisal prepared by Turnstone Ecology (June 2018) no objection is raised to the scheme subject to the inclusion of appropriate conditions and informatives below on any planning decision notice.

## **4.2 - Public Comments**

4.2.1 This application was advertised via notice at the site and newspaper advertisement. Additionally, the residents of five neighbouring properties were individually notified by way of publication. At the time of writing this report, one representation had been received in response to this publicity objecting to the proposal. The objection cites the following reasons:

- Housing numbers in the area have already been met
- The roads providing access to the village are narrow

- Supply of services is limited
- Size of the dwellings is inappropriate
- There have been refusals for similar developments in the area
- The area has issues with surface water flooding
- Presence of overhead electricity cables
- Position of the existing telephone connection points

## 5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
  - **Siting, scale and design of structure**
  - **Visual impact and landscaping**
  - **Residential amenity**
  - **Other issues**

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 The application is assessed under the policies and criteria outlined in the National Planning Policy Framework, the Shropshire Core Strategy and the Council's Site Allocations and Management of Development – Development Plan Document (SAMDev).
- 6.1.2 Policy CS1- Strategic Approach, states that the majority of new residential development within Shropshire will be sustainably located within Shrewsbury, Market towns and Key Centres. Sustainable rural residential development; accounting to approximately 35% of the necessary housing provision will be located within identified community hubs and community clusters, contributing to social and economic vitality.
- 6.1.3 Policy CS4- Community Hubs and Clusters, of the Core Strategy promotes sensitively designed development that reflects the needs of local communities and allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can happen. Such designations are subsequently set out within the Council's SAMDev Plan (MD1 – Scale and Distribution of Development) and Policies S1-S18.
- 6.1.4 The application site is located within Lower Common which is identified as a community cluster in Policy S.16.2 (vii) where sustainable development by infilling may be acceptable on suitable sites within the villages. Within this policy Longden, Hook-a-Gate, Annscroft, Longden Common, and Lower Common/Exfords Green has a settlement housing guideline figure of 10 to 50 dwellings, with 25-30 to be accommodated within Longden. The currently housing provision figures sits at approximately 56 comprising of 19 completed dwellings and 37 with planning permission. Two dwellings with outstanding planning permission are situated within Longden Common. Should the proposed application be granted this figure would rise to 59 dwellings. The Parish Council has adopted a Longden Parish

Development Statement (2013) together with the Parish Plan (2017), indicating that no individual site should be of more than 3-5 houses and a preference for lower cost 2-3 bedroom properties.

- 6.1.5 The proposal is situated within an existing development cluster and is deemed to be sustainable in location and suitable for small scale infill development. The development site is also considered to be previously developed (brownfield) land in that it has previously occupied a nursery use and currently has a number of disused buildings; of a substantial and permanent construction, on site. Within the adopted SAMDev it is acknowledged that key component of the housing land supply will included 'Windfall' development on sites other than those allocated, including brownfield sites having regard to the policies of the Local Plan. Furthermore the NPPF at paragraph 17 and Policy CS10 of the Core Strategy prioritise the re-use and development of brownfield sites on suitable sites in sustainable locations.
- 6.1.6 As the housing provision figure is above that of Policy S.16.2 (vii) an assessment under Policy MD3- Delivery of Housing Development must be undertaken. The increase in the number of dwellings by 3 as sought by the application relative to the guideline is approximately 8%. Together with the existing permissions the total number of dwellings with permission comparative to the guideline figures would be approximately 18%, these outstanding permission are very likely to go ahead. The benefits of granting an additional permission will predominantly be short term economic benefits during the construction phase and limited social and economic benefits during the occupations of the dwelling. Cumulatively the impact will have a limited impact on the settlement of Lower Common as only 2no. dwellings have been granted within it and the site is sustainably located in accordance with the presumption favour outlined in the NPPF.
- 6.1.7 While it is accepted the granting of the planning permission will increase the settlement housing figures above the guideline, both the development plan and national planning policy encourage development of previously developed land in the first instance, meaning the impact on the settlement guideline figure is not a determining factor. Additionally officers consider that the benefits associated with the development; the short term economic and limited social and economic benefits identified above, together with the limited cumulative impact the development will have on Lower Common as a settlement, outweigh the limited harm and as such the scheme is acceptable in principle.
- 6.1.8 With regards to the design of the proposal Policies CS6, CS17 and MD2 are also considered to apply to the consideration of this application. Policy CS6 seeks to ensure developments are sympathetic to the size, mass, character and appearance of the original property and surrounding area. Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 7 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness. Shropshire Core Strategy Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration.

## **6.2 Siting, scale and design of structure**

- 6.2.1 The application seeks to erect 3no. dwellings on the site orientated so that their principal elevation faces north towards the unnamed road from which they will gain their access. The dwellings will continue the existing building line fronting the road from the dwelling Amberley to the west and will be bounded by the access track to Lea Haven to the east. The siting of the proposed dwellings within the settlement and building line is considered to be acceptable.
- 6.2.2 The dwellings are set between approximately 10.5m and 12.0m back from the edge of the highway and are sited roughly centrally within their individual plots, retaining a reasonably sized residential curtilage to the rear; in line with neighbouring development, and a driveway accommodating parking and turning area to the road frontage. Supplementary landscaping is proposed to the road frontage, more specifically to the northwestern corner along the boundary of Plot 1.
- 6.2.3 The proposed dwellings on Plot 1 and 2 will accommodate a lounge, kitchen, utility and dining room to the ground floor and four bedrooms and a bathroom to the first floor. The scale of the dwelling on Plot 3 has been reduced in line with the comments of the Parish Council and the Parish Plan and comprises of a three bedroomed dwelling. Each of the dwellings will also benefit from an attached garage and conservatory. While the level of accommodation provided within each dwelling is generous, officers conclude that the overall scale of the dwellings is acceptable and comparative to those existing dwellings in the wider village.
- 6.2.4 The overall mass of the dwellings has been broken up through effective design including the use of half dormer windows, lower pitched roofs to the garage and porch together with a monopitched roof to the ground floor principle elevation.

## **6.3 Visual impact and landscaping**

- 6.3.1 The dwellings seek to utilise brick, roofs tiles and upvc windows and doors, at this stage the colour and appearance of the materials have not been specified. These materials are commonly found within residential properties and the cluster of Lower Common has a mixture of dwelling styles and materials such that the proposals would not appear out of character.
- 6.3.2 The proposed dwellings are considered to be in proportion and of an acceptable visual appearance comparative to the surrounding dwellings. A number of neighbouring premises; of both single and two storey, benefit from both attached and detached garages and outbuildings together with varying roof profiles utilising dormer windows, box dormers, including the immediate neighbour Amberley, such that the scheme is considered to be visually congruent.
- 6.3.3 The main public viewpoint will be from the unnamed road to the north, currently a mature hedge bounds this frontage. As part of the scheme the existing driveway will be widened to provide access to Hawthorn Villa to the south and the proposed dwelling on Plot 3, and an additional driveway will be provided within the frontage to provide access to Plots 1 and 2. It is accepted that this aspect of the development will give rise to some limited harm as parts of the existing hedging will be lost however in considering the current views into the site of the dilapidated greenhouses and associated hardstanding it is not considered that views of the proposed dwellings; which are in character with those in the settlement, will be unacceptable.



6.3.4 Suitable gaps between the 3no. dwellings, reflective of the countryside setting and the arrangements within the existing settlement, will be retained. Additionally supplementary landscaping to the south and west boundary, together with the retention of a significant portion of the existing, will further contribute to the acceptable appearance of the development and assist in blending the development within the wider setting.

6.3.5 The Shropshire Way footpath runs northwards within the field opposite the existing site entrance so the proposal will be visible from this point. In considering the dwellings siting in front of existing dwellings and outbuildings and between and existing access track and residential properties, it is considered that the proposal will not appear as an alien feature within the wider context. The existing mature hedging forming the boundary to the east and the existing trees to the western boundary edge will contribute to the proposals appearance as a well sited group of dwellings within the settlement.

#### **6.4 Residential Amenity**

6.4.1 The dwellings will be situated on previously developed land formerly used as a nursery. There will be neighbouring residential dwellings to the south (rear) and west of the proposal. The nearest dwelling, Hawthorn Villa to the south will be approximately 23.0m from the nearest point of the rear elevation of the dwellings, as such it is not considered that the proposal give rise to unacceptable levels of harm in this respect.

6.4.2 Plot 3 of the proposed development would share a boundary with the existing dwelling Amberley on its western side. A gap of approximately 1.8m in width accommodating the existing hedge and tree planting will be retained between the west elevation and the shared boundary. In total the distance between the dwelling on Plot 3 and the existing dwelling Amberley will be approximately 5.4m at the nearest point. To this elevation there will be no first floor windows giving rise to overlooking and the ground floor windows to the hall and conservatory will not cause any impact to neighbouring residential amenity due to the existing screening along the boundary.

6.4.3 The overall scale of the proposal will not give rise to any overshadowing or overbearing impact due to their orientations, the scale of the surrounding properties and the distances between them. As such it is not considered that the 3no. dwelling proposed will give rise to unacceptable impact on neighbouring residents amenity or privacy through overlooking, overshadowing or overbearing.

