

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

Date: Monday, 15 June 2020

Committee:
Northern Planning Committee

Date: Tuesday, 23 June 2020
Time: 2.00 pm
Venue: THIS IS A VIRTUAL MEETING

Members of the public will be able to listen to this meeting by clicking on this link: [Click this link to view the meeting](#)

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The Council's procedure for holding Virtual Planning Committees can be found by clicking on the link below:

<https://www.shropshire.gov.uk/planning/applications/planning-committees/>

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

Claire Porter
Director of Legal and Democratic Services

Members of the Committee

Roy Aldcroft
Nicholas Bardsley
Gerald Dakin
Pauline Dee
Nat Green
Vince Hunt (Vice Chairman)
Mark Jones
Pamela Moseley
Keith Roberts
Paul Wynn (Chairman)
David Vasmer

Substitute Members of the Committee

Joyce Barrow
Ted Clarke
Julian Dean
Steve Davenport
Roger Evans
Rob Gittins
Roger Hughes
Chris Mellings
Paul Milner
Peggy Mullock
Alexander Phillips

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes

To confirm the Minutes of the meeting of the North Planning Committee held on 27 May 2020, TO FOLLOW, marked 2.

Contact: Shelley Davies on 01743 257718.

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2.00pm on Friday 19 June 2020

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 Milestone Garden Ornaments Alberbury Shrewsbury Shropshire SY5 9AD (20/01408/OUT) (Pages 1 - 14)

Outline application for the erection of two detached dwellings with all matters reserved (amended description).

6 Unit 3 Monkmoor Trading Estate Monkmoor Road Shrewsbury Shropshire (20/01453/COU) (Pages 15 - 24)

Change of use from a garage to a fitness/boxing gym

7 Police House 3 Park Street Oswestry SY11 2HF (20/01426/FUL) (Pages 25 - 32)

Erection of a two storey side extension and change of use of strip of land to residential

8 Schedule of Appeals and Appeals Decisions (Pages 33 - 34)

9 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 21 July 2020

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Committee and date

Northern Planning Committee

23 June 2020

Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 20/01408/OUT	Parish:	Alberbury With Cardeston
Proposal: Outline application for the erection of two detached dwellings with all matters reserved (amended description).		
Site Address: Milestone Garden Ornaments Alberbury Shrewsbury Shropshire SY5 9AD		
Applicant: Milestone Garden Ornaments		
Case Officer: Shannon Franklin	email: planning.northern@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks outline planning permission for the erection of two open market dwellings with all matters reserved.
- 1.2 The submission of the application follows the receipt of pre-application advice (Referenced: PREAPP/19/00529) which concluded as follows:

'...the site is previously developed land, whereby its redevelopment can be supported subject to a sensitive form, layout and appearance - notwithstanding the current layout and form, which is not acceptable.'

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site lies to the south of Alberbury in a small cluster of linear development, some 530m south-east of the main settlement core. The application site is roughly triangular in shape occupying a fork in a road section, straddled by two highway sections on its north-eastern and south-western boundaries. Alberbury is a small rural settlement situated approximately 9 miles west of Shrewsbury.
- 2.2 The site is bounded to the west by a neighbouring residential dwelling, known as Yew Tree Cottage and to the east by agricultural land. To the north-east side the site is bounded by the B4393 and to the south-west the site is bounded by Rowton Avenue. The sites boundaries are formed of hedging, fencing, a block wall and in places is open to the highway a result of recent boundary removal.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has objected to the proposal and therefore as Officers are recommending for approval of the scheme the application was considered at the appropriate agenda setting meeting. The Chair and Vice Chair of the northern committee, together with the Principal Officer determined that a committee decision would be appropriate in this instance as they considered the brown field site and location are material considerations to warrant consideration at Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Alberbury and Cardeston Parish Council – 14.04.2020 – Objects

The Parish Council opposes this application as it has an Open Countryside Planning status in the Local Place Plan and the Village Plan, and no open market

housing is supported.

We would however be keen to see this site, which appears to be an eyesore, tidied up in some way; perhaps if an alternative scheme with affordable housing was presented then we could support this.

4.1.2 **SC SUDS – 22.04.2020 – No Objection**

Informatives recommended.

4.1.4 **SC Highways – 17.04.2020 – Further Information Required**

The proposed development seeks outline planning consent with access as a determined matter and all other matters reserved, for the erection of two detached dwellings following demolition of existing buildings.

As access is a determined matter full details are required to be submitted. In order for the proposed development to be appropriately assessed, from a highways and transport perspective, the following information is required to be submitted, by the applicant:

Full details of the proposed accesses including a scale plan indicating layout, construction and visibility splays commensurate with the local conditions and highway safety.

