



Committee and date

South Planning Committee

18 December 2018

## Development Management Report

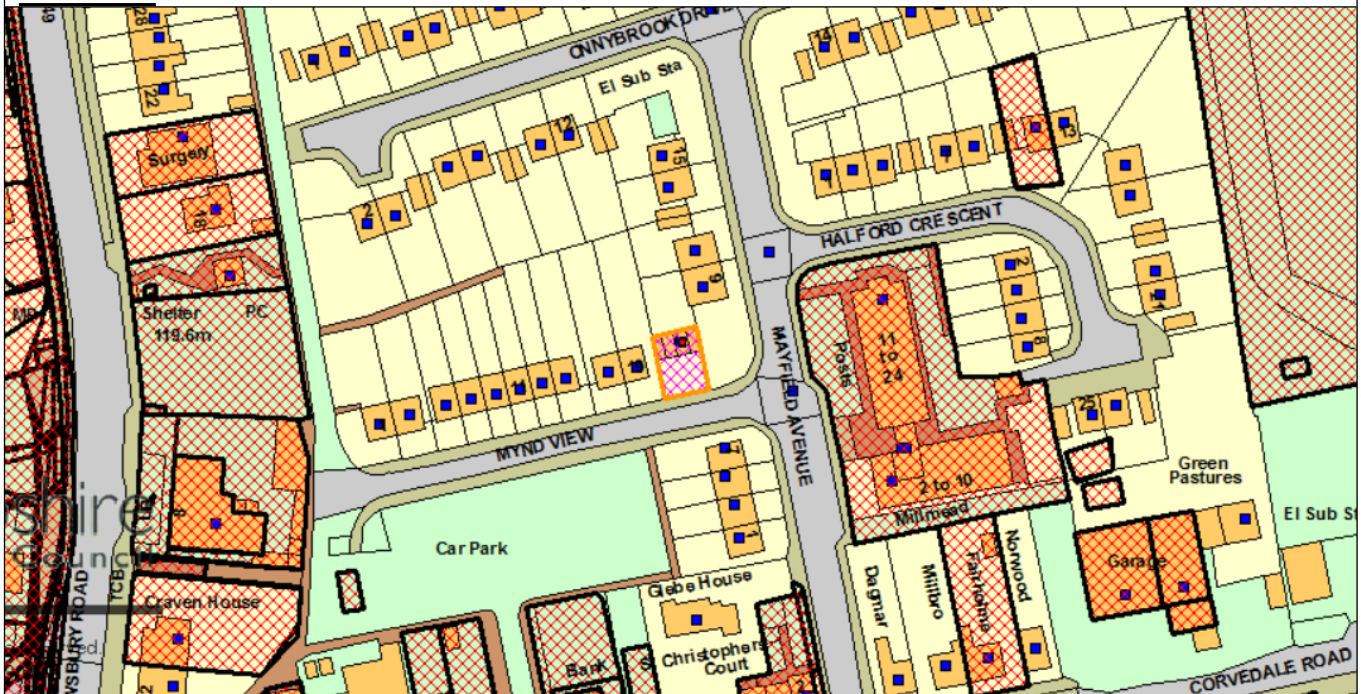
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 18/04776/FUL	<b>Parish:</b>	Craven Arms
<b>Proposal:</b> Erection of a detached, 3 bedroomed dwelling following demolition of existing garages		
<b>Site Address:</b> Garages North Of Mynd View, Craven Arms, Shropshire		
<b>Applicant:</b> Mr D Streatfield		
<b>Case Officer:</b> Helen Tipton	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 343426 - 282915



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Contact: Tim Rogers (01743) 258773

**Recommendation:- Refuse****Recommended Reason for refusal**

The proposed development, by reason of its size and scale would not achieve the required standards of residential amenity space necessary to successfully accommodate a two-storey, three bedroomed dwelling on the site and it would result in a cramped form of development. Whilst there is an acute need to make efficient use of development land and the site is in a sustainable location, the benefits of the scheme would not outweigh the harm identified to neighbours living conditions and the two-storey built form would be overbearing with an unacceptable loss of privacy to the occupiers of the adjacent property. As a result the proposed scheme is contrary to policy CS6 of the Council's Core Strategy, MD2 of the Council's Site Allocations and Management of Development (SAMDev) Plan, paragraphs 2.16, 2.17 and 2.18 of the Council's Type and Affordability of Housing Supplementary Planning Document, (SPD) as well as the advice set out in the National Planning Policy Framework, (NPPF) on achieving good design.