#### **6.5 Other Issues**

6.5.1 The proposal seeks to provide an enlarged access providing access to Plot 3 and Hawthorn Cottage and one additional share access providing Plot 1 and 2, an arrangement which is considered acceptable in this location. The design of the development would allow vehicles to access and egress the plot in forward gear, and adequate visibility splays can be provided. The conditions recommended by the Highways Officer can be imposed on the decision notice.

6.5.2 Additionally the application seeks planning permission for the installation of a package treatment plant, full details of which will be required at conditions stage in

accordance with the recommendations made by the Drainage Officer. It has been confirmed that the submitted tree report is satisfactory subject to appropriate conditions.

## **7.0 CONCLUSION**

7.1 The 3no. dwellings proposed will be situated within Lower Common, a community Cluster identified within Policy S.16.2 (vii), therefore the development is sustainably located. Additionally the site is considered to represent infill development within the settlement and is previously developed (brownfield) land, the redevelopment of which is actively encouraged by the NPPF and CS10. The impact of exceeding the settlement housing guideline figure is therefore negligible.

7.2 The siting, scale and design of the 3no. proposed dwellings is considered to be in character with the surrounding built development and of no demonstrable harm in terms of visual impact. As such the proposal is in accordance with the determining criteria of the relevant policies including CS6 and MD2 and as such approval is 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, 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

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

MD1 - Scale and Distribution of Development

Settlement: S16 - Shrewsbury

CS10 - Managed Release of housing Land

National Planning Policy Framework

MD3 - Managing Housing Development  
 CS6 - Sustainable Design and Development Principles  
 CS17 - Environmental Networks  
 MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

18/00251/FUL Erection of 3No dwellings, formation of vehicular and pedestrian access and installation of package treatment plant PCO

11. Additional Information

[View details online:](#)

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 R. Macey
Local Member Cllr Roger Evans
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. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

4. No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

5. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

6. No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said

development until a tree planting scheme, prepared in accordance with of BS 8545: 2014 Trees: from nursery to independence in the landscape - Recommendations has been submitted and approved in writing by the Local Planning Authority.

**Reason:** To ensure that there is no nett loss of trees from the area and to provide natural landscape features that help to integrated the development into the local environment.

7. No development shall take place until full details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

**Reason:** To ensure a satisfactory means of access to the highway.

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

8. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

**Reason:** To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

9. Prior to first occupation / use of the building, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 2 artificial bird boxes, of either integrated brick design or external box design, suitable for House Sparrow, Swallow & Wren should be installed on site. The boxes should be sited in an appropriate location and thereafter maintained for the lifetime of the development.

**Reason:** To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

#### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

10. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

11. Any hedge or other boundary treatment fronting onto the adjoining highway is to be set back behind the visibility splays and kept at a height of 900 mm at all times.

Reason: To ensure the provision of adequate visibility in the interests of pedestrian and highway safety.

12. Work shall be carried out strictly in accordance with the Ecological Appraisal prepared by Turnstone Ecology (June 2018) attached as an appendix to this planning permission.

Reason: To protect features of recognised nature conservation importance.

### **Informatives**

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

3. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

4. A. No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

#### B. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

#### C. Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://new.shropshire.gov.uk/planning/faqs/>

5. A. The use of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

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



B. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new access/ driveway run onto the highway.

C. Full details and sizing of the proposed package sewage treatment plant including percolation tests for the drainage fields should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development i.e. for a 4 bedroom dwelling, the population equivalent should be 6 and the sizing of the package sewage treatment plant and drainage fields should be designed to cater for a minimum of 6 persons and in accordance with the Building Regulations H2.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.

6. In arriving at this decision Shropshire 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.

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Committee and date  
 Central Planning Committee  
 2 August 2018

Item  
**8**  
 Public

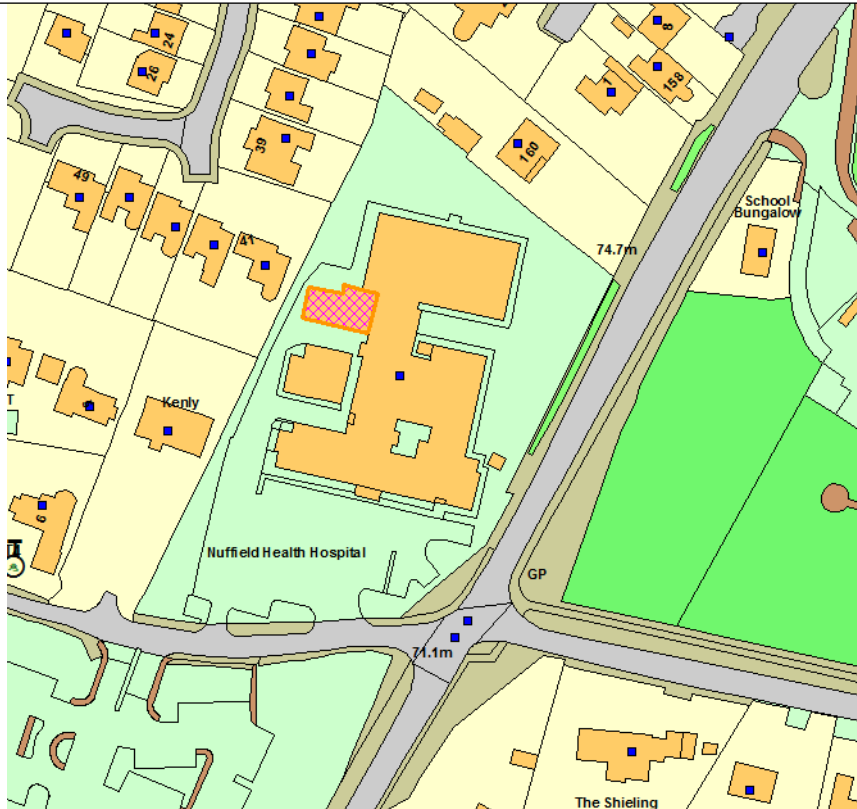
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 18/01747/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Retention of existing two storey temporary unit on raised foundations to provide theatre with plant room above for a further period of 3 years		
<b><u>Site Address:</u></b> The Shropshire Nuffield Hospital Longden Road Shrewsbury SY3 9DP		
<b><u>Applicant:</u></b> c/o Agent		
<b><u>Case Officer:</u></b> Shannon Franklin	<b><u>email:</u></b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 347956 - 310787



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

- 1.1 This application is for the retention of the existing two storey temporary unit on raised foundations to provide theatre with plant room above for a further period of three years.
- 1.2 The building is sited to the west elevation of the main hospital building and is raised off the ground on concrete pads 1.5 metres tall with the operating theatre measuring 8 metres wide by 16 metres long. A linking corridor to the main building is also provided. The flat roofed operating theatre is 4 metres in height with a plant room above measuring 3 metres wide by 11.4 metres long also to a height of 4 metres. The plant room is situated to the southern corner of the flat roof of the operating theatre.
- 1.2 This application follows the original planning approval in 2004 and three subsequent renewals in 2009, 2012 and 2015.
- 04/0739/F – Erection of a two storey temporary unit (on raised foundations) for use as an operating theatre and associated plant room on top. Granted 10th September 2004.
  - 09/00016/FUL - Erection of a two storey temporary unit on raised foundations to provide theatre with plant room above. Granted 4th June 2009.
  - 12/01233/FUL - Renewal of extant planning permission ref 09/00016/FUL for the erection of a two storey temporary unit on raised foundations to provide theatre with plant room above. Granted 24<sup>th</sup> May 2012.
  - 15/01467/FUL - Retention of existing two storey temporary unit on raised foundations to provide theatre with plant room above for a further period of 3 years. Granted 29<sup>th</sup> May 2015.
- 1.3 The applicant has been encouraged both at the point of previous renewals and in relation to this current application to consider a permanent solution to this temporary structure. The applicant has indicated that they are considering the erection of a permanent structure (which will require formal approval from the LPA) and that in the interim additional measures to address the concerns of the adjacent neighbour at No.41 Henlow Rise are being discussed. These measures predominantly relating to the boundary treatments between the sites are not considered as part of this application and are considered to be a civil matter between the parties.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The proposed site is located to the west elevation of the main hospital building which is orientated such that its main entrance faces the car park to the south. There are limited views of the proposal from Mousecroft Lane to the south from which the site is accessed.
- 2.2 The wider site is bounded to the north and east by residential dwellings, to the South by Mousecroft Lane on the opposite side of which is additional car parking

associated with the hospital and to the west by Longden Road. The sites boundaries in all directions are lined with hedges and tree planting. To the west immediately adjacent to the site is a mature leylandii hedge screening the temporary building from the neighbouring property.

- 2.3 The design of the building relates to the fact that it is a temporary building and it is constructed from composite steel panels which will allow it to be removed in due course and that the building is grey in colour. The operator of the hospital is a charity and this theatre is largely used for National Health Service procedures to the benefit of the local community. Also that the immediate neighbours to the operating theatre have been written to, to inform them that this planning application is being made.

