

Development Management Report

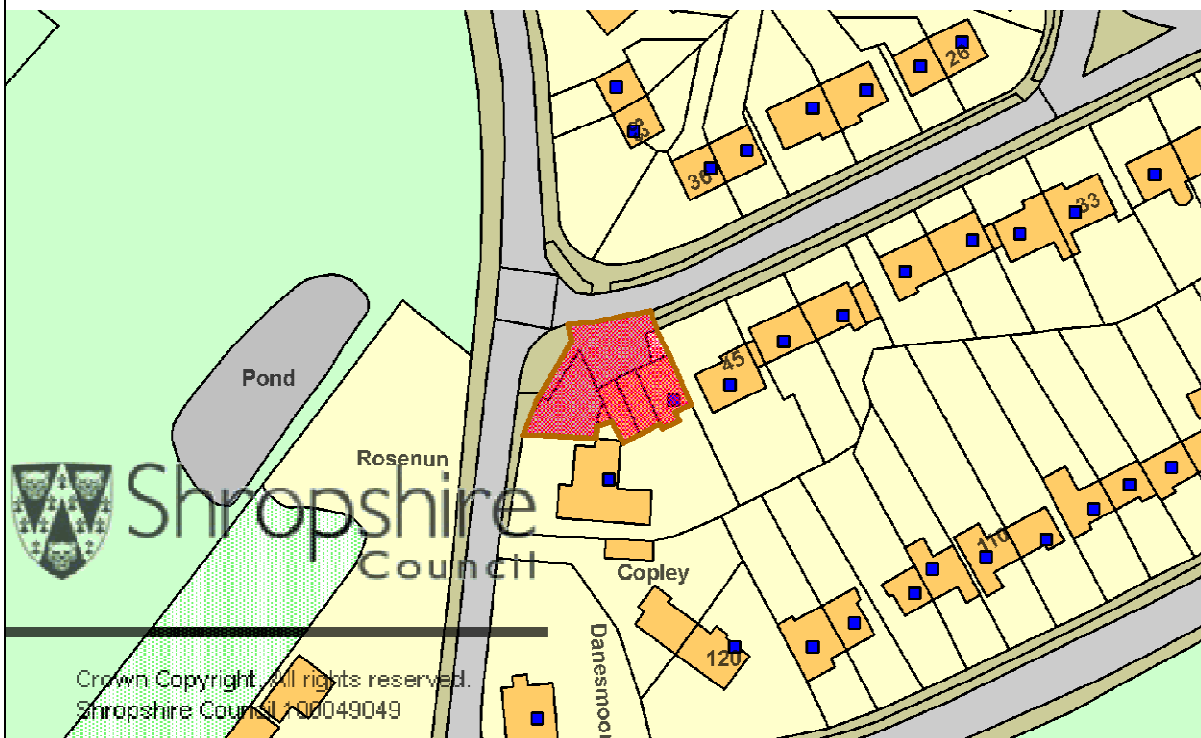
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/01841/FUL	Parish:	Albrighton
Proposal: Erection of 3 bedroom detached bungalow with integral garage following demolition of existing store		
Site Address: Elm Road Stores Bishton Road Albrighton Wolverhampton Shropshire		
Applicant: Louise Fisher		
Case Officer: Lynn Parker	email: planningdmse@shropshire.gov.uk	

Grid Ref: 380715 - 303799



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Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement in respect of the affordable housing contribution and subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for the erection of a 3 bedroom detached, dormer bungalow with integral garage following demolition of the existing corner shop known as Elm Road Stores at Bishton Road, Albrighton. Accommodation is proposed to comprise a utility, shower room, bedroom, hall, kitchen, lounge and integral garage at ground floor level, and a bathroom, landing, study and 2 bedrooms, one with ensuite, at first floor level over a footprint of approximately 107m². The dwelling will measure 12.5m wide x 8.49m in depth x 6.4m to ridge height, 2.43m to eaves. The roof design is dual pitched with gable ends, 3 dormer windows to the front north facing elevation, 5 roof lights to the south facing rear elevation and a feature window with Juliet balcony serving a first floor bedroom on the west facing side elevation.
- 1.2 Materials are indicated to be red facing brick, plain concrete tiles, white UPVC windows and doors, and block paving to the drive/parking area. A 1.8m high, close boarded fence will be erected to the north west and east boundaries with hedging adjacent to the road. It is proposed to retain the rear wall of the existing building along the southern boundary to define that boundary, but with a reduced height to 2m and openings filled in, the proposed dwelling being set forward of it. Vehicular access will be as existing from Bishton Road and there will be parking provision for 3 vehicles, a reduction of one from the existing shop parking. No trees or hedges are affected. Foul sewage will be disposed of as existing to the main sewer and surface water drainage to new soakaways in the proposed garden area.
- 1.3 During the course of the application the site boundary has been corrected. Additionally, an Affordable Housing Contribution Proforma has been submitted agreeing to pay a financial contribution of £13,500 towards off site affordable housing provision as the internal floorspace is identified as being over 100m² (0.15 x 100m² x 900 = £13,500).

