



Committee and Date  
North Planning Committee  
15<sup>th</sup> October 2019

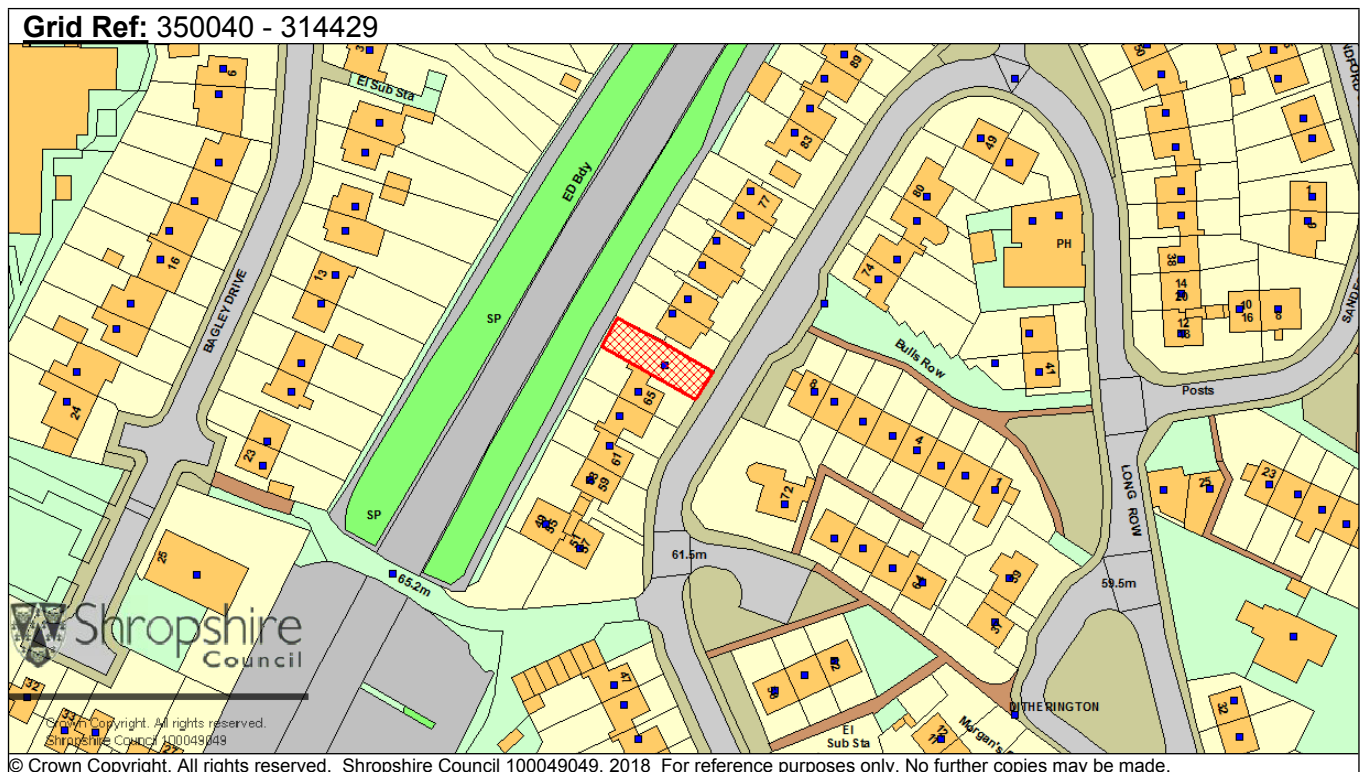
Item  
**9**  
Public

## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 19/03506/OUT	<b>Parish:</b> Shrewsbury Town Council
<b>Proposal:</b> Outline application (All Matters Reserved) for the erection of 1no dwelling	
<b>Site Address:</b> Proposed Dwelling To The North Of 65 White House Gardens Shrewsbury Shropshire	
<b>Applicant:</b> Mrs Jane MacKenzie	
<b>Case Officer:</b> Shannon Franklin	<b>email:</b> <a href="mailto:planning.northern@shropshire.gov.uk">planning.northern@shropshire.gov.uk</a>



**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 a single open market dwelling. All matters have been reserved for consideration in the subsequent reserved matters application.