### **3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION**

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 - Consultee Comments**

##### **4.1.1 Shrewsbury Town Council**

Whilst the Town Council recognises that these facilities are required, they cannot support this application. They sympathise with a local resident that has had to endure the noise from the generator for the past 14 years, which was meant to be 'temporary'. The Town Council requests that a more permanent solution is now found which does not impact on the local residents.

##### **4.1.2 SC Drainage**

We have no comment from the drainage and flood risk perspective, regarding the retention of existing two storey temporary unit on raised foundations to provide theatre with plant room above for a further period of 3 years.

#### **4.2 - Consultee Comments**

- 4.2.1 This application was advertised via notice at the site. Additionally, the residents of ten neighbouring properties were individually notified by way of publication. At the time of writing this report, one representations had been received in response to this publicity. The representation receive objects to the scheme for the following reasons:

- Repeated temporary planning permission have been granted for a building with a 'shelf life' of 10 years;
- The leylandii hedge needed to screen the development is not maintained and blocks sunlight and television signal to the adjoin property;
- The building remains an intrusive eyesore.

### **5.0 THE MAIN ISSUES**

- 5.1
- **Principle of development**
  - **Siting, scale and design of structure**
  - **Visual impact and landscaping**

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS6 also requires that development safeguards residential and local amenity and ensures sustainable design and construction principles are incorporated within the new development.
- 6.1.2 Policy 7 ‘Requiring Good Design’ of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 6.1.3 Policy CS8 ‘Facilities, Services and Infrastructure Provision’ aims to develop sustainable places in Shropshire and maintain and enhance existing services and facilities together with the provision of appropriate supporting infrastructure.

### **6.2 Siting, scale and design of structure**

- 6.2.1 The proposal is designed at a suitable scale to meet the needs of the use contained within it and is constructed such that it is temporary in design and can be dismantled and moved off site as necessary.
- 6.2.2 Officers considered that the siting is appropriate to the proposed use and ensures minimal visual impact.

### **6.3 Visual impact and landscaping**

- 6.3.1 The siting of the structure to the west (rear) of the hospital away from key public viewpoints and not clearly discernible within the street scene ensures the scheme will not be experienced as visually intrusive.
- 6.3.2 One public objection and an objection from the Town Council has been received predominantly concerned about the ‘temporary’ nature of the scheme.
- 6.3.3 Officers consider that the scheme does not significantly impact upon the neighbouring residents amenity through overshadowing, overbearing or impacts on privacy, due to the distances involved and the nature of the structure. It is noted that the existing hedging screens the development from the neighbouring residential dwellings.
- 6.3.4 While the repeated use of temporary permission is noted, on balance the structure complies with CS6 and CS8 and as such the principle of development is acceptable. The applicant has been advised to enter into pre-application discussions with the Local Authority to determine a more permanent solution on site.

## **7.0 CONCLUSION**

- 7.1 On balance it is considered that the continued siting of the temporary building to the rear of the hospital away from the main public views is acceptable for a further temporary period of 3 years. The scheme is considered to accord with the principles of Policies CS6 and CS8 and the National Planning Policy Framework (NPPF).
- 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

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

National Planning Policy Framework

### RELEVANT PLANNING HISTORY:

09/00016/FUL Erection of a two storey temporary unit on raised foundations to provide theatre with plant room above GRANT 4th June 2009

12/01233/FUL Renewal of extant planning permission ref 09/00016/FUL for the erection of a two storey temporary unit on raised foundations to provide theatre with plant room above GRANT 24th May 2012

PREAPP/13/00175 Proposed residential development for up to 190 no. dwellings, access, open space and associated works. PREAIP 23rd June 2013

15/01467/FUL Retention of existing two storey temporary unit on raised foundations to provide theatre with plant room above for a further period of 3 years GRANT 29th May 2015

18/01747/FUL Retention of existing two storey temporary unit on raised foundations to provide theatre with plant room above for a further period of 3 years PDE

SA/90/1257 Refurbishment and extension to existing hospital to provide additional day care, outpatient and operating theatre facilities. PERCON 9th January 1991

SA/90/0537 Erection of an extension to provide bulk store. PERCON 24th May 1990

SA/91/0744 Provision of 4 no. air cooled condensers on north wing roof. For Nuffield Hospitals. PERCON 31st July 1991

SA/91/0836 Erect and display a non illuminated temporary sign board. For Nuffield Hospitals. PERCON 28th August 1991

SA/91/1307 Formation of a temporary site access from Longden Road (renewal of planning permission reference 91/534/92/85 dated 22nd May 1991). For Nuffield Hospitals. PERCON 8th January 1992

SA/92/0524 Continue to site a single storey demountable type building providing temporary staff accommodation whilst hospital is undergoing alterations and refurbishment. For Nuffield Hospital. PERCON 17th June 1992

SA/92/0928 Erect and display an internally illuminated fascia sign. For Nuffield Hospital. PERCON 25th September 1992

SA/85/0564 Erection of a flat roof extension to enclose north staircase. PERCON 1st August 1985



SA/85/0371 Alterations and additions to change the use of existing staff accommodation block into a consulting room suite. PERCON 13th June 1985

SA/87/0226 Erection of a flat roof incinerator house with chimney. PERCON 4th June 1987

SA/90/0690 Refurbishment and extension of existing hospital to provide additional bedroom and theatre wing. PERCON 29th August 1990

SA/90/1190 Erection of a 144 metre square portakabin duplex system single storey building to provide temporary accommodation for out-patient consulting when existing building is demolished to make way for proposed hospital extensions. PERCON 28th November 1990

SA/91/0354 Formation of a temporary site access from Longden Road. For Nuffield Hospitals. PERCON 22nd May 1991

SA/85/0997 Extensions to existing car parking facilities. PERCON 12th December 1985

SA/96/0206 Erection of an extension to provide linen store after removal of existing portable building. PERCON 4th April 1996

SA/95/1237 Siting of a single storey portable building (Renewal of temporary permission reference 94/666/92/85 dated 27/7/94). PERCON 16th January 1996

SA/94/0666 Siting of a single storey portable building for a temporary period of 18 months. PERCON 27th July 1994

SA/05/0129/F Erection of a two storey temporary unit for the use as operating theatre with associated plant room, external staircase, external ducting and external waste chute (amendment to planning permission 04/0739/F granted 10.09.04) Retrospective. PERCON 27th April 2005

SA/04/0739/F Erection of a two storey temporary unit (on raised foundations) for use as an operating theatre and associated plant room on top PERCON 10th September 2004

SA/04/0462/F Erection of a two storey temporary building to accommodate an operating theatre on raised foundations and associated plant room on first floor WDN 12th May 2004

SA/04/0306/ADV Erection of 2 no. double pole mounted externally illuminated signs, 5 no. single pole mounted non-illuminated signs and 1 no. double pole mounted non-illuminated sign for existing and new car parks PERCON 30th April 2004

SA/02/1623/REW To continue to site for a period of 3 years 1 no. portable office building (renewal of planning permission 99/1104/92/85) PERCON 20th January 2003

## 11. Additional Information

[View details online:](#)

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 R. Macey
Local Member Cllr Keith Roberts
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be for a limited period being the period of 3 years from the date of this permission. At the end of this period the development hereby permitted shall cease.
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

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

#### CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The sound levels emitted at any time from the plant room shall not exceed 45d(B) LA eq when measured at any point along the line AB and shall not exceed 26d(B) LA eq when measured along line BC on the approved plan drawing no. 080391P(0)03.

Reason: To safeguard the amenities of the occupiers of the adjoining properties.

4. The temporary operating theatre and plant room hereby approved shall not be used between the hours of 18:00 and 08:00 Monday to Saturday and at no time on Sundays and Bank Holidays with the exception of emergency admissions.

Reason: To safeguard the amenities of the occupiers of the adjoining properties.

5. The opening to the hopper on the waste chute shall be covered whilst not in use and the opening to the waste skip (positioned under the chute) shall be lidded or suitably covered.

Reason: In the interest of public health.

### Informatives

1. In arriving at this decision Shropshire 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. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.