The plan should also demonstrate adequate parking and turning facilities for both dwellings to enable vehicles to exit onto the public highway in a forward manner.

Any future planning application should provide any and all details necessary to assist with the appropriate determination from a Highways and Transport perspective. As well as, demonstrate that the proposed vehicular accesses, associated visibility splays, parking and turning facilities are commensurate with the prevailing local highway conditions, in accordance with 'Manual for Streets 1 & 2'.

4.1.5 **SC Affordable Housing – 15.04.2020 – No Objection**

The proposed development falls below the threshold by which the Local Authority is able to require a contribution towards affordable housing.

4.1.6 **SC Regulatory Services – 20.04.2020 – No Objection**

A report by Groundfirst; Phase I Contaminated Land Report, Milestone Garden Ornaments, Alberbury, nr Shrewsbury, Shropshire SY5 9AD; Report No. 4134R1 FINAL, 1st March 2020 has been submitted in support of this planning application.

The report confirms that plausible contaminant linkages are present and that a Phase 2 site investigation is necessary to clarify the significance of any ground contamination.

Conditions recommended.

4.2 - Public Comments

4.2.1 The application has been advertised via a site notice and the Councils website. Additionally, the residents of five neighbouring properties were individually notified by way of publication of this application. At the time of writing this report, five representations had been received in support of scheme.

4.2.2 These comments in support of the scheme site the following reasons:

- The current site is a eyesore and the scheme will improve its appearance.
- Dwellings are more in-keeping with the area than the existing industrial type use.
- More dwelling will help local residents get the speed limits in the area reduced.

5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
 - **Details of the proposal**
 - **Amenity impact**
 - **Visual impact and landscaping**

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 Due to the size of Alberbury, its lack of most services and facilities and inherently rural and open landscape setting and character, the settlement has not been identified for additional growth within the Local Development Plan and is therefore considered as being within the open countryside - for planning policy purposes. As such, policy CS5 which exercises strict control over development within the countryside is applicable.

6.1.3 The application site itself has been used for industrial purposes for the past decades, with a range of buildings to the north-west of the site, with the remainder of the site used for outdoor storage and yard areas. Due to the sites former use, it is considered as 'previously developed land' in accordance with the National Planning Policy Framework (NPPF).

6.1.4 At paragraph 84 the NPPF states as follows:

'The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

6.1.5 Within the supporting text to Policy CS10: Managed Release of Housing Land, it is expressly stated that *'The development of brownfield sites is prioritised where available and deliverable in sustainable locations. The policy includes an overall target of 60% of development on previously developed sites.'* This stance is reiterated in the sub text of Policy MD7b: General Management of Development in the Countryside which recognises that the appropriate use of previously developed land, where there is not conflict with other policies of the development plan, can represent sustainable development.

6.1.6 Officers have provided pre-application advice at the site which confirmed that subject to a scheme of sensitive form, layout and appearance being brought forward, the principle of development for residential development on the site, which is considered to be previously developed land, is acceptable. The pre-application advice confirms that the site could accommodate a maximum of 2no. detached dwellings. It should be noted that earlier pre-application advice relating to a change of use from retail to residential was issued in 2016 which advised that additional justification would need to be provided and that the site may be appropriate for an exception site (affordable) dwelling.

6.1.7 As per the latest pre-application advice provided on site, Officers do not consider that the site lies within the "boundary of Alberbury" - of which Alberbury lies undefined and therefore requires a judgement as to the settlement extents. The site does however lie within an outlying cluster of development and would not extend beyond the edge of development on the northern site of the B4393, nor encroach further eastward into open countryside. The settlement core of Alberbury has no notable facilities - whilst there is a church, there are no other services or facilities that would meet the day-to-day needs of its residents, instead Ford, to the east, would provide these needs, but remains relatively inaccessible by sustainable modes of transport.

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. 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.

6.1.9 Officers therefore consider that, whilst the site is situated within open countryside, its previous use means that it constitutes previously developed land in accordance with the NPPF and therefore the sensitive redevelopment of the site, is a material consideration along with consideration of other applicable policies of the development plan.

6.2 Details of Proposal

6.2.1 The proposal is submitted in outline form only and other than the affected site area and the principle of development for two dwellings, all other matters are intended to be dealt with by way of reserved matters. Initially the applicant intended for access to be a matter considered at outline stage however during the course of the determination it was decided that access would also be a matter for later consideration.

