

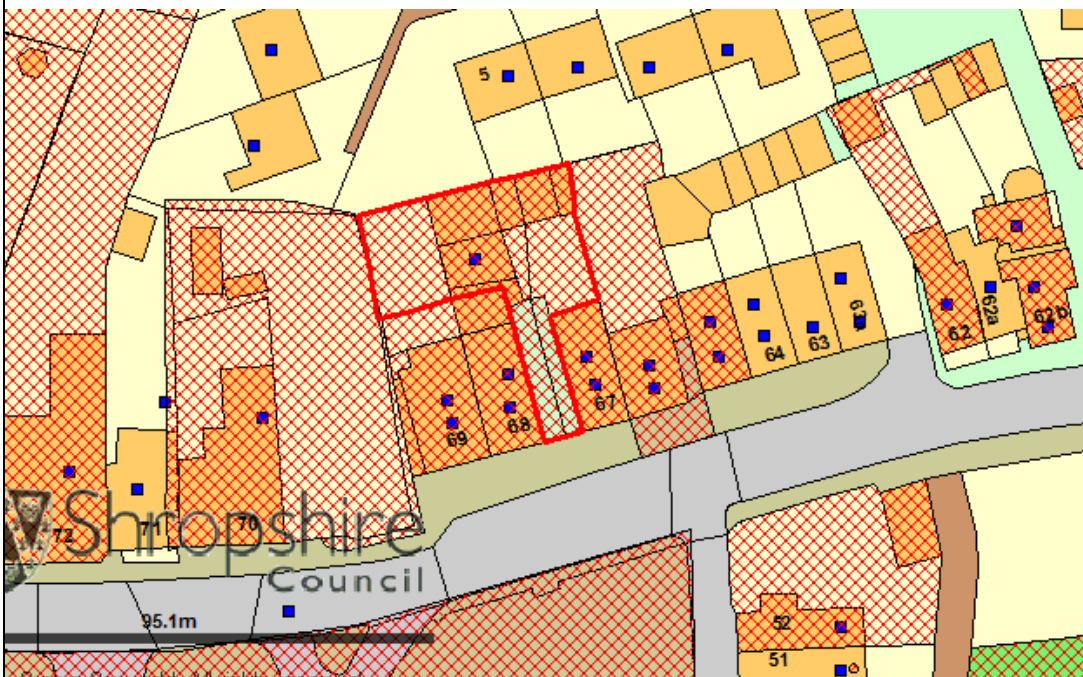
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

<u>Application Number:</u> 22/02285/FUL	<u>Parish:</u>	Albrighton
<u>Proposal:</u> Erection of single storey bungalow following demolition of outbuildings		
<u>Site Address:</u> Proposed Dwelling North Of 68 High Street Albrighton Shropshire		
<u>Applicant:</u> Mr James Colton		
<u>Case Officer:</u> Didi Kizito	<u>email</u>	: didi.kizito@shropshire.gov.uk

Grid Ref: 381514 - 304084



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This resubmission application seeks planning permission for the erection of a residential bungalow to the rear of a shop parade on Albrighton High Street. The application site is currently in use as a storage yard for commercial waste bins, and is occupied by a range of single storey, flat roofed outbuildings.
- 1.2 Pre application advice was sought under reference number PREAPP/20/00060.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site lies to the rear of a small parade of commercial units, outside of Albrighton's primary shopping area but within the Conservation Area. Access is via a single width private drive.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council have provided views contrary to the Officers recommendation. The application was discussed with the Chair/Vice Chair of Planning Committee, in consultation with the Principal Planner, and it was concluded that a committee determination should be pursued as it was considered the Town Council has raised material considerations which make the application worthy of Committee consideration.

4.0 Community Representations

Consultee Comment

4.1 Albrighton Parish Council

APC Appreciate the size of the proposed accommodation has been reduced however, it still objects to residential property at the rear of these shops for the reasons set out in the previous planning application. The proposed property would still be out of character and at odds to the surrounding properties within this conservation area.

4.2 SC Archaeology

The proposed development site lies towards the eastern end of the historic core of the medieval town of Albrighton (Shropshire Historic Environment Record [HER] No. PRN 05385) as defined by the Central Marches Historic Towns Survey, and occupies a group of tenement plots to the north of High Street (HER PRN 05381). The site also lies within the Albrighton Conservation Area. The site was open ground in the later 19th century and was developed in the 20th century. The proposed development site can therefore be deemed to have some archaeological potential, though archaeological remains on the site are likely to have been damaged or removed by previous developments on the site.