<u>Committee and date</u>
Central Planning Committee
2 August 2018

<u>Item</u>
9
Public

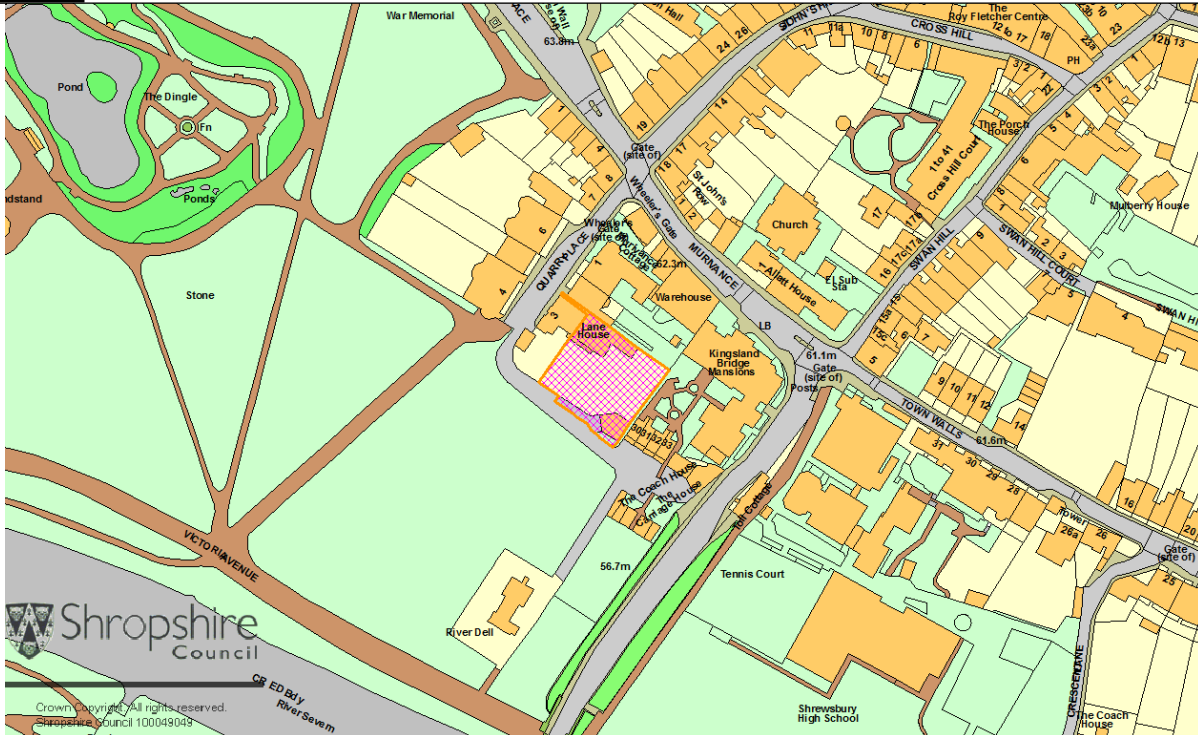
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 18/01916/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Erection of single storey side extension and glazed rear extension with associated internal alterations.		
<b><u>Site Address:</u></b> Lane House Quarry Place Shrewsbury SY11JN		
<b><u>Applicant:</u></b> Mrs Clair Gethin		
<b><u>Case Officer:</u></b> Kelvin Hall	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 348845 - 312298



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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a single storey side extension and glazed rear extension with associated internal alterations to the dwelling. The side extension would provide a utility/boot room and WC. It would measure 4 metres wide x 4.25 metres deep x 4 metres high. It would incorporate a crenulated parapet to match the existing building, and the walls would be painted render also to match. It would have powder coated aluminium windows and a lantern rooflight behind the parapet. The glazed extension would provide additional dining space. It would measure 6.9 metres wide x 4 metres deep x 2.9 metres high. It would have a flat rooflight, aluminium window frames and white painted hardwood fascia and soffit.
- 1.2 The property is a Grade II listed building. An associated application for listed building consent is being considered separately (ref. 18/01917/LBC).

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 Lane House is located to the south-west of the town walls in Shrewsbury. There is pedestrian access directly from Quarry Place. Vehicle access and a further pedestrian access is via a private lane which leads from Quarry Place. Surrounding land to the north-west, north-east and south-east is in residential use. The Quarry Park, a Grade II Registered Park and Garden, lies to the south-west. The house and garden covers an area of approximately 1100m<sup>2</sup>, with the dwelling itself having a footprint of approximately 180m<sup>2</sup>. The main part of the house occupies three stories. There is an attached two storey and single storey element to the side, and a wrought iron-framed canopy to the front. The property lies within the Shrewsbury Conservation Area.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Town Council's views are contrary to the officer recommendation. The Planning Manager in consultation with the Committee Chairman agrees that the Town Council has raised material planning issues and that the application should be determined by Planning Committee.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

- 4.1.1 **Shrewsbury Town Council** Objects. Members recognise the significance and prominence of this building and consider all works to it should be sympathetic to the existing house. Members consider the proposed works to be lacking in detail and feel the glazed extension at the rear should reflect some of the design from the porch. The Town Council does not object to the principle of extending this property but would welcome a redesign.
- 4.1.2 **SC Conservation** No objections. Further to our earlier comments the amended plans show a reduced amount of demolition to the remaining internal corner tower

feature so that the corner extent of this is retained. The amended layout is generally satisfactory. It still does provide somewhat of an open plan configuration but now better delineates the original extent of the building.

Background: These concurrent applications affect the site occupied by the Grade II listed Lane House, a large four window range stucco over brick mid-19th Century dwelling with an interesting two storey castellated 'tower' bay to the easterly end and a lovely traditionally styled early wrought iron canopy to the front elevation. A linear kitchen extension to the east side was granted in 1996 which mimics the tower's castellated approach. This current application proposes a further small extension to the 1996 kitchen range for a utility room, as well as a more contemporary glazed kitchen extension to the front of the 1996 range.

Lane House is sited immediately to the rear of and attached to No 3 Quarry Place, also Grade II listed, and the property is sited in a visually concealed but sensitive position immediately north of and facing the easterly end section of The Quarry, a Grade II Registered Historic Park and Garden. As noted in the Design and Access Statement, I have met with the agent and the applicant on site at an informal pre-application meeting and the scheme has been revised to some degree from its initial iteration.

Due regard to the following local and national policies, guidance and legislation would be required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and relevant planning Guidance including Historic England's Setting of Heritage Assets. As the proposal is within the 'Town Centre Special Character Area', which forms part of the larger Shrewsbury Conservation Area, special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would be required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area. I would also note that as the building is listed, and is part of an area comprised of additional designated heritage assets, Section 66 of the Act is also relevant, where the Act requires the need to pay special regard to the preservation of listed buildings and their settings.

In principle the extension works proposed are generally acceptable and mainly affect later extensions to the main building. Both extensions have been designed to be subordinate to the main listed building, and the two approaches, one sleek and contemporary with much glazing and the other a more modest extension of the castellated early and later elements on the site, are fine in these locations, and do not compete with the other interesting elements of the building which add to its character, such as the delicate wrought iron canopy. I would suggest that a roof detail condition is added so that the most slender of roof details can be agreed for the contemporary extension, as well as conditions on external materials and finishes and joinery details. Overall the extensions are not considered to have an unacceptable impact on the character, significance or the setting of the listed building and likely a very minimal impact on the character and the appearance of the Conservation Area.

Should the application be approved the following conditions are recommended: JJ3: Services, JJ5: Metal rainwater goods/plumbing, JJ6: Roof materials, JJ7: Roof

details, JJ8: Rooflight, JJ20: Joinery, JJ21: Retain and protect architectural features, JJ23: Scribe around historic features, JJ24: External finishes, JJ31: Historic fabric, JJ34: Decorative finishes.

4.1.3 **SC Archaeology** No comments to make.

4.1.4 **SC Trees** No objections. Root protection areas (RPA) have now been added to the plan. This scheme has less impact on the trees than previous proposals. The trees are to be retained as screening and as conifers internal to the site are not considered important public amenity trees. Therefore I am satisfied with the amended plan and the arboreal aspects to this proposal. A tree protection condition will ensure protection of the RPA's (see Appendix 1).

## 4.2 **Public Comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition eight adjacent properties have been directly notified. No public representations have been received.

## 5.0 **THE MAIN ISSUES**

- 5.1  Policy & Principle of Development
- Design, Scale and Character; impact on historic environment
- Residential and local amenity considerations
- Tree considerations

## 6.0 **OFFICER APPRAISAL**

### 6.1 **Policy and Principle of Development**

6.1.1 The proposal is for extensions within the curtilage of the dwelling which itself lies within the development boundary of Shrewsbury. There is no specific policy restriction on the proposal and it is considered acceptable in principle. Relevant policies and considerations are set out below.

6.1.2 Planning permission and associated listed building consent was granted in 2010 for the erection of a conservatory to east elevation; relocation of garden storage shed to include removal and other works to trees. However these were never implemented and have now lapsed.

### 6.2 **Design, Scale and Character; impact on historic environment**

6.2.1 Core Strategy policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. Core Strategy policy CS17 also seeks to protect, restore and enhance the natural, built and historic environment. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. Policy MD13 seeks to protect, conserve, enhance and restore Shropshire's heritage assets. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 specifies that 'special' attention shall be paid to the desirability of preserving or enhancing the character and appearance of the

## Conservation Area.

6.2.2 The proposed extensions would be relatively well screened from wider views due to existing substantial trees around the property boundary. The proposal would extend the single storey wing of the house onto part of the patio area of the property. Its design would incorporate specific features of this side of the house, including the castellated parapet, the string course and painted render to match. The extension would be small in scale with a roof height approximately 0.5 metres lower than the adjacent wing, and as such would appear as a subordinate addition but in keeping with the existing design. An existing brick wall situated across this part of the patio would be re-built further to the east.

6.2.3 In relation to the proposed glazed extension the Design and Access Statement advises that this has been designed to be slender and minimalist, to serve as a contrast to the vernacular architecture of the existing house. The Town Council however considers that it should pick up on elements of the porch. Officers recognise that the main house includes a variety of interesting architectural features. These would be retained as part of the current proposals. The design of the glazed extension does not attempt to replicate elements of the front canopy. Instead it is of a contemporary and simple design. Officers are of the view that this contrast, comprising a modern addition, would be appropriate. The proposed internal works have been amended in line with advice from the Conservation Officer to retain part of an internal wall and are now acceptable. Detailed design matters can be agreed by planning condition. Subject to this it is considered that the extensions are of an acceptable design and scale to ensure that they would preserve the special interest of the listed building, and are therefore in line with the requirements of the above policies and legislation.