6.2.2 The additional information supplied with the application does however suggest that the 2no. dwellings proposed would take the form of detached properties with detached garages. The indicative site plan suggest the site will be accessed from the northern edge from the B4393 with a single access point provided leading to the two plots; one occupying the western half of the site and one the east. In line with the pre-application advice provided, either a single access point or the use of the two existing access points may be appropriate for gaining access to the site however full details will need to be submitted at reserved matters stage demonstrating that sufficient visibility can be achieved and the proposed access arrangement is appropriate for the local highway conditions.

6.2.3 The indicative plans suggest that the dwellings would be located roughly along the centre line of the site with gardens to the southern side and parking and turning areas to the north. In terms of this indicative design and layout the proposal is appropriately located within the plot. Whilst all matters are reserved for consideration at a later stage, Officers acknowledge that within the locality the built form and style is varying, with no predominant design or character. Therefore, subject to the resultant scheme remains sympathetic to the character and setting of the landscape and existing built Environment, the site is capable of accommodating a development of varying design styles, subject to massing, proportions and scale.

6.2.4 As emphasised at pre-application stage, based on the assessment of the indicative site layout and the site and surrounding characteristics, given its position at the edge of the village it would be appropriate for the eastern dwelling to have a reduced height.

6.3 Amenity Impact

6.3.1 Since the current proposal is for outline consent no precise details are supplied at present. Details of scale, siting and detailing would need to be submitted at Reserved Matters stage and carefully considered so as to minimise the impact on the existing dwelling; known as Yew Tree Cottage including through means of overlooking and overshadowing. Providing requirements of scale, siting and

orientation can be satisfied at Reserved Matters stage in principle the size of the plot is deemed to be sufficient to accommodate two detached dwellings without adverse impact on any surrounding residential properties.

- 6.3.2 The application is accompanied by a Ground Contamination Report which confirms that plausible contaminant linkages are present and that a Phase 2 site investigation is necessary to clarify the significance of any ground contamination. As such the Regulatory Services consultee have confirmed that a condition is necessary required additional information in relation to contaminated land, which could affect future occupants.

6.4 Visual impact and landscaping

- 6.4.1 The site currently occupies an industrial use, the appearance of which is at odds with the rural characteristics of this area of countryside. As such an appropriately detailed and scaled scheme represents an opportunity to improve the appearance of the site and its surroundings.

- 6.4.2 Whilst full details of the scale and appearance are not known at present, Officers would suggest that a reduced scale to the eastern dwelling would be appropriate as this will assist in clearly defining the end of the village/cluster of residential development thereby emphasising the development edge. It would also be appropriate to use or retain those boundary treatments most commonly found within the rural area such as timber post and rail fencing and native species hedge and tree planting.

- 6.4.3 Details of the full landscaping proposals would be required to be submitted for consideration at reserved matters stage.

7.0 CONCLUSION

- 7.1 The site is considered to represent previously developed land in the open countryside upon which a sensitively detailed and proportioned scheme for 2no. dwellings could be supported. Therefore whilst the application is for outline permission only, with all matters reserved, a full assessment cannot be undertaken. The proposed development given the site's 'brownfield status' is considered to be appropriately located development and although finely balanced is considered to be in accordance with the relevant policies of the National Planning Policy Framework, the Shropshire Core Strategy and the Site Allocations and Management of Development document.

- 7.2 The proposal is therefore on balance considered to accord with the relevant policy framework set down within the NPPF, Core Strategy Policies CS5, CS6, CS10 and CS17 and SAMDev Policies MD2 and MD7b and is recommended for approval.

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:

- National Planning Policy Framework

Core Strategy and Saved Policies:

- CS5 - Countryside and Greenbelt
- CS6 - Sustainable Design and Development Principles
- CS10 - Managed Release of housing Land
- CS17 - Environmental Networks
- MD2 - Sustainable Design
- MD12 - Natural Environment
- MD7B - General Management of Development in the Countryside

RELEVANT PLANNING HISTORY:

PREAPP/16/00076 Change of use from retail to residential PREUDV 8th March 2016

PREAPP/19/00529 Erection of 3no. open market dwellings each with their own access

PREAMD 14th January 2020

20/01408/OUT Outline application for the erection of two detached dwellings with all matters reserved (amended description). PDE

SA/89/1186 Erection of 6 No. Class B1 light industrial units (total 610m sq) with 14 car parking spaces. PERCON 20th December 1989

SA/88/0270 Rebuilding part of office accommodation at rear of existing works. PERCON 5th May 1988

SA/97/0238 Erection of a 2.3m high block wall to rear boundary. PERCON 12th May 1997

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)
Councillor Gwilym Butler

Local Member

Cllr Ed Potter

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.

4. This permission does not purport to grant consent for the layout shown on the deposited plan titled 'Revised Sketch Layout Plan - Revision A' received on 20th May 2020 and submitted with this application.

