

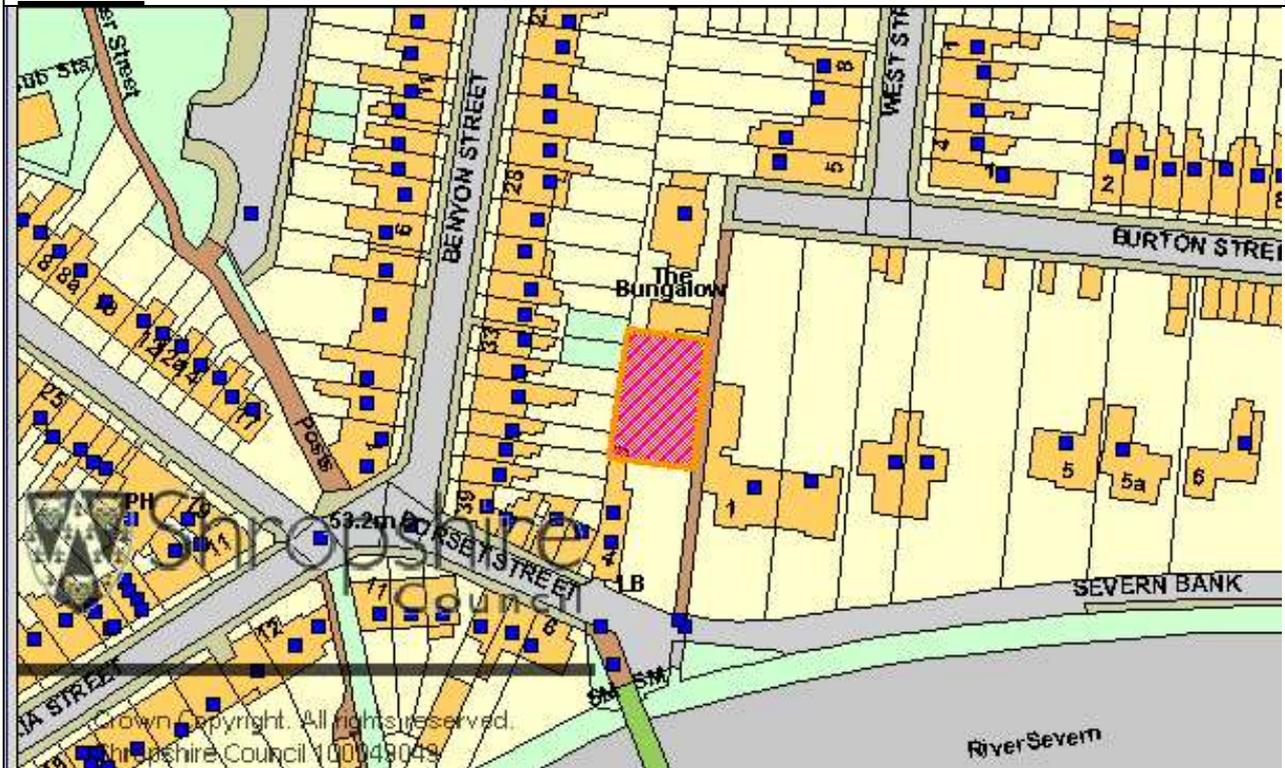
### Development Management Report

Responsible Officer: Tim Rogers  
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#### Summary of Application

<b>Application Number:</b> 14/00092/OUT	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Outline application (all matters reserved) for the erection of one dwelling; creation of pedestrian access		
<b>Site Address:</b> Dorset House Dorset Street Shrewsbury Shropshire SY1 2JB		
<b>Applicant:</b> Mr D Biddlecombe		
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 349835 - 313065



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 agreement to secure the relevant AHC.**

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 This application relates to outline application for the erection of one dwelling in the side/rear garden associated with Dorset House with all matters reserved for later approval.