## 6.3 Residential and local amenity considerations

6.3.1 Core Strategy policy CS6 requires that proposals safeguard residential and local amenity. The proposed extensions would be well screened from the view of neighbouring dwellings by the existing boundary wall and tall trees along the boundary. As such it is not considered that the proposal would harm residential amenity.

## 6.4 Tree considerations

6.4.1 The proposed side extension would bring the house to within approximately 3 metres of the line of mature trees that are along the eastern boundary. It is considered that these trees should be retained as they provide good screening. There are also other, smaller, trees slightly closer. Following comments raised by the Tree Officer the applicant has provided details of an Arboricultural Report that was prepared for the previous application for an extension which was granted in 2010. This shows the proposed extension would not be within the root protection area of the nearest trees. The Tree Officer has raised no objections. A condition can be imposed to require that tree protection fencing is retained for the duration of the construction period, and it is considered that this would ensure that harm to the boundary trees is avoided.

## 7.0 CONCLUSION

7.1 The design and scale of the proposed extensions would satisfactorily protect the special interest of the listed building, and preserve the character and appearance of the Conservation Area. The proposals would not adversely affect the setting of the

Registered Park and Garden of the Quarry Park, and avoid harm to residential amenity and important trees. As such the proposal is in line with Development Plan policy and planning permission can be granted subject to the conditions set out in Appendix 1.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

- ② 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.
- ② 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 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 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**

9.1 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  
CS17 - Environmental Networks  
MD2 - Sustainable Design  
MD13 - Historic Environment

### RELEVANT PLANNING HISTORY:

10/02186/FUL Erection of a conservatory to east elevation; relocation of garden storage shed to include removal and other works to trees GRANT 22nd July 2010  
10/02187/LBC Erect a single storey, timber framed, garden room extension with storage shed relocation, tree removal and replacement GRANT 22nd July 2010  
10/02699/TPO Crown reduce up to 5ft off branches 1 x row of Conifers protected by The Shrewsbury Borough Council (Lane House, Quarry Place) Tree Preservation Order 1973 GRANT 18th August 2010  
10/03221/DIS Discharge of condition 3 (joinery details) attached to planning ref. 10/02187/LBC NPW 18th July 2011  
14/04522/TPO To crown reduce by 4.5m a line of Conifer trees protected by The Shrewsbury Borough Council (Lane House, Quarry Place) Tree Preservation Order 1973 GRANT 1st December 2014  
18/01917/LBC Erection of single storey side extension and glazed rear extension with associated internal alterations affecting a Grade II building. PDE  
SA/92/0835 Alterations to wall after demolition of chimney. For Miss A M Morris Jones. PERCON 16th September 1992  
SA/96/0350 Erection of a single storey extension to provide enlarged kitchen after demolition of existing lobby. PERCON 15th May 1996  
SA/93/0691 Minor internal alterations and single storey extension to provide a self contained annexe. PERCON 25th August 1993  
SA/06/0829/TPO Reduce height of 10 conifers protected by SABC (Lane House, Quarry Place) TPO 1973 PERCON 6th July 2006  
SA/05/0777/TRE Various works to trees within Shrewsbury Conservation Area NOOBC 24th June 2005

## 11. Additional Information

[View details online:](#)

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 R. Macey

Local Member  
Cllr Nat Green

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. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

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

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

5. Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory preservation of the Heritage Asset.

6. Details of the roof construction including details of eaves, undercloaks, ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

7. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

8. Prior to the commencement of the relevant work 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 Heritage Asset.

9. All existing features of architectural and historic interest (e.g. windows, doors, ornamental plaster, joinery, staircases, fireplaces) shall be retained in-situ and fully protected during the approved works.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

10. All new partitions and other elements of construction shall be scribed around historic and architectural features including cornices, picture rails, chair rails, skirting's, panelling, door and window linings and shall not cut through such features.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

11. All new external and internal work and finishes, and work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: To ensure satisfactory preservation of this Heritage Asset.

12. If hitherto unknown architectural evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure architectural features are recorded during development.

13. Before the relevant part of works commence details of the proposed decorative finishes and colour scheme shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

#### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

14. The trees along the south-eastern boundary of the site and indicated on approved drawing 1.00 rev A shall be retained and protected in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection".

Protective fences shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fences shall be maintained throughout the duration of the development and shall not be moved or removed without the prior approval of the local planning authority.

Reason: To safeguard the amenities of the local area by protecting trees.

**Informatives**

1. In arriving at this decision Shropshire 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 38.
2. This planning permission notice must be read in conjunction with the listed building consent notice where additional conditions are attached.

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<u>Committee and date</u>
Central Planning Committee
2 August 2018

<u>Item</u>
<b>10</b>
Public

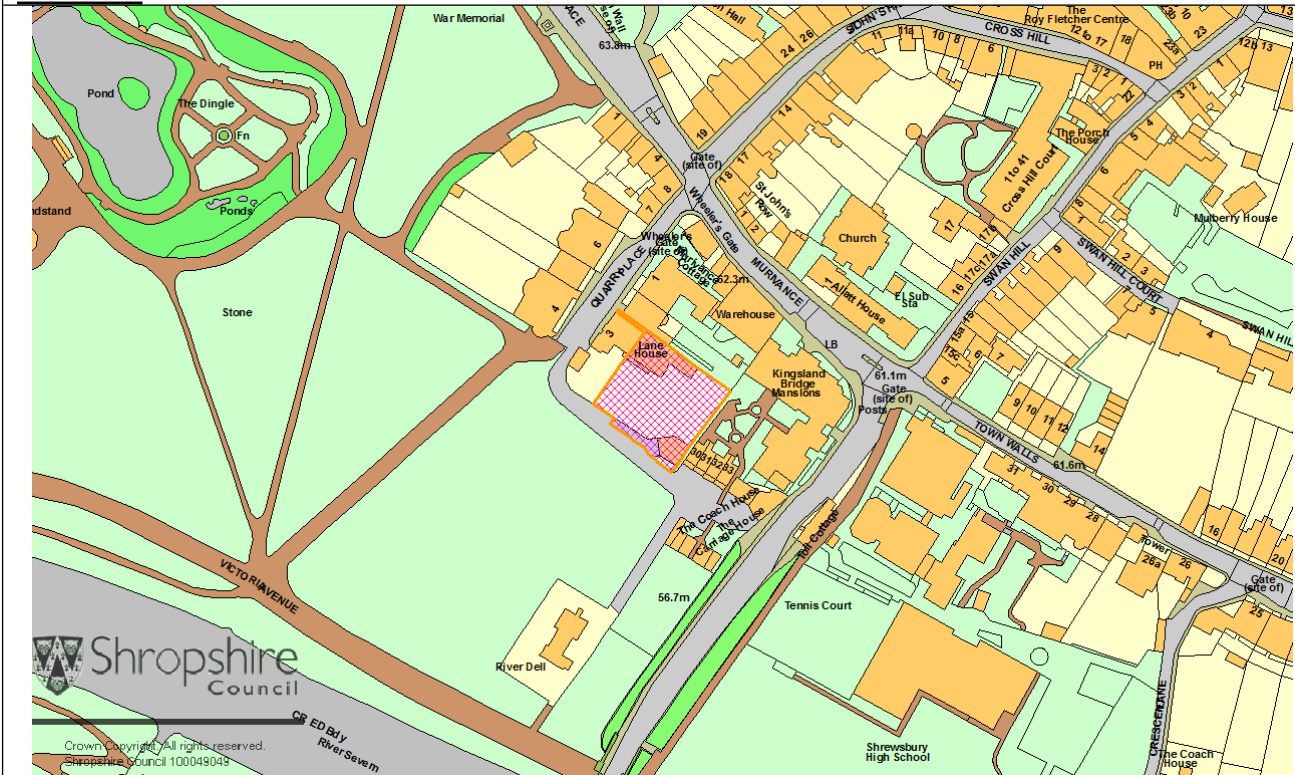
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 18/01917/LBC	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Erection of single storey side extension and glazed rear extension with associated internal alterations affecting a Grade II building.		
<b><u>Site Address:</u></b> Lane House Quarry Place Shrewsbury SY1 1JN		
<b><u>Applicant:</u></b> Mrs Clair Gethin		
<b><u>Case Officer:</u></b> Kelvin Hall	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 348845 - 312298



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**Recommendation:- Grant listed building consent subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 Lane House is a Grade II listed building. This application seeks listed building consent for the erection of a single storey side extension and glazed rear extension with associated internal alterations to the dwelling. The side extension would provide a utility/boot room and WC. It would measure 4 metres wide x 4.25 metres deep x 4 metres high. It would incorporate a crenulated parapet to match the existing building, and the walls would be painted render also to match. It would have powder coated aluminium windows and a lantern rooflight behind the parapet. The glazed extension would provide additional dining space. It would measure 6.9 metres wide x 4 metres deep x 2.9 metres high. It would have a flat rooflight, aluminium window frames and white painted hardwood fascia and soffit. The internal works (as amended) would involve minor alterations to a wall.
- 1.2 An associated application for planning permission is being considered separately (ref. 18/01916/FUL).