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

- 2.1 The application site is located within Ditherington to the north of Shrewsbury town centre. The site currently forms part of the garden of No.65 White House Gardens, the dwelling which forms the sites southwestern boundary. To the north western is No.67 White House Gardens a semi-detached dwelling. The sites access is form the southeast side from the highway White House Gardens and to the rear, northwest boundary is a railway line.
- 2.2 In a wider context the site is bounded in all directions by residential development. The sites boundaries are currently formed of a mix of brick walls and metal fencing.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' and therefore a committee decision is necessary.

### **4.0 COMMUNITY REPRESENTATIONS**

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

##### **4.1.1 Shrewsbury Town Council – 08.08.2019 – Neutral**

The Town Council has no objections to the principle of development of this site, but Members have concerns that the proposals represent an over-development on such a narrow plot. Members also expressed concerns in relation to the size of the proposed property and its viability

##### **4.1.2 SC SUDS – 15.08.2019 – No Objection**

Conditions and informative recommended.

##### **4.1.3 SC Highways – 02.08.2019 – Conditional Acceptance**

The proposal seeks outline consent with all matters reserved for the development of a single dwelling on land to the north of 65 White House Gardens, Shrewsbury. It is considered that the proposed development would be acceptable from a highways perspective, subject to the access and parking being commensurate with the local conditions and highway safety.

##### **4.1.4 SC Affordable Housing – 21.08.2019 – No objection.**

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

## **4.2 - Public Comments**

4.2.1 This application was advertised via notice at the site. Additionally, the residents of four neighbouring properties were individually notified by way of publication. At the time of writing this report, no representations had been received in response to this publicity.

## **5.0 THE MAIN ISSUES**

- 5.1
- **Principle of development**
  - **Siting, scale and design of structure**
  - **Highways and access issues**
  - **Drainage issues**
  - **Ecological issues**

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 Core Strategy Policy CS2 states that a comprehensive and co-ordinated approach will be pursued to the planning and development of Shrewsbury. The approach integrates elements of housing, economic, transport, community and environmental policy, and will enable the town to achieve a significant level of housing and economic growth linked with infrastructure improvements, whilst protecting and enhancing the town's role, character and the unique qualities of its historic built and natural environment. Shrewsbury will provide the primary focus for development for Shropshire, providing approximately 25% of its additional housing for the period 2006-2026 (approximately 6,500 dwellings - 325 dwellings per annum).

6.1.2 SAMDev policy MD1 states that further to the policies of the Core Strategy, sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy, including the amount of housing and employment land in Policies CS1 and CS2. Sustainable development will be supported in Shrewsbury, having regard to Policies CS2, CS3 and CS4 respectively and to the principles and development. In this regard, the creation of 6 additional dwellings within the development boundary of Shrewsbury is considered acceptable and the LPA does not object to the principle of development.

6.1.3 The development will be situated in an established residential area within the urban development boundary of Shrewsbury. It is close to essential services and facilities that could be accessed by foot or by cycle and the Town Centre is readily accessible by public transport. The location of the development therefore accords with the NPPFs presumption in favour of sustainable development and the Shropshire LDF Policy CS2.

6.1.4 In terms of the site layout and design of the proposal Shropshire Core Strategy

Policy CS6: Sustainable Design and Development Principles; seeks to ensure development is sympathetic to the size, mass, character and appearance of the surrounding area and additionally Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan seeks to achieve local aspirations for design where possible.

- 6.1.5 Section 12 of the National Planning Policy Framework; Achieving well-designed places, reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.
- 6.1.6 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 i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.
- 6.1.7 Due to the size of the development the applicant is not required to pay an Affordable Housing Contribution as per Policy CS11 of the Core Strategy, however the development will be liable for a Community Infrastructure levy.