Reason: To enable the Local Planning Authority to consider the siting of the development when the reserved matters are submitted.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. 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.

6. No development shall take place until 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 hereby approved is occupied.

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

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

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

8. Contaminated land

a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Councils Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

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

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Committee and date

Northern Planning Committee

23 June 2020

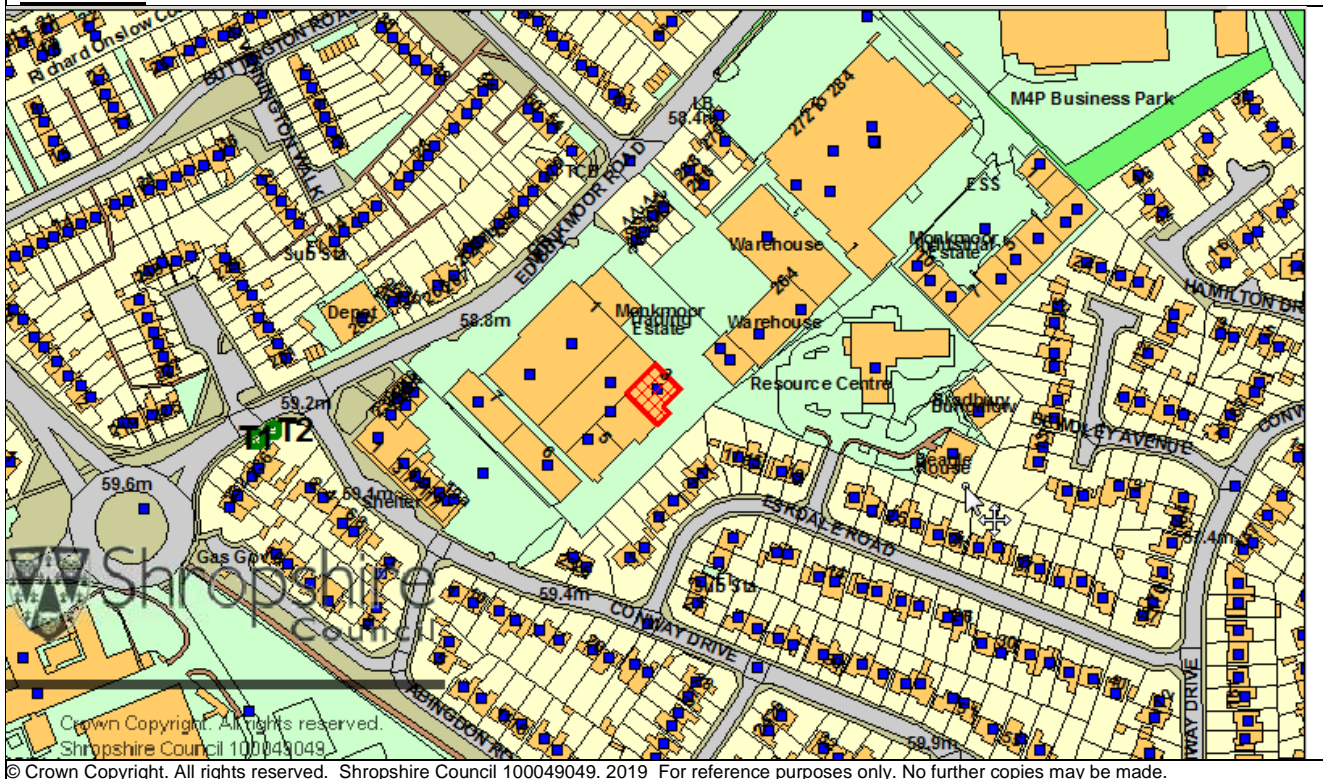
Development Management Report

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

Summary of Application

Application Number: 20/01453/COU	Parish:	Shrewsbury Town Council
Proposal: Change of use from a garage to a fitness/boxing gym		
Site Address: Unit 3 Monkmoor Trading Estate Monkmoor Road Shrewsbury Shropshire		
Applicant: Mr Luke Merrifield		
Case Officer: Jane Raymond	email: planning.northern@shropshire.gov.uk	

Grid Ref: 351364 - 313548



Recommendation: Grant Permission subject to the conditions set out in Appendix 1 and that the Planning Manager is given delegated approval to issue the decision once a revised plan indicating the parking areas outlined in red has been received.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to change of use from a car repair garage to a fitness and boxing gym within use class D2 of the use classes order.

1.2 The hours of opening proposed are:

11:00 to 20:30 Monday to Friday
11:00 to 13:00 on Saturday and Sunday
Closed on Bank Holidays.