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 Lane House is located to the south-west of the town walls in Shrewsbury. There is pedestrian access directly from Quarry Place. Vehicle access and a further pedestrian access is via a private lane which leads from Quarry Place. Surrounding land to the north-west, north-east and south-east is in residential use. The Quarry Park, a Grade II Registered Park and Garden, lies to the south-west. The house and garden covers an area of approximately 1100m<sup>2</sup>, with the dwelling itself having a footprint of approximately 180m<sup>2</sup>. The main part of the house occupies three stories. There is an attached two storey and single storey element to the side, and a wrought iron-framed canopy to the front. The property lies within the Shrewsbury Conservation Area.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council's views are contrary to the officer recommendation. The Planning Manager in consultation with the Committee Chairman agrees that the Town Council has raised material planning issues and that the application should be determined by Planning Committee.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 Consultee Comments

- 4.1.1 **Shrewsbury Town Council** Objects. Members recognise the significance and prominence of this building and consider all works to it should be sympathetic to the existing house. Members consider the proposed works to be lacking in detail and feel the glazed extension at the rear should reflect some of the design from the porch. The Town Council does not object to the principle of extending this property but would welcome a redesign.



4.1.2 **SC Conservation** No objections. Further to our earlier comments the amended plans show a reduced amount of demolition to the remaining internal corner tower feature so that the corner extent of this is retained. The amended layout is generally satisfactory. It still does provide somewhat of an open plan configuration but now better delineates the original extent of the building.

Background: These concurrent applications affect the site occupied by the Grade II listed Lane House, a large four window range stucco over brick mid-19th Century dwelling with an interesting two storey castellated 'tower' bay to the easterly end and a lovely traditionally styled early wrought iron canopy to the front elevation. A linear kitchen extension to the east side was granted in 1996 which mimics the tower's castellated approach. This current application proposes a further small extension to the 1996 kitchen range for a utility room, as well as a more contemporary glazed kitchen extension to the front of the 1996 range.

Lane House is sited immediately to the rear of and attached to No 3 Quarry Place, also Grade II listed, and the property is sited in a visually concealed but sensitive position immediately north of and facing the easterly end section of The Quarry, a Grade II Registered Historic Park and Garden. As noted in the Design and Access Statement, I have met with the agent and the applicant on site at an informal pre-application meeting and the scheme has been revised to some degree from its initial iteration.

Due regard to the following local and national policies, guidance and legislation would be required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and relevant planning Guidance including Historic England's Setting of Heritage Assets. As the proposal is within the 'Town Centre Special Character Area', which forms part of the larger Shrewsbury Conservation Area, special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would be required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area. I would also note that as the building is listed, and is part of an area comprised of additional designated heritage assets, Section 66 of the Act is also relevant, where the Act requires the need to pay special regard to the preservation of listed buildings and their settings.

In principle the extension works proposed are generally acceptable and mainly affect later extensions to the main building. Both extensions have been designed to be subordinate to the main listed building, and the two approaches, one sleek and contemporary with much glazing and the other a more modest extension of the castellated early and later elements on the site, are fine in these locations, and do not compete with the other interesting elements of the building which add to its character, such as the delicate wrought iron canopy. I would suggest that a roof detail condition is added so that the most slender of roof details can be agreed for the contemporary extension, as well as conditions on external materials and finishes and joinery details. Overall the extensions are not considered to have an unacceptable impact on the character, significance or the setting of the listed building and likely a very minimal impact on the character and the appearance of the Conservation Area.

Should the application be approved the following conditions are recommended: JJ3: Services, JJ5: Metal rainwater goods/plumbing, JJ6: Roof materials, JJ7: Roof details, JJ8: Rooflight, JJ20: Joinery, JJ21: Retain and protect architectural features, JJ23: Scribe around historic features, JJ24: External finishes, JJ31: Historic fabric, JJ34: Decorative finishes.

4.1.3 **SC Archaeology** No comments to make.

#### 4.2 **Public Comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition eight adjacent properties have been directly notified. No public representations have been received.

### 5.0 **THE MAIN ISSUES**

- 5.1  Policy & Principle of Development  
 Impact on the character and fabric of the listed building

### 6.0 **OFFICER APPRAISAL**

#### 6.1 **Policy and Principle of Development**

6.1.1 Core Strategy policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. Core Strategy policy CS17 also seeks to protect, restore and enhance the historic environment. Policy MD13 seeks to protect, conserve, enhance and restore Shropshire's heritage assets. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

#### 6.2 **Impact on the character and fabric of the listed building**

6.2.1 The proposal would extend the single storey wing of the house onto part of the patio area of the property. Its design would incorporate specific features of this side of the house, including the castellated parapet, the string course and painted render to match. The extension would be small in scale with a roof height approximately 0.5 metres lower than the adjacent wing, and as such would appear as a subordinate addition but in keeping with the existing design. An existing brick wall situated across this part of the patio would be re-built further to the east.

6.2.2 In relation to the proposed glazed extension the Design and Access Statement advises that this has been designed to be slender and minimalist, to serve as a contrast to the vernacular architecture of the existing house. The Town Council however considers that it should pick up on elements of the porch. Officers recognise that the main house includes a variety of interesting architectural features. These would be retained as part of the current proposals. The design of the glazed extension does not attempt to replicate elements of the front canopy. Instead it is of a contemporary and simple design. Officers are of the view that this contrast, comprising a modern addition, would be appropriate. The proposed internal works have been amended in line with advice from the Conservation Officer to retain part of an internal wall and are now acceptable. Detailed design matters can be agreed by planning condition. Subject to this it is considered that the extensions are of an

acceptable design and scale to ensure that they would preserve the special interest of the listed building, and are therefore in line with the requirements of the above policies and legislation.

## **7.0 CONCLUSION**

7.1 The proposed extensions and internal alterations are of an appropriate design and scale for the listed building and would satisfactorily protect its special interest. As such the proposal accords with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and is in line with the Development Plan, and listed building consent can be granted subject to the conditions set out in Appendix 1.

## **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 six weeks 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**

9.1 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  
MD2 - Sustainable Design

### RELEVANT PLANNING HISTORY:

10/02186/FUL Erection of a conservatory to east elevation; relocation of garden storage shed to include removal and other works to trees GRANT 22nd July 2010

10/02187/LBC Erect a single storey, timber framed, garden room extension with storage shed relocation, tree removal and replacement GRANT 22nd July 2010

10/02699/TPO Crown reduce up to 5ft off branches 1 x row of Conifers protected by The Shrewsbury Borough Council (Lane House, Quarry Place) Tree Preservation Order 1973 GRANT 18th August 2010

10/03221/DIS Discharge of condition 3 (joinery details) attached to planning ref. 10/02187/LBC NPW 18th July 2011

14/04522/TPO To crown reduce by 4.5m a line of Conifer trees protected by The Shrewsbury Borough Council (Lane House, Quarry Place) Tree Preservation Order 1973 GRANT 1st December 2014

18/01916/FUL Erection of single storey side extension and glazed rear extension with associated internal alterations. PDE

SA/92/0835 Alterations to wall after demolition of chimney. For Miss A M Morris Jones. PERCON 16th September 1992

SA/96/0350 Erection of a single storey extension to provide enlarged kitchen after demolition of existing lobby. PERCON 15th May 1996

SA/93/0691 Minor internal alterations and single storey extension to provide a self contained annexe. PERCON 25th August 1993

SA/06/0829/TPO Reduce height of 10 conifers protected by SABC (Lane House, Quarry Place) TPO 1973 PERCON 6th July 2006

SA/05/0777/TRE Various works to trees within Shrewsbury Conservation Area NOOBC 24th June 2005

## 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Nat Green
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Appendices APPENDIX 1 - Conditions
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**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. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

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

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

5. Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory preservation of the Heritage Asset.

6. Details of the roof construction including details of eaves, undercloaks, ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

7. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

8. Prior to the commencement of the relevant work 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 Heritage Asset.

9. All existing features of architectural and historic interest (e.g. windows, doors, ornamental plaster, joinery, staircases, fireplaces) shall be retained in-situ and fully protected during the approved works.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

10. All new partitions and other elements of construction shall be scribed around historic and architectural features including cornices, picture rails, chair rails, skirting's, panelling, door and window linings and shall not cut through such features.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

11. All new external and internal work and finishes, and work of making good shall match existing original work adjacent, in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: To ensure satisfactory preservation of this Heritage Asset.

12. If hitherto unknown architectural evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure architectural features are recorded during development.

13. Before the relevant part of works commence details of the proposed decorative finishes and colour scheme shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

### **Informatives**

1. In arriving at this decision Shropshire 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 38.

2. This listed building consent notice must be read in conjunction with the planning permission notice where additional conditions are attached.