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within the development boundary of the Market Town of Albrighton and to the south west of the Town Centre. It is accessed via estate roads from Cross Road which leads to the A41 in the north east and A464 to the south west. The area is primarily residential and characterised by semi-detached bungalows and 2 storey dwellings of red brick with brown tiles roofs. The dwellings are typical mid 20th Century design with hipped roofs and chimneys, the 2 storey properties having brick porches. The site is located between 2 bungalows facing north onto the junction of Bishton Road with Elm Road.
- 2.2 It is understood that the property is a former commercial shop which has been empty for approximately 5 years and recently sold at auction. The existing building is a single storey brick structure of a relatively low height with a mono-pitch roof sloping downwards to the south and a parapet ridge atop the cream painted front

elevation. The exterior is starting to deteriorate. The rear elevation forms the side boundary of the neighbouring rear garden at 'Rosenun', due to the relative angles of the properties, and the east facing side elevation forms the side boundary with no. 45 Bishton Road. There is currently no rear outside amenity space and the rear boundary of 'Rosenun' abuts the side of the rear garden at no. 45. The building is essentially a square unit with most of the openings, including a shop window, in the front elevation. The remainder of the plot comprises a tarmac parking area between the front elevation and Bishton Road and a triangular grass area to the west side. The plot covers approximately 290m².

- 2.3 Directly to the east is a line of bungalows some of which have off road parking, but not all. These are aligned with the orientation of the existing shop building. The bungalow to the south side at 'Rosenun' differs in appearance from those to the east in that it is detached, has a larger footprint, plot size, and openings, however its design and materials indicate that it may have been constructed during the same period. To the other side of 'Rosenun' are 2 storey properties. There are also semi-detached 2 storey properties across the road to the north, although these are not directly in front of the plot as its outlook is more accurately across the front gardens and along Elm Road. Land to the west and north west across Elm Road is open Green Belt countryside outside the development boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Applications requested to be referred, by the Local Member to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman to be based on material planning reasons.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 Albrighton Parish Council – At its meeting of 5th June 2014 objected to planning application 14/01841/FUL on the grounds that the proposed building was not accurately described as a bungalow but was in fact a two storey house which represented an overdevelopment of the site.
- 4.1.2 SC Affordable Homes - As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The current affordable housing contribution rate for this area is 15%. The applicant should be requested to complete and submit an Affordable Housing Contribution Proforma so that the correct level of their contribution can be calculated and agreed.
- 4.1.3 SC Highways – Raise no objections and recommend a condition requiring the car parking area to be constructed to LPA approval prior to occupation.
- 4.1.4 SC Drainage – Details, plans and calculations of soakaway design, a drainage system if the driveway is non-permeable and finished floor levels above known surface water flooding level could be conditioned if Planning Permission were to be granted.

4.1.5 SC Ecology – No comments submitted to date.

4.2 - Public Comments

4.2.1 Five letters of representation have been received from 3 different addresses, 2 of which are the neighbours on each side of the site. These can be viewed in full online, however their concerns are précised as follows:

- o Overdevelopment, detrimental to the existing street scene.
- o A development of the scale proposed cannot be called a bungalow.
- o All other bungalows in Bishton Road and adjacent Elm Road are single storey.
- o There will be an overbearing impact due to the new first floor.
- o The proposed side wall will dwarf the current wall and the proposed roof ridge will span the entire width of the building which will be very imposing.
- o The increase in height of our wall/fence will be unneighbourly with potential to block light to our living room.
- o Our existing utility window will look directly into the proposed garden, side door and patio window.
- o Our utility window opens out into the proposed garden area.
- o Concerns that the front fence and hedging will possibly reduce vision to traffic, suggest a height limit.
- o Concerns over the shared foul drainage system.
- o Flood issues occur during heavy rain when the drain is unable to take away the volume of water.
- o The stop tap for the main water supply to Rosenun is situated in the proposed garden area of the new development.
- o Question whether any measures have been taken regarding the safe removal of the asbestos part of the existing shop roof.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Impact on neighbours/residential amenity
- o Drainage
- o Access
- o Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposed site falls within the Market Town of Albrighton in which the principle of erecting open market dwellings is supported by LDF Core Strategy Policy CS3 – The Market Towns and Other Key Centres, as a more sustainable form of development. Bridgnorth District Local Plan ‘Saved’ Policy H3 identifies Albrighton as a key settlement where residential development will be permitted provided the site is appropriate. The Market Towns and other key centres are identified in LDF Core Strategy Policy CS1 – Strategic Approach as maintaining and enhancing their traditional roles in providing services and employment and accommodating around 40% of Shropshire’s residential development over the plan period. Greater self-

containment is the key objective of the Market Town revitalisation programme.

- 6.1.2 Both the National Planning Policy Framework (NPPF) and LDF Core Strategy Policies CS6 and CS17 direct that a high quality development should be created whilst contributing to local character, and protecting and enhancing the natural, built and historic environment. The reuse of existing resources, including the conversion of existing buildings and brownfield land is additionally encouraged. These considerations should benefit for the lifetime of the development and provide positive improvements in people's quality of life.
- 6.1.3 The principle of developing the proposed site for residential use is considered acceptable due to its 'appropriateness', as it is positioned within the key settlement of Albrighton and it involves the re-use of brownfield land. Previous applications on this site for 2 dwellings have been withdrawn following officers' advice that the plot size could only support a single residential unit.
- 6.1.4 In order to meet the diverse housing needs of Shropshire residents now and in the future and to create mixed, balanced and inclusive communities, Policy CS11 seeks to ensure that all new open market housing makes appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target. On sites where 5 dwellings or more are proposed, the affordable housing provision is expected to be on site, below 5, the contribution is expected to be financial. As the proposal is for a single open market dwelling, an affordable housing contribution proforma has been submitted during the course of the application indicating that a financial contribution in respect of affordable housing will be secured via the completion of a Section 106 Legal Agreement.
- 6.1.5 Paragraph 22 of the NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their own merits, having regard to market signals and the relative need for different land uses to support sustainable local communities. 'No reasonable prospect' of the site continuing to be used as a shop has been demonstrated by it having been closed for approximately 5 years and the site eventually being sold recently at auction. This corner within a primarily residential estate is not designated as a shopping centre and is only 650m away as the crow flies from the primary shopping area within Albrighton Town Centre.
- 6.2 Design, scale and character
- 6.2.1 It is not felt that the scale of the proposed dwelling is inappropriate. The proposed footprint at 107m² is smaller than that of the existing shop at 128m², allowing for a suitable level of outside amenity space. The roof ridge height equates to that of 'Rosenun' to the west whilst being lower than the 2 storey dwellings opposite. The mass of the roof is more prominent than the hipped roofs of the adjacent buildings as it has gable ends, however this facilitates the first floor provision which is not considered excessive. Although not directly adjacent, there are other dual pitched/gable end roofs within the vicinity at 'Danesmoor' to the south, at Pitchford Road to the north east and on Elm Road to the north. Essentially, the scale and plot size of the proposed dwelling encompasses the varying shapes and sizes found within the surrounding estate.