The applicant has advised that in the future they might like to offer 1-1 training on Saturday afternoons 13:00 to 17:00.

1.3 The number of customers at a group gym session would be between 20 and 30 and there would be 2 members of staff (fitness trainers). The applicant has confirmed that there will be no exercising or activity outside and that customers will park at the side and front of the building.

1.4 No external changes are proposed to the building and the applicant has confirmed that no amplified music will be played although they will have music playing in the building but not at a level that would be audible outside.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is a unit within the corner of a large building at Monkmoor Trading Estate, located in the Monkmoor area of Shrewsbury. The unit has an internal floor area of approximately 250 square metres and is located at the rear of a large former aircraft-hanger that is occupied by a carpet shop/warehouse.

2.2 The rear boundary of the trading estate backs onto the rear gardens of the properties in Eskdale Road and Conway Drive.

2.3 The building is surrounded by a large car parking area which is shared by all customers and visitors to any of the smaller units at the rear of the building and the large carpet warehouse to the front of the building.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposal does not comply with the scheme of delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the application has been requested to be referred by the Local Member within 21 days of electronic notification and it is agreed by the Principal Planning Officer in consultation with the committee chairman and vice chairman that it could be considered there are material planning reasons.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **Regulatory Services:** The noise from the centre especially music and amplified speech should not be audible at the boundaries of the near residential properties.

4.2 - Public Comments

4.2.1 **Shrewsbury Town Council:** Whilst the Town Council has no objections to a boxing club being established, the current application raises a few concerns: - The proposed hours of opening are likely to cause considerable disruption to local residents. We would like to see measures in place to prevent noise disruption to neighbouring properties in particular on weekends and bank holidays. - We are also aware that neighbour consultations have not yet taken place and site notices have not yet been issued. We understand that these issues are soon to be remedied and wish to wait until after this time to consider the application fully.

4.2.3 **Cllr Pam Moseley:** I would like to request that this change of use application for unit 4 of Monkmoor Trading Estate to provide a boxing gym be considered by the Northern Planning Committee. My reasons are as follows:

The unit, within the Monkmoor Trading Estate building, is situated very close to the rear gardens of 1-11A Eskdale Road. As such, activities in the units within the building have the potential to cause disturbance to residents of those homes. The other uses are in the category of B2 usage, are long established, and indeed this type of use here predates the residences. Their hours of operation are established and were some years ago the subject of a planning appeal (to extend the opening hours). The appeal was dismissed and the hours remain as Monday to Friday 8am to 6pm and 8am to 1pm on Saturdays, with no activity on Sundays or Bank Holidays.

The opening hours proposed in this current application are 11am to 8.30pm Monday to Friday and 11am - 1pm on Saturday and Sundays, with the applicant indicating that he may also wish to extend Saturday hours until 5pm.

I feel that these opening hours would be to the detriment of the neighbouring houses being able to enjoy their properties, particularly in the summer months, when gardens are used both daytimes and evenings, and windows open, due to noise disturbance. A similar use operated in the adjacent unit in recent times and caused considerable problems for residents, with noise, behaviour and traffic movements. Whilst this is a different applicant, I feel that the same issues could arise.

Objection: The application for change of use of this unit would, due to the proposed opening hours which include evening and weekend usage, be to the detriment of the residents of the properties in Eskdale Road which back on to the site. Other uses in the building are permitted to open only until 6pm on weekdays, till 1pm on Saturdays and not at all on Sundays or Bank Holidays.

They proposed use will, according to the application, use music in the proposed gym, presumably of a motivational nature, and as there are several windows which face directly on to the rear gardens of the Eskdale Road houses, this will cause disturbance to the residents of those properties. The application states that classes held in the gym could involve up to 30 clients at a time. Together with the noise from the unit, there also will be disturbance from the activity of people arriving and departing each class introduced when the site is currently closed.

4.2.4 Two letters of objection from the same resident but one with 6 names and addresses stating that “Residents listed below (no signatures owing to Coronavirus restrictions) of properties bordering the site strongly oppose this application and ask you to reject it”. The two letters are available in full on the file and summarised as follows:

- Despite opposition from residents permission was granted for a similar business in the adjacent unit in the past.
- This led to problems and disturbance including shouting, loud music, activity and exercising and loiterers outside the unit and abuse of the hours creating nuisance and upset for residents.
- The business was an attraction for loiterers who created a nuisance by climbing on the garden fences, peering into properties and shouting abuse at residents.
- It is widely known that much noise is associated with fitness gyms and therefore they should be sited away from housing.
- The restrictive hours that were put on the site (Mon-Fri 0800 – 1800 and Sat 0800 – 1300) were put in place to protect the residents of neighbouring properties from noise and air pollution outside of these hours allowing residents peace and quiet during the evenings and weekends.
- The unit is best suited to a small workshop.
- Doubt that the unit is equipped with the facilities expected of a fitness centre such as showering and changing facilities and does not have adequate sound proofing.