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<u>Committee and date</u>
Central Planning Committee
2 August 2018

<u>Item</u>
<b>11</b>
Public

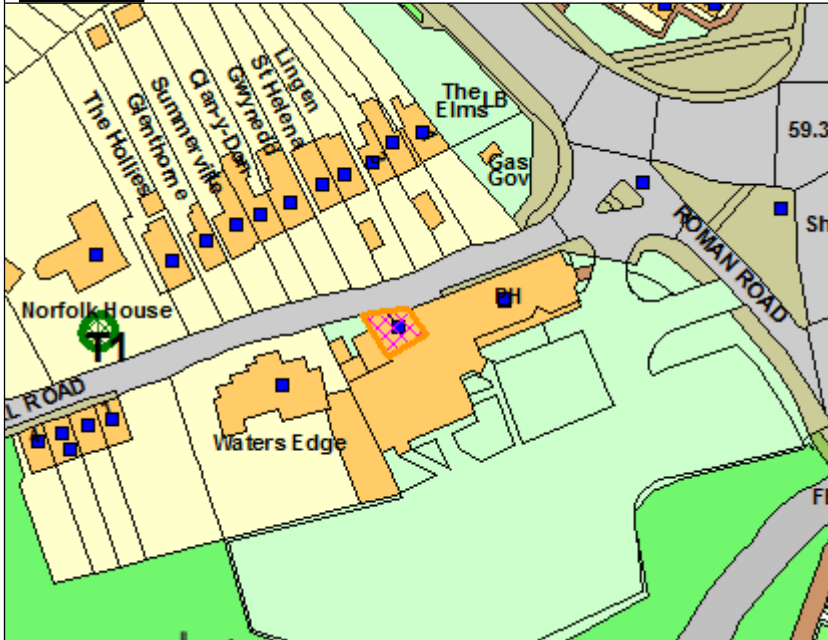
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 18/02307/OUT	<b>Parish:</b> Shrewsbury Town Council
<b>Proposal:</b> Outline application (all matters reserved) for the erection of one dwelling	
<b>Site Address:</b> Proposed Dwelling North East Of Waters Edge Mill Road Meole Brace Shrewsbury Shropshire	
<b>Applicant:</b> Mr & Mrs C Hull	
<b>Case Officer:</b> Frank Whitley	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 348951 - 310747



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

**REPORT**

1.0	<b>THE PROPOSAL</b>
1.1	The application seeks planning permission in outline (all matters reserved) for the erection of one dwelling
1.2	The application is supported by a Heritage Impact Assessment.
1.3	<p>The application follows a previous application 17/02536/OUT for a similar scheme which was refused for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The Local Planning Authority considers that details relating to matters of appearance, layout and scale should be determined before the principle of residential development can be established. The application cannot therefore be determined in outline. In the absence of a full planning application, the development does not comply with the provisions of the NPPF, CS6, CS17, MD2, MD13. It cannot be demonstrated that the development preserves or enhances the character of appearance of the Conservation Area contrary to Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.</li> <li>2. In the absence of a noise assessment, the application has not demonstrated that it contributes to the health and wellbeing of its occupiers, including safeguarding residential amenity, contrary to CS6.</li> </ol>
1.4	The applicant has been informed that a full application would be preferred, however has chosen to re-submit an outline application which is still intended to address previous reasons for refusal.
2.0	<b>SITE LOCATION/DESCRIPTION</b>
2.1	The application site is a small plot of land on the south side of Mill Road, comprising 2 x single storey garages opening directly onto the highway. The garages are of lightweight metal construction. The site has a frontage of approx. 8.5m. The site abuts the two storey end gable of the Wild Pig (formerly Brooklands Hotel). This is a prominent historic building at the entrance to Mill Road. On this side the application site is approx 5.7m deep, though the western boundary extends to approx. 8.7m.
2.2	The only access to the site is from the highway to the front.
2.3	Land immediately to the west comprises single storey domestic outbuildings which are understood to be used in association with the dwelling known as Waters Edge. To the rear are single storey function rooms of The Wild Pig.

2.4	The site falls within Meole Brace Conservation Area. The Wild Pig is considered a non-designated historic asset. There are no listed buildings in the immediate vicinity.
3.0	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
3.1	The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers.
4.0	<b>Community Representations</b>
	<b>Consultee Comments</b>
4.1	<b>Town Council- objection</b>
	The Town Council is not adverse to the principle of developing this site but feels that there needs to be a better justification on the design of the building to ensure it conserves or enhances the Conservation Area. Being an outline application, this level of detail is not available so a measured response cannot be given. Members request a full application to be submitted.
4.2	<b>Conservation- no objection</b>
	<p>I would refer you to our Team's consultee comments made under an earlier Outline planning application 17/02536/OUT for what appears to be a similar proposal for a two and a half storey dwelling immediately adjacent to the former Brooklands Hotel (now re-branded as The Wild Pig) on the site of small existing garages, proposed to be demolished.</p> <p>We had previously commented that the Brooklands Hotel while not statutorily listed is considered to represent a non-designated heritage asset where taking account of policies MD13 and NPPF paragraph 135 is relevant. We had also noted the visual prominence of that building along a busy route at the entrance to Meole Brace neighbourhood and the Meole Brace Conservation Area, the boundary of which runs along the south elevation line of the building and in which the subject property is included.</p> <p>In considering this application, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and Historic England planning guidance including The Setting of Heritage Assets. As the proposal is within the boundaries of the Meole Brace Conservation Area, special regard to Section 72 of the Planning (Listed Buildings and Conservations</p>

	<p>Area) Act 1990 would also be required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area. I would repeat from our earlier comments that we would raise no objection on heritage grounds to the demolition of the small garages on this site, and their removal could represent a possible visual enhancement to the street scene and to the wider Conservation Area.</p> <p>The earlier Outline planning application, which was refused, included a relatively detailed but indicative only sketch plan showing a traditionally designed dwelling with modest dormers to the front and with a ridge height following that of the adjacent hotel, and we had previously commented that while in principle the scheme was not necessarily unacceptable, being an Outline application there was no surety that this detail would be followed or implemented. Additionally no supporting documents were submitted at that time such as a heritage impact statement or assessment as required by local and national policies relevant to heritage matters.</p> <p>With this new Outline application, a heritage impact statement has been prepared by Richard K Morriss which is acknowledged and the conclusions are to some degree concurred with, however it is noted that it is difficult to fully conclude that a new dwelling here would enhance the streetscape or views from other vantage points looking into the Conservation Area without the benefit of fully detailed elevation drawings to consider.</p> <p>As noted earlier, a high standard of design and high quality materials and finishes would be required should development for a new dwelling be agreed here. We would repeat that while potentially not unacceptable in principle, this type of proposal in this location should include the appropriate detail found within a full planning application rather than simply indicative perspective views. The application form indicates once again that all matters are to be reserved, similar to the previous application, and we would note that it is preferable that certain details can be built into any Outline approval permitted on this site.</p> <p>I would add that having seen the perspective views showing a dwelling with dormers to the front roof slope, it is recommended that the ridge height of any dwelling here be reduced to step down from that of the hotel ridge line to reduce the overall scale and potential impact of the building and this should be included as a height limit condition should Outline approval be granted.</p> <p>Otherwise, all external materials, finishes and finer architectural detailing including joinery details will need to be fully agreed by way of reserved matters should this application be granted approval.</p>
<p>4.3</p>	<p><b>Archaeology- no objection</b></p>
	<p>We have no comments to make on this application with respect to archaeological matters.</p>

4.4	<b>Affordable Housing- no objection</b>
4.5	<b>SUDS- no objection subject to conditions and informatives</b>
4.6	<b>Highways- no objection</b>
	<p>The proposal is seeking to erect a dwelling with integral garage following the demolition of two existing garages. The site is a small plot adjacent to The Wild Pig (formerly The Brooklands Hotel) and fronting directly onto Mill Road. Mill Road is a one-way street with a speed limit of 20 mph. There are no footways along the road. It is noted that there are overhead cables around the site.</p> <p>The site is located adjacent to a slightly wider section of Mill Road and the proposed dwelling will be set back to follow the build line of The Wild Pig. Given the existence of garages on the site at present it is considered that the proposed dwelling would not have a significant impact on the surrounding highway network and from a highways perspective the principle of this development is acceptable. The garage doors should not open onto or overhang the highway.</p>
4.7	<b>Regulatory Services- no objection</b>
	<p>I have considered this application and the potential for impacts from the adjoining public house/hotel. The adjoining premises has a license allowing use until 0130 hours on Fridays and Saturdays, earlier finish on other days and the external beer garden area to the rear allows use until 2320 hours. The external area could be a concern to any residential property placed closer than those already in the locality and significant noise mitigation measures would be required on top of good layout and design to ensure that the residential property would not impact on the viability of and use of the hotel. In addition as the building abuts the Hotel premises I would suggest a separation is put in place to ensure that noise transition through the Hotel building into the new building does not occur. In addition rather than a noise assessment it may simply be more pragmatic to assume noise from patrons leaving the premises may cause significant noise and therefore ensure that details are provided at reserved matters stage that show a high level of noise reduction through proposed glazing (at least 30dB noise reduction) and mechanical ventilation provision to allow windows to be kept closed/acoustically attenuated trickle vents into all bedrooms and habitable rooms.</p> <p>In relation to complaints history I have noted that historically there have been complaints about loud music from the premises although nothing in the last 18 months to 2 years.</p>
4.8	<b>Public Comments</b>
	<p><b>4 objections have been received on the following grounds:</b></p> <p>☐ Loss of privacy and overlooking</p>

	<ul style="list-style-type: none"> <li>❑ Poor access/ highway safety</li> <li>❑ Loss of light</li> <li>❑ Meole Brace has a “village feel” and is supposedly a “protected area”.</li> <li>❑ Application only marginally different from previous</li> <li>❑ Parking congestion</li> <li>❑ Construction would be disruptive</li> <li>❑ House will not contribute to neighbourhood and conservation area</li> </ul>
5.0	<b>THE MAIN ISSUES</b>
	<p>Principle of development          Privacy and outlook          Residential Amenity- Noise          Highways          Character and Appearance</p>
6.0	<b>OFFICER APPRAISAL</b>
6.1	<b>Principle of development</b>
6.1.1	The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
6.1.2	The NPPF states that one of its core planning principles is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
6.1.3	CS6 seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.
6.1.4	The provision of housing within the urban area of Shrewsbury accords with the adopted SAMDev Plan S16. Core Strategy CS2 and MD1 identifies Shrewsbury as the primary focus for housing development for Shropshire.
6.1.5	S16.1 states that Shrewsbury will provide the primary focus for development for Shropshire, as a sub-regional centre and Shropshire’s growth point, providing approximately 6,500 dwellings during the period 2006-2026.

