

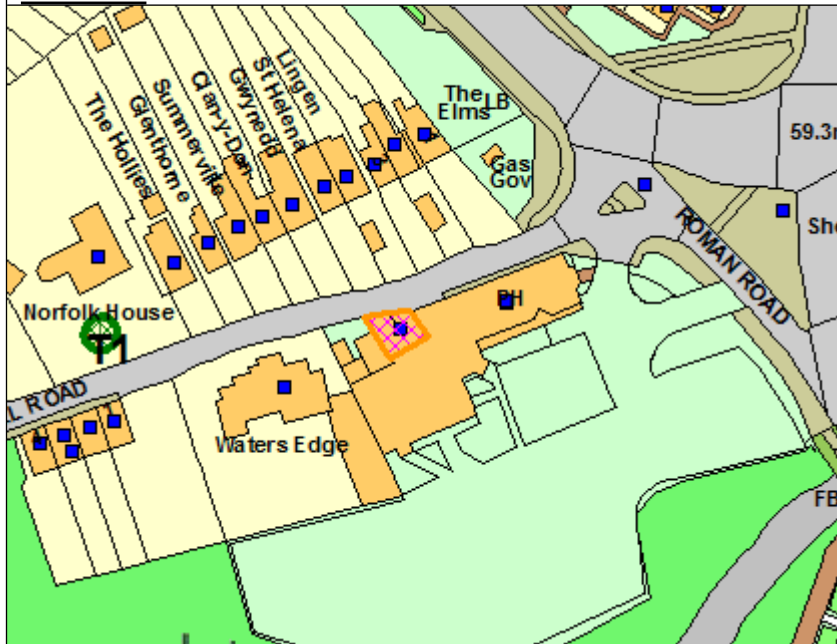
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

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

Grid Ref: 348951 - 310747



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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 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"> 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. 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.
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	SITE LOCATION/DESCRIPTION
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	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 Town Council have submitted a view contrary to officers.
4.0	Community Representations
	Consultee Comments
4.1	Town Council- objection
	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	Conservation- no objection
	<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>

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.

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.

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.

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.

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.

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.

4.3 Archaeology- no objection

We have no comments to make on this application with respect to archaeological matters.

4.4	Affordable Housing- no objection
4.5	SUDS- no objection subject to conditions and informatives
4.6	Highways- no objection
	<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	Regulatory Services- no objection
	<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	Public Comments
	<p>4 objections have been received on the following grounds:</p> <p>☐ Loss of privacy and overlooking</p>

	<ul style="list-style-type: none"> ❑ Poor access/ highway safety ❑ Loss of light ❑ Meole Brace has a “village feel” and is supposedly a “protected area”. ❑ Application only marginally different from previous ❑ Parking congestion ❑ Construction would be disruptive ❑ House will not contribute to neighbourhood and conservation area
5.0	THE MAIN ISSUES
	<p>Principle of development Privacy and outlook Residential Amenity- Noise Highways Character and Appearance</p>
6.0	OFFICER APPRAISAL
6.1	Principle of development
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	Privacy and outlook
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	Residential Amenity- noise
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	Highways
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	Character and Appearance
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	CONCLUSION
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	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ☐ 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. <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 8

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/>