RECOMMENDATION:

In view of the above, and in relation to Paragraph 205 of the NPPF (July 2021) and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is recommended that an archaeological inspection of any ground works for the proposed development be made a condition of any planning permission for the development. An appropriate condition of any such consent would be: -

Suggested Conditions:

No development approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Reason: The site is known to hold archaeological interest.

4.3 SC Conservation

The existing site lies behind existing shops that seem to date from around the 1950-60s, where it lies within the Albrighton Conservation Area. The site also lies adjacent to 70-71 High Street that is grade II listed to the west, bounded by an existing brick wall. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, along with emerging policies SP1 and DP23 of the Submission Local Plan, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in July 2021 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

It is noted that the proposal has been subject to pre-application enquiry (PREAPP/20/00060), where the planning officer raised various amenity issues with regards to having residential development on this site. These concerns have been relayed into the previous refusal (22/00405/FUL), where the reason for refusal was based on concern that the proposal would provide cramped development at odds with the surrounding properties.

As previously mentioned, there is no principle objection to the proposed demolition of the existing outbuildings and extension where these buildings contribute little to the existing character and appearance of the conservation area, there is still concern as to how tight this site is. Whilst being the centre of Albrighton, with buildings of a higher density lying directly onto the High Street, the rear curtilages are generally spacious with generous garden space, where this dwelling would have little amenity space. The HIA conclusions are noted, where it states that there would be 'no impact' to the existing character and appearance of the conservation area, as well as the setting of 70-71 High Street adjacent. Whilst the building would be tucked away at the back and set back within its plot, where there is a brick wall between the site and the curtilage of the listed building, there shall be some inevitable visual impact, with some potential glimpse views and intervisibility (mainly roofscape), though it is not

considered that this harm would stray into 'less than substantial territory' as defined under paragraph 202 of the NPPF.

The design of the proposed bungalow in some respects has become worse, where there should be a traditional roof pitch (as previously proposed), where there is still concern with regards to proposed use of materials (rendered panels) could perhaps reference the local vernacular better with regards to the use of plain clay tiles and red brick.

Objection with regards to proposed footprint, layout, and facing materials, where it is considered that the proposal is contrary to paragraph 130 of the NPPF and characteristics C1, C2, I1, I2, I3, B1, B2, & B3 of the National Design Guide, policies CS6 and CS17 of the Core Strategy, policies MD2 and MD13 of SAMDev, and emerging policies SP1 and SP5 of the Submission Local Plan.

4.4 **SC Affordable Houses**

No objection. The proposed development falls below the threshold by which the Local Planning Authority are able to require a contribution towards affordable housing. Therefore, no obligations are applicable in this instance.

4.5 **SC Regulatory Services**

No comments

Public Comments

4.6 At the time of writing this report, no comments had been received from the members of the public.

5.0 **THE MAIN ISSUES**

Principle of development

Siting, scale and design and impact on conservation area

Highway considerations

6.0 **OFFICER APPRAISAL**

6.1 Principle of development

6.1.1 Albrighton is a settlement identified in the Core Strategy as a key market town in South East Shropshire, where housing development can be permitted on appropriate sites. The Site is located within the development boundary, and in principle the provision of housing development in this location would be in accordance with the policies set out in the Core Strategy and the SAMDev plan, and the Albrighton Parish Plan.

6.1.2 The development will be situated in an established residential area within the urban development boundary of Albrighton. It is close to essential services and facilities that could be accessed by foot or by cycle and readily accessible by public transport.

The location of the development therefore accords with the NPPFs presumption in favour of sustainable development.