6.1.6	CS2 also seeks to make the best use of previously developed land.
6.1.7	The application site is a brownfield site within Meole Brace Conservation Area in Shrewsbury.
6.1.8	The previous application, also in outline was refused mainly because it did not adequately demonstrate that the development would protect and/or enhance the heritage setting. With the inclusion of a heritage impact assessment, this time the Conservation Officer has acknowledged that the demolition of the garages could represent a possible visual enhancement to the street scene and Conservation Area. Perspective block/streetviews have also been provided.
6.1.9	The principle of development is considered established.
6.2	<b>Privacy and outlook</b>
6.2.1	CS6 seeks to safeguard residential and local amenity. Concerns have been raised about privacy and overlook, particularly to the dwellings immediately opposite. Dwellings on the north side of Mill Road are two storey and set back on slightly elevated ground behind dedicated parking areas to their front.
6.2.2	At its closest point, the site frontage is approx. 19.5m from the semidetached dwellings immediately opposite.
6.2.3	Taking into account the slightly raised position of the existing dwellings, the separation distance is acceptable. Some weight can also be given to existing windows on two storey elements of the Wild Pig which already overlook properties opposite. The indicative elevations of the proposed dwelling show two dormers on the front roof slope. If constructed they would overlook the dwellings opposite from a higher level. However the application is only made in outline to the extent necessary to establish the principle of development, not matters of appearance or scale.
6.2.4	Concerns have also been raised about loss of light. It is acknowledged that dwellings opposite are orientated south east and are likely to enjoy slightly higher levels of sunlight. However due to separation distance and the existing 2 storey building alongside the site, additional harm is considered insignificant.
6.2.5	The site area is shown on the location plan is 56sqm. A dwelling over two floors would be sufficient in principle to provide reasonable living accommodation and residential amenity for its occupiers.
6.2.6	For reasons above, residential amenity will be sufficiently maintained in accordance with CS6.

6.3	<b>Residential Amenity- noise</b>
6.3.1	There is potential for noise from the Wild Pig and its function rooms to impact upon the residential amenity of occupiers of the dwelling. This could in turn place pressure on the Wild Pig to change how it operates.
6.3.2	It is acknowledged that one of the reasons for refusal of 17/02536/OUT was the absence of a noise assessment. However the applicant has put forward a case why such an assessment is not critical prior to an outline application being approved. In this regard, Regulatory Services have been consulted and have no objection to a noise assessment being submitted at the Reserved Matters Stage. Construction and mitigation would therefore reflect the results of a noise assessment, and would in any event be subject to further consultation.
6.4	<b>Highways</b>
6.4.1	Mill Road is a one way street towards Roman Road. The existing garages open directly onto the highway. The indicative proposed dwelling shows an integral garage, though Highways has not stated that this would be essential in any future application. Subject to conditions, Highways has raised no objection.
6.5	<b>Character and Appearance</b>
6.5.1	The submitted Heritage Impact Assessment has considered the immediate and wider impact on the Conservation Area. It concludes generally that in replacing the existing garages, the development would improve the appearance of the streetscape and setting of Brooklands/Wild Pig.
6.5.2	Conceptual and indicative elevation drawings have been provided which show a two storey dwelling with a third floor incorporated into the roof space. Two dormers are to project to the front. The ground floor comprises a central door opening to the front with a garage door on one side and a bay window projection on the other side. The dwelling is understood to be constructed from brick.
6.5.3	The Conservation Officer has expressed some concern about the level of detail provided in the re-submission. However overall there is considered to be sufficient certainty that a dwelling based on the proposal will preserve and enhance the character and setting of the adjacent building and the Conservation Area. There is therefore no conflict at this stage with CS6 or MD2 or with Section 72 of the Planning (Listed Buildings and Conservations Area) Act 1990.
7.0	<b>CONCLUSION</b>
7.1	The development accords in principle with the Council's settlement strategy according to CS2, MD1 and S16.1, and where relevant, the NPPF. Separation distance from existing neighbouring dwellings is sufficient and accords with CS6. There is considered sufficient scope for construction detail and noise mitigation to be dealt with at the reserved matters stage. Accordingly, refusal at this stage would be unwarranted.



7.2	Outline planning permission is recommended
8.0	<b>Risk Assessment and Opportunities Appraisal</b>
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>☐ 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.</li> <li>☐ 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.</li> </ul> <p>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.</p>
8.2	Human Rights
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>

8.3	Equalities
	The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.
9.0	Financial Implications
	There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
NPPF

Core Strategy and Saved Policies:  
CS2, CS6, MD1, MD2, S.16.1

### RELEVANT PLANNING HISTORY:

17/02536/OUT Outline application (all matters reserved) for the erection of one dwelling  
REFUSE 8th August 2017

## 11. Additional Information

### View details online:

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 R. Macey
Local Member Cllr Nic Laurens
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. 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 - a Traffic Management Plan

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

5. No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

**Informatives**

1. 1. In the planning application, it state that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection must not be made, as it can result in increased flood risk elsewhere.

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare	Change allowance	% of impermeable area
Less than 25	10	30
35	6	
45	4	
More than 50	2	
Flats & apartm	4	ents 0

3. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new driveway run onto the highway.

4. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

2. Informatives:

Works on, within or abutting the public highway This planning permission does not authorise the applicant to:

construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway.

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required. Mud on highway The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto. No drainage to discharge to highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

#### Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://new.shropshire.gov.uk/planning/faqs/>

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Committee and date  
 Central Planning Committee  
 2 August 2018

Item  
12  
 Public

## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

<b>LPA reference</b>	16/03225/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	The Saxonby Group
<b>Proposal</b>	Outline Application (including access, appearance, layout and scale) for the erection of three blocks of 38 residential units and associated infrastructure
<b>Location</b>	Proposed Residential Development Land To The West Of Ellesmere Road Shrewsbury
<b>Date of application</b>	20.07.2016
<b>Officer recommendation</b>	Grant Permission
<b>Committee decision (delegated)</b>	Committee Refused
<b>Date of decision</b>	28.06.2017
<b>Date of appeal</b>	19.12.2017
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	
<b>Date of appeal decision</b>	16.07.2018
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	<b>WITHDRAWN</b>
<b>Details</b>	

<b>LPA reference</b>	17/05772/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Appellant</b>	The Saxonby Group
<b>Proposal</b>	Outline application for the erection of 36 No dwellings and associated infrastructure (to include access, appearance, layout and scale) (re-submission)
<b>Location</b>	Proposed Residential Development Land To The West Of Ellesmere Road Shrewsbury
<b>Date of application</b>	30.11.2017
<b>Officer recommendation</b>	Grant Permission
<b>Committee decision (delegated)</b>	Committee Refused
<b>Date of decision</b>	18.04.2018
<b>Date of appeal</b>	06.07.2018
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Determination time (weeks)</b>	
<b>Appeal decision</b>	
<b>Details</b>	





# The Planning Inspectorate

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Bristol  
BS1 6PN

Direct Line: 0303 444 5120  
Customer Services:  
0303 444 5000  
Email: [West2@pins.gsi.gov.uk](mailto:West2@pins.gsi.gov.uk)

[www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

Your Ref: 16/03225/OUT  
Our Ref: APP/L3245/W/17/3191866

Celia Kilgannon  
Shropshire Council  
Central Team  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

16 July 2018

Dear Ms Kilgannon,

Town and Country Planning Act 1990  
Appeal by The Saxonby Group  
Site Address: Proposed Residential Development Land to the West of, Ellesmere  
Road, Shrewsbury, Shropshire, SY1 2AH

I enclose for your information a copy of a letter received withdrawing the above appeal(s).

I confirm no further action will be taken.

Yours sincerely,

***Sean Ernsting***  
Sean Ernsting

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - [www.planningportal.gov.uk/planning/appeals/online/search](http://www.planningportal.gov.uk/planning/appeals/online/search)*

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