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

2.1 Dorset House is an unlisted two storey rendered dwelling located at the junction of Dorset Street, the pedestrian only Severn Bank which runs along the river, and the northern termination of the Castle Bridge footbridge. The site is part of the side garden of Dorset house that measures approximately 42 metres deep and 12 metres wide at the rear and 9.5 metres wide at the front and is visible from this end of Dorset Street and from the footbridge. The property and the surrounding neighbourhood are within the 'Castlefields and Spring Gardens Special Character Area' which is part of the larger Shrewsbury Conservation Area. An Article 4(2) Direction applies to all of the properties along Dorset Street as well as those along Severn Bank. Donkey Alley, a pedestrian walkway linking Dorset Street to Burton Street runs along the long easterly boundary of the site, as does the long brick boundary wall of this walkway, which is an attractive feature of the area. The Article 4 Direction also applies to the Donkey Alley frontage as it is a public walkway.

### **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 and the application has been requested to be referred by the Local Member, and the Area Planning Manager agrees that the application should be determined by committee.

### **4.0 Community Representations**

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

4.1.1 SC Drainage – Recommends conditions and informatives for drainage detail to be submitted at the Reserved Matters stage.

4.1.2 SC Highways - The highway authority raises no objections to the granting of outline consent. The proposed dwelling would only have a pedestrian access and the only parking for the occupants or visitors would be on the public highway in the surrounding streets. The occupants may, of course, not own a car or have off-street parking facilities elsewhere. Although not in favour of this development from a highway point of view, not only from the parking difficulties but also the further vehicle movements that it may generate in the already cramped no-through road,

Dorset Street, considers that a highway objection would be difficult to defend due to the sustainable location of the property in close proximity to the town centre and local facilities.

- 4.1.3 SC Trees - This proposal does not appear to affect any important or protected amenity trees.
- 4.1.4 SC Affordable Houses - Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application. The proforma submitted with the application shows the correct rate for this area at this present time, but this may alter if the prevailing rate changes before a reserved matters or full application is submitted.
- 4.1.5 SC Archeology (Historic Environment) - No comments to make on this application with respect to archaeological matters.
- 4.1.6 SC Conservation (Historic Environment) - The linear plan form of the subject property forms an ideal transition between the very shallow properties to the west on Dorset Street and the very long lots characteristic of the properties to the east running between Severn Bank and Burton Street. This proposal would alter this plan form and reduce the open nature of the property as it runs along Donkey Alley with a new dwelling squeezed into this space. The indicative proposed block plan illustrates a built form that has little relationship to the more traditional buildings in this area, with the exception of 'The Bungalow' adjacent at the termination of Burton Street. It may be the applicant's intention to mimic some of the design features of 'The Bungalow' which is a relatively subservient building to others in the area. The Bungalow however has its front elevation facing the public highway; the indicative plan for the proposed new dwelling indicates that there would be no windows on the elevation facing Donkey Alley, which means a blank wall would face the public walkway, which is not normally an acceptable visual characteristic within the Conservation Area.

Because these lands are within the Conservation Area and located along, and at the junction of, a well-used pedestrian route, any dwelling that might be approved here will have to be built to a very high standard with high quality external materials that reflect those prevalent in the immediate area to ensure the dwelling will harmonize with the surrounding built form. The design, site layout, built form, materials, surfacing and overall external appearance of the dwelling must be such that it would maintain and preferably enhance the visual character of the Conservation Area here. It would be preferable at this stage to consider at least concept elevation drawings to better assess whether the proposed dwelling could meet this criteria. Any pedestrian opening to the Donkey Alley boundary wall would need to be kept to a minimum, the wall made good and full details of any pedestrian gate submitted and approved.

It is difficult to fully assess this proposal without concept drawings illustrating the elevational views of the proposed dwelling. These are necessary at this stage in order to assess the impact the development might have on the immediate neighbourhood and to comment on whether the development is considered to at least maintain the character or appearance of the Conservation Area.

#### 4.2 - Public Comments

4.2.1 Shrewsbury Town Council – OBJECTS - Members consider that development within the curtilage of this property constitutes an inappropriate development, detracting from the existing openness of the site and visual amenity for residents and users of the Castle Walk thoroughfare, providing minimal personal amenity space for the prospective owner and potentially a drain on the local parking provision given there is no provision in this outline application for anything other than pedestrian access.