- 6.1.3 The National Planning Policy Framework 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.
- 6.2 Siting, scale and design and impact on conservation area
- 6.2.1 SAMDev Policy MD2 'Sustainable Design' and Core Strategy Policy CS6 'Sustainable Design and Development Principles' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. It is also required to preserve and enhance the amenity value of the wider area to which it relates including the safeguarding of residential and local amenity.
- 6.2.2 Properties along this section of the street and immediately adjacent to the site generally have a direct relationship with the streetscene in terms of frontages and the rear, the properties are characterised by extensions and outbuildings. The location of the proposed dwelling is such that it would be served only by a narrow access, extending southward from the High Street with no meaningful relationship with the public streetscene.
- 6.2.3 The proposed dwelling would be set back to the rear of numbers 68 and 69 resulting in backland residential development. The dwelling would be set further back from the street frontage than the neighbouring properties along this section of the High Street where front elevations are all at a similar distance from the road itself. While it is accepted that the introduction of a dwelling resulting in backland development would have the propensity to appear incongruous with respect to the established pattern of development along the High Street, it is noted there is some level of development albeit outbuildings on the application site.
- 6.2.4 Whilst there are existing storage unit buildings located on the application site that are set back from the street scene, the proposed dwelling would nonetheless be viewed in the context of the existing neighbouring properties and pattern of development. The proposed scheme has been amended in scale, design and layout. Where previously, the proposal was contrived within the plot with little in way of outdoor amenity space. The current bungalow subject to this application has been amended reflecting a smaller footprint and inclusion of outdoor amenity space reflective of the dwelling size. The amendments have made provision for a degree of separation distance between the proposed dwelling and the neighbouring boundaries of no's. 68 and 69 which the previous application did not.
- 6.2.5 Comments submitted by the conservation officer have been noted. As stated within the comments, the conservation team do not oppose the demolition of outbuildings and acknowledge the buildings contribute little to existing character and appearance

of the conservation area. However, together with the Town Council objection, concerns have been raised over the design and proposed materials consisting of rendered panels where it consultees conclude the scheme would be out of character of the surrounding environment. Whilst the objections raised are acknowledged, it is worth noting the conservation team do not consider the harm identified would stray into 'less than substantial territory'. In addition the applicant has confirmed they are prepared to amend the materials to brick and slate roof tiles. This would be an improvement to the scheme and condition would be imposed on relation to materials. On balance, officers observe that the existing outbuildings are unattractive features on the site and have a negative impact upon the immediate locality. Consequently, their removal and replacement with a single storey bungalow will result in a visual betterment. Therefore some weight in favour of approval would be attributed to this whereby on balance, the scheme would not have a detrimental impact on the conservation area more so than the existing outbuildings to warrant a refusal of the scheme. In addition, it is worth highlighting similar scale low profile bungalows are located on neighbouring street Fair Lawn.

6.3 Highway considerations

- 6.3.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 110-111 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all users and “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 6.3.2 Core Strategy policy CS6 requires all development to be safe and accessible to all and have appropriate parking. It seeks to ensure that proposals likely to generate significant levels of traffic to be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel reduced. It also aims to achieve safe development and where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.
- 6.3.3 Shropshire Council has not set local parking standards for residential and non-residential development. At paragraph 3.15 of the SAMDev Plan, which is part of the explanation to policy MD2 (Sustainable Design), it states that developments must be designed so as to not result in an unacceptable adverse impact on local infrastructure, and gives as an example that adequate on-site parking should be incorporated within a development site to ensure that cars do not overspill onto surrounding roads and thereby negatively impact on the local road network.
- 6.3.4 SC Highways has confirmed that proposed development is acceptable. From a highway perspective, it is considered that the proposed development would not lead to an intensification of the access that will have a significant impact on the surrounding Highway network. Additionally, turning to the parking provision given the

scale of this development proposal and the close proximity of the site to town centres services and public car parks, the parking provision is adequate.

7.0 CONCLUSION

The proposal would make effective use of a brownfield site in an accessible town centre location. The use of this site for an additional dwelling within the Town would be a public benefit of significant weight in the planning balance. Due to its scale, on balance, the proposals would be sympathetic to local character and history, including the surrounding built environment. Furthermore, the proposed development would not lead to an intensification of the access that would have a significant impact on the surrounding Highway network; and, subject to appropriate conditions, the residential amenity of the area would not be unduly harmed.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

22/00405/FUL Erection of single storey bungalow at rear of shops parade following demolition of outbuildings REFUSE 6th April 2022

22/02285/FUL Erection of single storey bungalow following demolition of outbuildings PCO

11. Additional Information

[View details online:](#)

[22/02285/FUL | Erection of single storey bungalow following demolition of outbuildings | Proposed Dwelling North Of 68 High Street Albrighton Shropshire](#)

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 Ed Potter

Local Member

Cllr Nigel Lumby

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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.

3. Demolition, Construction shall only take place between the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday. No construction activities shall occur on Sundays and public holidays.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Reason: The site is known to hold archaeological interest.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

5. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A-H shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

Informatives

1. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

Informative Notes:

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related Documents Section on the Council's Website at:

<https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

2. 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.