

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 19/00070/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Creation of three additional parking spaces		
<u>Site Address:</u> The Red Barn 108 Longden Road Shrewsbury SY3 7HS		
<u>Applicant:</u> TC Homes		
<u>Case Officer:</u> Lynn Parker		<u>email:</u> planningdmse@shropshire.gov.uk

Grid Ref: 348710 - 311406



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

1.1 This application is for the formation of 3 no additional parking spaces for The Red Barn Public House at 108 Longden Road, Shrewsbury. They are proposed to be located abutting the east side of the existing lower car park and would be tarmac hardstanding with timber fencing around. Each space would measure approximately 2.4m wide x 4.8m in depth. Four Leyland Cypress trees are to be removed to facilitate their formation and this has already been under Planning Ref: 18/05679/TCA by Shropshire Council Trees on 16th January 2019.

1.2 During the course of the application and in response to the Town Council's comments, the agents has provided a photograph annotating the area for the proposed development in comparison with the 440m² of rear beer garden and the 125m² of outside seating at the front of the public house that would be retained.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within Shrewsbury approximately 1 km to the south of the Town Centre, and is within Shrewsbury Conservation Area. The area proposed for the additional parking space is on the eastern side of the existing lower car park and forms the edge of the beer garden. This section of the site is essentially a shelf below the level of the south facing front elevation of the public house, Longden Road and an upper car park area. It is not easily visible from Longden Road. The building which is the Red Barn Public House is approximately 13m to the south east with access into the car parks adjacent to its west facing side elevation. To the north is an area of green space containing a copse of mature trees, that forms part of the Radbrook Valley identified within the Kingsland Special Character Area which is also part of the Shrewsbury Conservation Area.

2.2 A recent development of 4 no. terraced dwellings with associated amenity space and parking has taken place on the western side of the public house car park following the grant of Planning Permission Ref: 18/00472/FUL on 17th April 2018.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development is considered to accord with the requirements of the Council's relevant adopted policies, however the Town Council comments are at variance with officers' view. Local Member comments are awaited. The Chair of the South Planning Committee, in consultation with the Principal Planning Officer, considers that material planning considerations have been raised which warrant consideration by the Central Planning Committee.

The Town Council comments are at variance with the Officer view and the Local Member has requested Committee determination. The Chair of the South Planning Committee, in consultation with the Principal Planning Officer, considers that material planning considerations are raised which warrant consideration by the

South Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 Shrewsbury Town Council - The Town Council objects to the principle of developing green space, which is of amenity value to the patrons of the Red Barn.

4.2 - Public Comments

- 4.2.1 None received.

5.0 THE MAIN ISSUES

- o Principle of development
- o Impact on the historic environment
- o Impact on neighbours/amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

- 6.1.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in exercising planning functions.

- 6.1.3 This proposal for 3 no. additional parking spaces would be a minor addition of ground level development extending the existing car park. It would involve the loss of a small area of the existing beer garden allowing a greater proportion of 440m² remaining in addition to the existing outside seating area at the front of the public house. The removal of trees to facilitate this development, already agreed in January 2019, would make a greater visual difference, if noticed, than the addition of these proposed parking spaces. The site benefits from being not easily visible from Longden Road as it is set at a lower level. Furthermore it is to be assumed that the owners of the public house, Punch Taverns, have identified a need for the additional parking spaces, weighing up the benefits of this over the loss of the small area of beer garden in order to maximise the viability of their business.

- 6.1.4 Therefore, the proposed development is not considered to have an adverse impact on the viable functioning of the Red Barn public house, and would be of an

appropriately minor scale, utilising appropriate materials. The principle of development is therefore acceptable.

6.2 Impact on the historic environment

6.2.1 It is considered that the formation of these additional 3 no. car parking spaces extending the existing lower car park would have a negligible impact on the surrounding Conservation Area and the adjacent Kingsland Special Character Area. It would be ground level development which would not be easily visible from Longden Road to the south – it would not impact on that street scene, nor on the green space to the north as the site is already screened by the mature trees there.

6.3 Impact on neighbours/amenity

6.3.1 The proposed development is not close to the residential amenities of neighbouring dwellings. It would be surrounded by the existing public house site on the south, east and west sides, and the green space is located to the north

6.3.2 As discussed in paragraph 6.1.3, it is not considered that the additional 3 no. car parking spaces would adversely impact on the amenity value to its patrons of the Red Barn Public House, its beer garden and outside front seating area.

7.0 CONCLUSION

7.1 It is considered that this proposal is not contrary to adopted policies and will not adversely affect the character or context of the adjacent built, natural or historic environment, or neighbouring residential amenity.

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

National Planning Policy Framework
National Planning Practice Guidance

LDF Core Strategy Policies:

CS6 Sustainable Design And Development Principles
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD2 Sustainable Design
MD13 Historic Environment

RELEVANT PLANNING HISTORY:

18/05679/TCA - To remove 4 no. Leyland Cypress (G14) within Shrewsbury Conservation Area
Consent By Right 16th January 2019.

18/04246/DIS - Discharge of Conditions 3 (Noise Assessment), 4 (External Materials), 5 (Joinery), 6 (Surface Water) and 7 (Tree Works) on Planning Permission 18/00472/FUL for the erection of 4 no terraced dwellings with associated amenity space and parking. Discharge Approved 21st December 2018.

18/00472/FUL - Erection of 4 no. terraced dwellings with associated amenity space and parking. Granted 17th April 2018.

17/05217/TCA - Works to trees (see schedule) within Shrewsbury Conservation Area. No Objection 7th December 2017

14/04586/FUL - Erection of 4 no. dwellings; formation of vehicular access. Granted 16th June 2016

10/05048/TEL - Replace existing single 14.4m single user column with a 14.4 dual user column with ground based cabinets and ancillary development. Granted 11th January 2011

SA/07/1189/F - Construction of a flat roof porch and ramped access to side door, new decking area and outdoor smoking shelter. Granted 12th September 2007

SA/90/0409 - Extension to provide a conservatory, kitchen extension and general refurbishment. Granted 29th August 1990.

SA/87/0818 - Erect and display various externally illuminated signs. Granted 1st October 1987

SA/84/0840 - Alterations and additions to provide enlarged licenced area, erect new gents toilet facilities and extend existing car park. Granted 18th October 1984. Appeal Dismissed 8th August 1996.

SA/81/1126 - Alterations to use existing private sitting room as public bar and upgrading of kitchen. Granted 15th January 1982.

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PKZ66WTDIXM00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information).

- Extent of public house garden retained photograph received on 1st March 2019.

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Julian Dean

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

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 THAT IS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The materials used in the formation of the car parking area shall be as specified on the submitted application form.

Reason: To ensure that the works harmonise with the surrounding built environment

Informatives

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

2. 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.

3. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

LDF Core Strategy Policies:
CS6 Sustainable Design And Development Principles
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD2 Sustainable Design
MD13 Historic Environment

4. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 38.

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