4.2.2 Cllr Alan Mosely - The site is within a Conservation Area which is already over-developed. The development within the curtilage of this property constitutes an inappropriate development, detracting from the existing openness of the site and the visual amenity for local residents and users of the Donkey Alley. There are significant and serious parking problems in the surrounding area given the paucity of off-street parking, the density of housing and the number of properties in multiple occupation. This development would further exacerbate this situation given there is no provision proposed for anything other than pedestrian access. Given that the proposed building is shown at some distance from the highway there would be severe difficulties for emergency vehicles to gain access, especially given the parking in the area. The additional on-street parking may also hinder access to other properties. I would question the desirability of breaching the wall of Donkey Alley. Furthermore, I would request that, given these and other objections, the application be considered by Committee following a site visit.

4.2.3 13 letters of objection have been received from local residents summarised as follows:

The area is already over developed

It would detract from the existing openness of the site and would be detrimental to the character and appearance of the area

The open space viewed and enjoyed by people walking over the footbridge would be destroyed and this green site should be preserved

It will would result in a loss of privacy and light, and overshadow neighbouring properties

The views currently enjoyed by residents in Benyon Street would be affected

Existing windows in the side and rear of 1 Severn bank will overlook the site

It will affect the desirability of a neighbouring property for letting purposes and affect the value of surrounding properties

It is good that no parking will be provided as this end of Dorset Street as it is much used by pedestrians and cyclists, however the proposal has the potential to impact on the already limited on-street parking for existing residents in the locality

It will increase noise levels

Emergency vehicles would be unable to access the property

It is undesirable to breach the wall of the pedestrian walkway both aesthetically and from a security aspect

Considers the plans to be inaccurate in terms of the location of a lean to and the location of trees to be removed.

Concerned about flooding and drainage

## 5.0 THE MAIN ISSUES

Principle of development  
Layout, scale, design and appearance  
Highways/Access  
Impact on neighbouring properties  
Trees and landscaping  
Flooding/Drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The development will be situated within an established residential area close to essential services and facilities and Shrewsbury Town Centre and therefore accords with the NPPFs presumption in favour of sustainable development and Shropshire LDF Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. CS11 requires that all new housing developments make a contribution to affordable housing (AHC) calculated at a rate at the time that the Reserved matters application is submitted. The applicant has signed the pro forma confirming that they are willing to enter into a S106 to secure the required AHC.

### 6.2 Layout, scale, design and appearance

6.2.1 The proposal is outline only with the scale, appearance, layout and landscaping reserved for later approval. The applicant sought pre-application advice prior to submitting the application and the scheme originally included parking for cars at the front of the site facing Dorset Street taking up some of the front garden. After consultation with Conservation and Highways the applicant was advised that the

plot size seemed large enough to accommodate a single dwelling without appearing cramped but having regard to the adverse impact parked cars would have on the appearance of the locality and an already congested area it would be beneficial to omit car parking from the scheme.

6.2.2 The submitted scheme includes no vehicular access or parking and an indicative block plan has been submitted that indicates a bungalow set well back within the plot with pedestrian access off the Donkey Alley. There is some concern that the proposal would detract from the existing openness of the site and the visual amenity for local residents and users of the Donkey Alley and pedestrians viewing the site from the footbridge over the river. The character and appearance of the locality is a close knit residential area built up to the river with a large area of open space on the opposite side of the river. The site is within a Conservation area and the properties are subject to an Article 4 direction the aim of which is to help preserve the visual character of dwellings facing the public highway. This proposed dwelling will be set well back by approximately 30 metres from the Dorset Street frontage but will face the Donkey Alley and will have a new pedestrian access onto this alley. The Conservation Officer has commented that it would be unacceptable if a blank wall faced the Donkey Alley; however the exact details of the proposal will be considered at the Reserved matters stage and it is considered that a bungalow could be designed with a frontage that faces the Donkey Alley with its front door facing the pedestrian access to be formed in the wall, without any adverse impact on visual or residential amenity.