**REPORT****1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a detached, 3 bedroomed dwelling following demolition of existing garages.
- 1.2 An integral garage would also be incorporated into the scheme and there would be off-road parking provided at the front of the property.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is located in a central position within Craven Arms Town and approached from Corvedale Road, along Mayfield Avenue, before connecting with Mynd View. The site proposed for development sits in an end corner plot, adjacent the junction with Mynd View and Mayfield Avenue.
- 2.2 The site currently consists of a block of four concrete sectional garages which have a rearward sloping roof and four metal, 'up and over' garage doors. The garage block stands along the rear / northern boundary of the site and its building line also meets with the east and western boundaries of the plot, whilst concrete hardstanding reaches to the pavement edge and provides off road parking to the front of the garages.
- 2.3 The site is bound to the north by the rear garden of 9 Mayfield Avenue whilst the side amenity space of number 9 also abuts with the eastern building line of the garages. Domestic hedgerow then extends, from the south eastern corner of the garage block, towards the roadside edge, defining the boundary to the east.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Town Council have provided views contrary to the Officers recommendation for refusal and the Local Members have requested that the application is considered at the South Planning Regulatory Committee. The Vice Chairman, in consultation with the Principal Officer, considers that the material planning considerations raised warrant determination by the Committee.

**4.0 Community Representations**

4.1 Consultee Comments

4.1.1 Shropshire Council Drainage – comment.

In the planning application, it states 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.

The site is identified as being at risk of groundwater flooding. The level of water table should be determined if the use of infiltration techniques are being proposed. Should soakaways not be feasible, drainage calculations limiting the discharge rate from the site, equivalent to a greenfield 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 others in the vicinity.

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 & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

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

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.

A drainage condition has been recommended, as follows:-

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.

#### 4.1.2 Severn Trent Water – no objection.

As the proposal has minimal impact on the public sewerage system it is advised we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

#### 4.1.3 Shropshire Council Highways – no objection.

It is considered that it is unlikely that the demolition of four garages and the erection of a three bedroomed dwelling with integral garage here, will significantly adversely affect highway safety or local conditions.

The proposed access and parking are adequate. The proposed garage and parking equal what is already in place. The expected amount and frequency of traffic movement into Mynd View is low.

The removal of the garages begs the question of where current users, (if there are

any) will be expected to park, although in the open, there is street parking available in Mynd View and from 5th November 2018, the under-used Corvedale public car park is free to use over a 24hour period.

Informative comments are provided which should advise on the need for a licence for any works on or abutting highway land, that the applicant is responsible for keeping the highway free from any mud or other material emanating from the application site and that no drainage should discharge to highway drains.

#### 4.1.4 Affordable Housing team – no objection.

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

#### 4.1.5 Craven Arms Town Council – no objection.

2 November 2018 -

The Town Council have no objection to the application.

On 8 November 2018, the Town Council were re-consulted following the submission of a revised block plan. No additional comments were received.

#### 4.2 Public Comments

4.2.1 This application was advertised by way of a site notice and three neighbours were also individually notified of the proposed scheme. Following the subsequent submission of a revised block plan the same neighbours were notified a second time, although at the time of writing, no representations had been received.

#### 5.0 **THE MAIN ISSUES**

Principle of development  
Affordable Housing  
Siting, scale and residential amenity  
Appearance and visual impact  
Drainage  
Highways impact

#### 6.0 **OFFICER APPRAISAL**

##### 6.1 Principle of development

6.1.1 The Council's Core Strategy Policy CS3 identifies Craven Arms as one of Shropshire's larger, 'sustainable' settlements. Meanwhile Policy S7 of the Site Allocations and Management of Development (SAMDev) Plan sets a guideline of

around 500 dwellings to be provided in the town throughout the period 2006 to 2026, through the allocation of a combination of greenfield and brownfield sites, (as identified in Schedule S7.1a of the SAMDev Plan and on the associated Policies Map) plus 'windfall' sites within a predefined development boundary.