5.0 THE MAIN ISSUES

Principle of development
Parking
Impact on residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The unit is situated within the part of Monkmoor Trading Estate that is not protected employment land and therefore is not protected for solely B1, B2 and B8 employment uses. Gyms and leisure facilities are a main town centre use but policy MD10b (Impact Assessments for Town and Rural Centres) advises that a town centre retail impact assessment is not required for units of 500 square metres or less. Given the scale of development and the floor area of the unit (approximately 250 square metres) an impact assessment is not required and 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.
- 6.1.2 CS16 (Tourism, Culture and Leisure) seeks to support new leisure facilities that are appropriate to their location, and that enhance and protect the existing offer within Shropshire recognising the role and benefits of tourism and leisure for the local economy, local communities and visitors.
- 6.1.3 The Trading Estate is situated close to Shrewsbury Town Centre and is within a mixed use residential and business area. The proposed gym would provide a local community facility in a sustainable location which would be easily accessible. It is therefore considered to accord with the aims of policy CS6, which seeks to provide sport and recreational facilities which contribute to the health and wellbeing of communities.
- 6.2 **Parking**
- 6.2.1 There are large parking areas available to the side, front and rear of the building shared between all units. Although parking is available to the rear it is recommended that a condition is imposed restricting car parking to the side and front particularly after 6pm weekdays and on Sunday mornings when the other units are all closed, as vehicle movements to the rear would be more noticeable during these times.
- 6.3 **Impact on residential amenity**
- 6.3.1 Concern has been raised by the local member and also local residents that the use of the gym beyond the current hours of use as garage (i.e. 18:00 – 20:30 Monday to Friday and 11:00 – 13:00 on Sunday) would result in unacceptable noise and disturbance to the residents at the rear outside the normal working hours of the trade park. This concern is based on their experience of a gym that used to operate from the adjacent unit and that has now closed.
- 6.3.2 It is acknowledged by officers (and also the applicant) that another operator used the outside area for exercise with amplified music playing and that opened beyond the approved hours and therefore resulted in noise and disturbance to nearby residents. However conditions can be and are recommended to be imposed regarding the opening hours, the areas to be used for parking, that no amplified music should be played that can be heard outside the building and that no activities or exercise should take place outside the building.

- 6.3.3 It is considered that subject to compliance with these conditions that the proposed change of use would have no adverse impact on the residential amenity of the properties to the rear. An application cannot be refused due to fear that the recommended conditions will be breached due to an earlier and different operator breaching their planning conditions.
- 6.3.4 It is also acknowledged that the hours of opening proposed goes a few hours beyond the opening hours of the surrounding B1, B2 and B8 businesses. Having regard to the noise and activity associated with these industrial uses it is understood why these restrictive hours need to be in place in order to protect the neighbouring residents. However it is considered that a small scale gym operating inside a building until 2030 weekdays and on Saturday and Sunday morning until 13:00 would not result in unacceptable noise and disturbance in the locality.

7.0 CONCLUSION

- 7.1 The proposal would not result in the loss of protected employment land and given the scale of development and the size of the unit it is considered that the proposal would have no impact on the vitality and viability of Shrewsbury town centre. The proposed gym would provide a sport and recreational facility in a sustainable location that would contribute to health and wellbeing. The use of this unit as a gym is therefore considered acceptable in principle.
- 7.2 Adequate parking is available for the proposed number of customers and it is considered that subject to compliance with the recommended conditions the proposal would have no adverse impact on residential amenity.
- 7.3 The proposal is therefore considered to comply with the most relevant local plan policies CS6, CS16, MD2 and MD10b and approval is recommended subject to the conditions set out in Appendix 1 and that the Planning Manager is given delegated approval to issue the decision once a revised plan indicating the parking areas outlined in red has been received.

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: NPPF

Local Plan Policies: CS6, CS16, MD2 and MD10b.

11. Additional Information

List of Background Papers

20/01453/COU - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q8FAB7TD0HG00>

Cabinet Member (Portfolio Holder): Councillor Gwilym Butler

Local Member: Cllr Pam Moseley

Appendices

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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The premises shall not be open to the public, nor any services be available to the public, outside the hours of 11:00 to 20:30 Monday to Friday and 11:00 to 13:00 on Saturday and Sunday, nor shall any member of the public remain on the premises outside of these hours.