## **6.2 Siting, scale and design of structure**

- 6.2.1 The application form states that this is seeking outline permission only, with all matters reserved for a later stage. As such, appearance, layout, landscaping and scale are to be considered at Reserved Matters stage. Upon the submission of this application, any proposal will need to ensure that the surrounding character and context has been taken into consideration, in order to be fully compliant with all relevant policies including CS6 and MD2.
- 6.2.2 The application site has an area of approximately 155m<sup>2</sup> and is sited between two existing dwellings. The plots overall width is 7.2m whilst the gap between the two existing dwellings measure at their principle elevation is around 10.0m. It is recognised that the application site is compact however it is not considered that an appropriately proportioned dwelling would be unacceptable on site taking in the context of the surrounding development.
- 6.2.3 The majority of plots to the north have a width measured at the road frontage of between 7.2 and 6.3m and the dwelling principle elevations are 6.3m in width. Resultantly the application site is capable of accommodating a dwelling of a similar proportion within it appearing demonstrably out of context, subject to appropriate design and detailing.

## **6.3 Highways and Access Issues**

- 6.3.1 Similarly to the above, all access issues are to be dealt with at a later stage. However, upon submission an indicative plan was submitted to show the possible access arrangements from the highway forming the southeast boundary and up to 2no. parking spaces to the front of the dwelling. Following consultation with the Highways Authority these are considered to be acceptable subject to conditions being attached to any decision notice.

## **6.4 Drainage Issues**

6.4.1 Shropshire Core Strategy Policy CS18: 'Sustainable Water Management' states that developments should integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity within Shropshire. This site is not within any Flood Zone, and following consultation with SC SuDS Team it is apparent that the site raises no concerns in relation to drainage issues, subject to the applicant provision of full details of the foul and surface water scheme to be implemented on site, utilising sustainable water management where possible.

## 6.5 Ecological Issues

6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Policy MD12 of SAMDev further supports the principle of protecting and enhancing the natural environment. However, the Council's Natural Environment team has a requirement for certain developments meeting triggers would require the submission of additional reports/surveys; this application meets none of these triggers as the site currently occupies existing residential curtilage with no habits or features of ecological value, as such no issues arising from an ecological inspection.

## 7.0 CONCLUSION

7.1 The proposal for the development of a single open market dwelling is considered acceptable. Whilst the site is of a modest scale the plot shape and width is in context with neighbouring properties and an appropriate designed and detailed dwelling would be acceptable. The site is located within the development boundary of Shrewsbury and is therefore considered to be sustainably located within easy reach of services and facilities. As this an outline application only, a reserved matters application will be required in which additional matters will be considered; namely access arrangements, design and landscaping. The proposal is compliant with all housing policies contained within the Shropshire Core Strategy, the SAMDev Plan and the National Planning Policy Framework; as such it is recommended that permission be **GRANTED**.

## 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 Saved Policies:**

CS1 - Strategic Approach  
 CS2 - Shrewsbury Development Strategy  
 CS3 - The Market Towns and Other Key Centres  
 CS4 - Community Hubs and Community Clusters  
 CS6 - Sustainable Design and Development Principles  
 CS17 - Environmental Networks  
 CS11 - Type and Affordability of housing

MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

19/02302/OUT Outline application (all matters reserved) for the erection of 1no dwelling  
 APPRET

19/03506/OUT Outline application (All Matters Reserved) for the erection of 1no dwelling PDE

## 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 Alan Mosley
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. With the exception of the application site boundary outlined in red, nothing in this permission shall be construed as giving approval to the details shown on the drawings accompanying this application, as such details are intended for illustration purposes only.

Reason: To define the permission and to retain planning control over the details of the development.

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

**5. 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/use hereby approved is occupied/brought into use.**

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

**6. No development shall take place until details for the parking of vehicles have been submitted to and approved by the Local Planning Authority. 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.**

**7. 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.**

### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

8. Demolition, construction works or deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

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

### **Informatives**

1. In arriving at this decision Shropshire 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.

2. a) 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

b) 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.

3. a) 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.

b) 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.

c) If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope 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.

d) 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.

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