- 6.1.2 In this case the site is in an established residential area and within the settlement boundary. It is also within walking distance of the main town centre services, facilities and employment opportunities. The proposed development is therefore acceptable in principle.
- 6.1.3 Part 11 of the National Planning Policy Framework, (NPPF) states that planning policies and decisions should promote an effective use of land and promote and support the development of under-utilised land and buildings in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.1.4 The principle of development is already satisfied and the proposed scheme would utilise an under used site which is considered as an 'infill' plot within a residential area. The applicant's agent has advised that the garage block is in a poor condition and the four garages are now used for storage, with none being used for their originally intended purpose. The tenant of garage 3 lives outside of Craven Arms, tenants of garages 2 and 4 have parking facilities at their homes and the tenant of garage 1 is being provided with a parking bay, by the applicant, at the tenants residential property. In any event, it is noted that on street parking is available in Mynd View as well as many other streets in the general area and additional free car parking is available in the nearby Corvedale public car park. It is therefore concluded that the scheme would make an effective use of the under-utilised land.
- 6.2 Affordable Housing Contribution
- 6.2.1 The Affordable Housing Teams comments refer to a Court of Appeal decision which lead to the reinstatement of a Written Ministerial Statement and Government PPG advising that planning obligations should not be used to secure tariff-style affordable housing contributions below certain thresholds. This is now reinforced by a revised version of the National Planning Policy Framework (NPPF), published in July 2018, which states categorically, (at paragraph 63) that affordable housing provision should not be sought in connection with small-scale open-market developments. In the circumstances it must be accepted that the Council's policy requirements in this respect are out-of-date and can no longer be given significant weight, meaning no affordable housing contribution is required in this instance.
- 6.3 Siting, scale and residential amenity
- 6.3.1 Core Strategy Policies CS6, CS17 and SAMDev Policy MD2 expect all new development to reinforce local distinctiveness in terms of building forms, scale and proportion, density and plot sizes, as well as materials and architectural detailing whilst the Supplementary Planning Document (SPD) on the Type and Affordability of Housing states that, "whilst there is a need to make efficient use of development land, it is also important to maintain acceptable living standards for the occupants of dwellings, in terms of the internal size of living accommodation and the provision

of external private amenity space. Developments must not provide cramped accommodation and minimal outside amenity space. It is also important to ensure such developments do not have unacceptable consequences for neighbours, such as overshadowing or loss of privacy”.

6.3.2 Although the proposed development would be sited appropriately to meet with general policy requirements and its internal space would be acceptable, the scale of the dwelling would provide a cramped form of external amenity space within the plot and would not replicate the size of the other spacious residential sites already provided in the area. Under the SPD, private outside space should at least provide external areas for domestic storage and children’s play when providing family sized accommodation such as this. A revised block plan was submitted on the 8 November 2018 which confirmed that the external amenity space would be greater, to the rear of the proposed dwelling than originally anticipated, however it is still considered that the outside space is too limited for a family sized three bedroomed dwelling with integral garage.

6.3.3 In addition and more critically, there are potential overlooking issues at the rear of the proposed property. A two-storey dwelling in this position would look directly out over the rear garden of 9 Mayfield Avenue, which would be at considerable detriment to the privacy of the neighbours. Officers consider that the scheme would have unacceptable consequences for neighbours, particularly in relation to the complete loss of their privacy when viewing out from the rear, first floor of the proposed building.

#### 6.4 Appearance and visual impact

6.4.1 The general appearance of the proposed dwelling would be acceptable, given that it would be an improvement to the visual amenity of the site as it currently exists. The form of the building would replicate those which surround it, repeating the character of other residential built forms in this location and the front building line would be level with the front of those houses to the west, repeating the pattern of development along Mynd View. However, precise external materials and their finish would be required in the event of any approval decision, (either by way of a pre-commencement condition or supplied upfront) in order to control the appearance of the development.

6.4.2 The site sits at the eastern end of Mynd View, where it would be the first dwelling to be seen when heading north towards the street, (along Mayfield Avenue). Visually, however and in addition to the schemes resemblance to other buildings in this location, the northern corner of Mynd View is occupied by private amenity space which provides some greenery and screening to the proposed development site.

#### 6.5 Drainage

6.5.1 A condition requiring further surface water drainage details would be reasonable and necessary, in the event of a favourable planning outcome, to avoid increasing the already high risk of groundwater flooding at the site. However foul drainage would utilise mains sewerage and, given the utility providers lack of objection, further details in this respect are considered unnecessary. Also, given that the

entire site is already non-permeable, the drainage comments provided in relation to urban creep are not considered to apply.

## 6.6 Highway impact

- 6.6.1 Since the proposed development would allow for an element of off-road parking, the kerbside outside the site does not need adapting to meet vehicular requirements and it has already been concluded that there is sufficient on-road and free parking availability in the vicinity, the scheme would have no highway safety or other highway implications.

## 7.0 CONCLUSION

The principle of development has been established and the overall appearance of the proposed dwelling is acceptable. There are also no concerns in relation to drainage or impacts on the highway. However, the scheme is considered to be overbearing, would provide a cramped form of development and result in a loss of privacy to neighbouring properties, which would outweigh the benefits of the scheme and be contrary to policy. Refusal of the application is therefore recommended.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

- ☒ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☒ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of



the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

### 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

### 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. **Background**

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and SAMDev Plan Policies:  
CS6 - Sustainable Design and Development Principles  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
Settlement: S7 - Craven Arms

SPD Type and Affordability of Housing

### RELEVANT PLANNING HISTORY:

None.

11. **Additional Information**

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PGP65WTD06Z00>

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr. Lee Chapman Cllr David Evans

**Informatives**

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.