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

4. All vehicles of customers and staff shall be parked in the areas outlined in red on the approved plan after 18:00 weekdays and on Saturday and Sunday and shall not be parked at the rear of the building or along the boundary with properties in Eskdale Drive during these times.

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

5. No activities or exercise shall take place outside the building and no amplified music or sound shall be audible from outside the building.

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

6. The premises shall only be used for the purposes of a fitness club/boxing gymnasium within Use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order, and for no other purposes within that Order. Upon the use

as a fitness club/boxing gymnasium ceasing the site shall not be used for any purpose other than the lawful use that existed prior to the determination of this application.

Reason: An unrestricted and unlimited D2 use would not be compatible with the wider employment uses (Use Class B1,B2 and B8) and to maintain a supply of employment uses in the locality.

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Committee and date

Northern Planning Committee

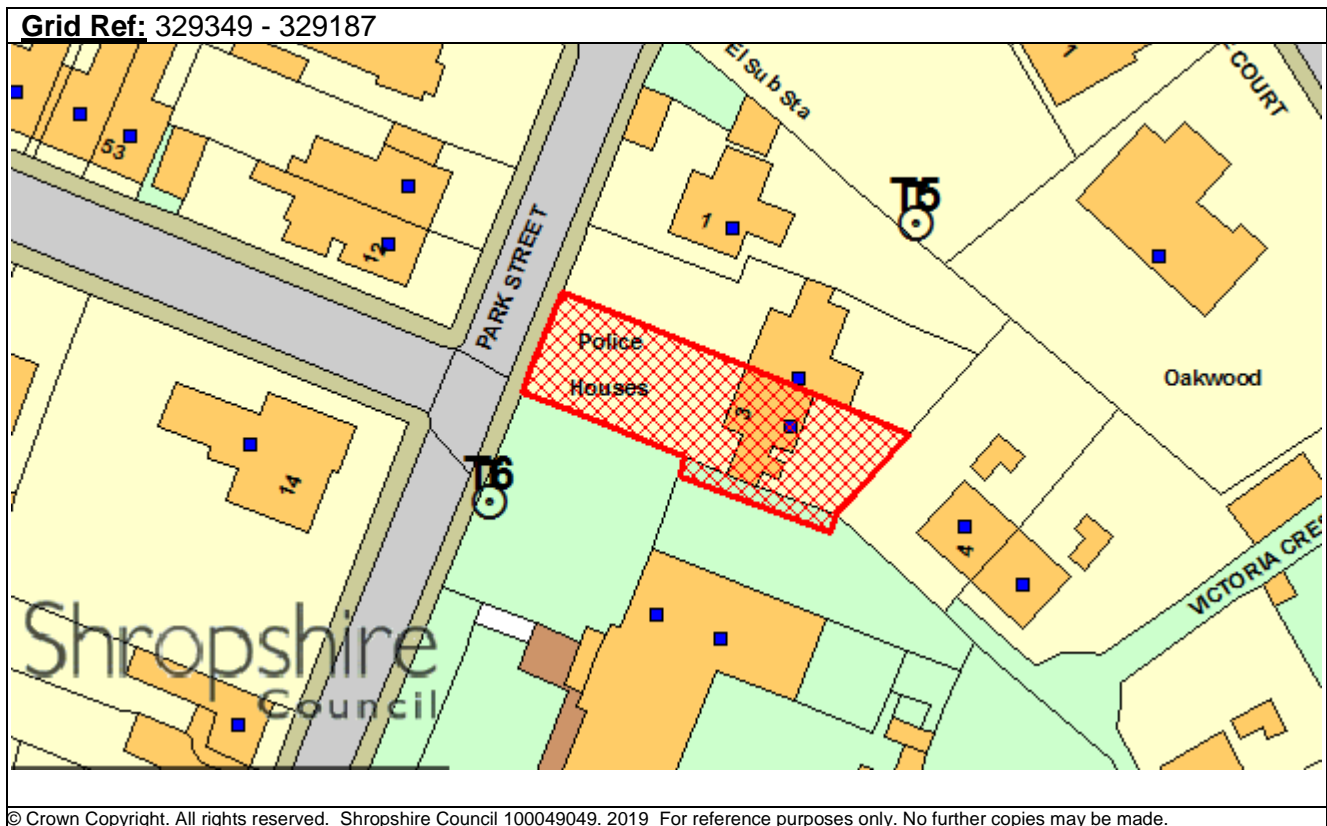
23 June 2020

Development Management Report

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

Summary of Application

Application Number: 20/01426/FUL	Parish:	Oswestry Town
Proposal: Erection of a two storey side extension and change of use of strip of land to residential		
Site Address: Police House 3 Park Street Oswestry SY11 2HF		
Applicant: Mr Steve Charmley		
Case Officer: Llinos Pinches	email: planning.northern@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 Erection of two storey side extension and change of use of strip of land to residential

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application property is a semi-detached dwelling located within the market town of Oswestry. The property is constructed of brick and tile and is set back from the road. To the north west and east are residential dwellings with a police station located to the south. A strip of police land is included within the application.