6.2.3 The existing open nature of the site is due to the gap between Dorset House and 1 Severn Bank which currently forms the large side and rear garden of Dorset House and measures approximately 42 metres deep and 12 metres wide at the rear and 9.5 metres wide at the front. The site will occupy approximately half of the existing garden and will leave a good sized garden at the front approximately 9.5 metres wide and 22 metres deep to the side of Dorset House. The existing open space between Dorset House and the next property 1 Severn Bank will therefore be maintained and the vista when approaching the site over the footbridge will not appear significantly changed due to the proposed dwelling being a bungalow to be set back approximately 30 metres from the road frontage. It is considered that a sensitively designed bungalow set back within the site and only occupying the rear half of the existing garden would not result in the loss of the existing openness to be retained between the existing built development on either side. In addition the provision of a small gate within the existing wall of the Donkey Alley would not have a significant impact on its character and appearance. There is already a bungalow situated behind the site and this proposal would follow the same pattern of development. It is considered that the proposal would not have a negative adverse impact on the character and appearance of the area and that there are no significant adverse impacts that would outweigh the benefits of providing a small low cost dwelling in this sustainable location close to the town centre.

### 6.3 Highways

6.3.1 The proposal includes no vehicular access or parking provision but a pedestrian access onto the Donkey Alley. This is considered acceptable in this sustainable location close to the town centre. There is concern that emergency vehicles would

not be able to access the site. However ambulances or fire engines needing to attend the site could park at the head of Burton Street and access the site on foot from that location. This is the current situation for all of the properties that face pedestrian only Severn Bank at the front and Burton Street at the rear. These dwellings are however further from the highway than the proposed bungalow would be. It is accepted that congestion and parking within the area is an existing problem but the addition of a single two bedroom bungalow with no parking would not exacerbate this situation and is not a justifiable reason for refusal. The existing congestion and on street parking is affected by non residents parking in the area in order to walk into town. The addition of an additional dwelling would not change this and once all on and off street parking spaces are full both residents and non residents find somewhere else to park which is the current situation. Therefore congestion and the lack of parking for existing residents would not be affected by this proposal and it is not considered desirable that additional parking should be provided in the front garden of Dorset House.

#### **6.4 Impact on neighbouring properties**

6.4.1 The proposal indicates a bungalow and full details including the position of windows will be considered at the reserved matters stage. However as the property will be a bungalow it is not considered that any ground floor windows would result in overlooking and a loss of privacy and in addition would not appear overbearing or result in a loss of light for existing residents. There is no right to a view and perceived devaluation and impact on the outlook from the rear of properties in Benyon Street is not a material planning consideration.

#### **6.5 Trees and landscaping**

6.5.1 The proposal indicates the removal of three small trees or bushes and the Tree Officer has confirmed that the proposal does not affect any important or protected amenity trees. The proposal indicates that a boundary hedge will separate the site from the remaining garden for Dorset house and that a pedestrian wrought iron gate will be inserted in the wall to the Donkey Alley. Full landscaping details will be submitted at the reserved matters stage.

#### **6.6 Flooding/Drainage**

6.6.1 No part of the site is in flood zone 2 or 3 but only the bottom corner of the remaining garden nearest the river. There will therefore always be dry access via the pedestrian route along the Donkey Alley onto Burton Street. Foul drainage will be to the main sewer and surface water will be considered as part of an application for Reserved Matters or Building Regulation approval.

#### **7.0 CONCLUSION**

7.1 The provision of a small two bedroom bungalow in this highly sustainable location close to the town centre is acceptable and should be supported unless there are any adverse impacts that would outweigh the benefits. It is considered that a sensitively designed bungalow that fronts the Donkey Alley and is set back 30 metres from the Burton Street frontage would preserve the existing openness

between Dorset House and 1 Severn Bank and would not have an adverse impact on the character and appearance of the locality or adversely impact on residential amenity. The proposal includes no parking provision and this is considered acceptable in this sustainable location close to the Town Centre and would not add to the existing congestion in the locality as the proposal would not result in additional vehicular activity at the site. Members are therefore advised to approve this application unless they consider there are defensible reasons for refusing it.

## 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 three months 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 1970.

### 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, CS11 and CS17

### 11. Additional Information

<b>List of Background Papers:</b> File 14/00092/OUT
<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
<b>Local Member</b> Cllr Alan Mosley
<b>Appendices</b> APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Details of the siting, scale, appearance and landscaping 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 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of 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 begin 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 Number 03 submitted with this application.

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