- 2.1.2 The application site is located 17 meters outside of the Oswestry Conservation Area and the property is not considered of age or construction to be a non-designated heritage asset under Annex 2 of the National Planning Policy Framework.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The applicant is Deputy Leader and Portfolio Holder for Assets, Economic Growth and Regeneration at Shropshire Council and in line with the Scheme of Delegation the application was discussed at the Draft Agenda Setting Meeting on the 10 of June 2020 by the Chair, Vice Chair and Principle Planning Officer who agreed that the application will be required to be discussed at the Planning Committee.

4.0 Community Representations

- Consultee Comments

Drainage – No objection, recommend informative.

Oswestry Town Council – No comments received at the time of writing the report.

- Public Comments

Neighbour notification letters were produced and sent together with a site notice being erected on site. No comments had been received at the time of writing the report.

5.0 THE MAIN ISSUES

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 of the Core Strategy seeks for new development to be designed to a high standard using sustainable design principles. Proposals should seek to protect, restore, conserve and enhance the natural, built and historic environment and should be appropriate in scale, density, pattern and design. Taking account of the local character and its setting. Policy MD2 further builds on policy CS6 advising that the new development must contribute to and respond appropriately to the form and layout of the existing development and the way it functions, including mixture of uses, building heights and lines, scale and density, plot sizes and local patterns of movement. Must also reflect local characteristics, architectural design and details such as building materials, form, colour and texture of detailing, taking into account of their scale and proportion.

6.2 Siting, scale and design of structure

6.2.1 The proposed two storey side extension is to be constructed following the removal of a small single storey side extension. The proposed extension will span the depth of the dwelling house, with a small single storey pitched extension to the front elevation linked to a new porch. The additional accommodation will provide an enlarged kitchen, separate living room, utility and shower room, with additional bedroom to provide a fourth room as the master bedroom with en-suite and re-located bathroom.

6.2.2 The scale of the proposed extension is similar to the original dwelling, but the roof is stepped down to be subservient to existing dwelling. The materials used in the external construction of the extension are to match the existing.

6.2.3 Immediately to the south of the site is land from the police station to be incorporated within the planning unit, increasing the plot by a nominal amount in order to gain outside access to the rear garden.

6.3 Visual impact and landscaping

6.3.1 The application property, known as The Police House, is situated set back from the road unusually by over 21m providing ample off road parking which would not be affected by the proposed two storey extension.

6.3.2 To the front of the plot is a mature tall hedge which provides good screen immediately from outside of the site. To the south the boundary consists of fencing with part open views into the site, with a mature tree located within the police stations ground providing part screening. The neighbouring police station is two storey in scale and set at a lower ground level that the Police House, and provides a good visual screen from outside of the site. From the northern elevation, views of the proposed extension are interrupted again from the attached property and vegetation within the front garden.

6.3.3 In terms of impact of the development on the amenity of neighbours the main dwellings that could be affected include the attached dwelling known as Llewgra (No.2 Park Street) and No.4 Salop Road to the east of the site. Having considered the position of the extension, Llewgra would not be affected by the proposed extension. No.4 Salop Road is located at 17m separation distance with a landing window within the side of the property, the distance of the proposed extension is considered acceptable with limited impact upon the amenity of neighbouring residents.

7.0 CONCLUSION

7.1 Overall, the proposed extension is considered to be of an appropriate scale and appearance, the proposal would not result in negative impact upon residential amenity or highway safety. The proposal is considered to comply with policies CS6 and MD2. The application is recommended for approval.

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.

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10. Background

Relevant Planning Policies

C

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

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) Councillor Gwilym Butler
Local Member Cllr Paul Milner
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

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.

Informatives

1. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: <https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, 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.

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SCHEDULE OF APPEALS AS AT COMMITTEE June 2020

Appeals Lodged

LPA reference	20/01092/AGR
Appeal against	Refusal of Permitted Development Rights
Committee or Del. Decision	Delegated
Appellant	Mrs C Beasley
Proposal	Excavation and creation of land to form a farm reservoir
Location	Abbotsmoor Farm Haughton West Felton
Date of appeal	28.05.2020
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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