- 6.2.2 The existing shop building is incongruous within the street scene, its visual appearance, shape and height unlike any of the surrounding properties. Therefore to replace it with a dormer bungalow constructed in materials suitably matched to the adjacent dwellings within a primarily residential area will contribute positively to the street scene. Whilst there is an identifiable character to the estate, individuality is also present, as demonstrated by the existing shop building as well as at 'Rosenun' and 'Danesmoor'. Therefore there is no reason why the proposed design, a fusion of those in the vicinity and replacement of an incongruous element, should not be found acceptable within this area. Additionally the positioning of the proposed dwelling is felt to follow the pattern of the built environment within this estate by continuing the development line around the corner and emulating the siting of the dwellings opposite to the north on the corresponding corner.
- 6.3 Impact on neighbours/residential amenity
- 6.3.1 Whilst the concerns of the neighbours are appreciated it is felt that careful consideration of the potential for overbearing and overlooking impacts has been demonstrated in the design of the dwelling.
- 6.3.2 The dwelling has been set further forward than the existing shop building, moving the structure off the rear boundary. This has the advantage of providing a rear patio/yard area for the proposed dwelling and allowing the retention of a 2m high section of the wall of the existing shop building as a boundary wall. It is understood that the neighbour at 'Rosenun' has soft landscaping against and growing up this section of wall which is part of their rear garden and therefore this set up can be retained. Openings on the proposed rear elevation will either be screened by the boundary wall or are high level roof lights which will minimise any overlooking potential. No windows are proposed to the side elevation facing east towards no. 45 and windows in the front elevation will face directly towards any adjacent properties.
- 6.3.3 There are larger areas of glazing proposed to the west facing side elevation including ground floor patio doors and first floor double doors with a Juliet balcony. These will face into the allocated garden area and across towards the north facing side elevation and front garden at 'Rosenun'. There are 2 openings at 'Rosenun' which face towards the site, an obscure glazed utility room window which is on the boundary and one serving a more primary room which is approximately 4m from the boundary. It is felt that overlooking from this side of the new dwelling into 'Rosenun' would be difficult to achieve due to the relative angles of the dwellings which places the lower roof of the bungalow at 'Rosenun' partly in between them, and that an existing 2.3m high section of brick wall is to be retained in addition to the erection of a 1.8m high boundary fence. Whilst the obscure glazing of the utility room window will prevent views into that room, it is noted that this is an opening window which when open would do so over the proposed garden as the side elevation of 'Rosenun' forms the boundary at this point. This is a matter to be agreed upon between the respective owners of the properties.
- 6.3.4 Naturally, the neighbours on both sides will notice a difference from the additional mass proposed at first floor level, however, the new dwelling will be positioned to the north of 'Rosenun' where it will not interfere with the daily light path, and is set slightly forward and to the west of no. 45 where any additional overshadowing from

the added height will be minimal. The proposed dwelling will not be 2 storey height, accommodation is proposed within the roof space and although there will be gables adjacent to each neighbouring property, the proposed eaves are low and the roof pitch in accordance with the surrounding dwellings.

6.4 Drainage

6.4.1 Connection to the mains sewer for disposal of foul drainage is satisfactory as the connection already exists. Otherwise the disposal of surface water drainage can be dealt with by condition, and the redevelopment of this site is an opportunity to improve this aspect of the site's drainage with benefit to the immediate area too.

6.5 Access

6.5.1 It is considered that as the proposed access is located to coincide with the existing wide shop parking area off Bishton Road and set back from the junction with Elm Road, there will be little impact from it. Additionally, open space which is not within the site's ownership is positioned between its boundary and the roads thus retaining clear visibility for vehicles as proposed boundary fencing will be set well back from the corner. Off road parking provision is proposed where not all residences in Bishton Road have that benefit.

6.6 Ecology

6.6.1 Whilst SC Ecology have not commented on this application, advice was provided in relation to a Pre-Application Enquiry at the site in August 2012 where the existence of a pond was noted within 100m of the site which could have the potential to support Great Crested Newts. All ponds in the vicinity are outside the development boundary across roads and not within the estate, therefore it is felt unlikely that the site would support Great Crested Newts. However, a suitable informative will be applied to ensure awareness of their Protected Species Status.

7.0 CONCLUSION

7.1 The site is in a sustainable location within the development boundary of one of Shropshire's Market Towns on brownfield land where the loss of the shop at the site is already established. The development can be laid out and designed to an appropriately high quality without detrimental impact on the character of the area, the amenities of neighbouring residents or the biodiversity at the site. Improvements will be made to the drainage of the site and access into it will not impact on highway safety.

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 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:

- CS3 Market Towns And Other Key Centres
- CS6 Sustainable Design And Development Principles
- CS9 Infrastructure Contributions
- CS11 Type And Affordability Of Housing

- H3 Residential Developments In Main Settlements
- D6 Access And Car Parking

Albrighton Neighbourhood Plan 'Light'

RELEVANT PLANNING HISTORY:

14/00408/FUL - Conversion of existing shop into two residential units to include first floor extensions to create additional accommodation (re-submission) - Withdrawn 28th March 2014.

13/01237/FUL - Conversion of existing shop into two residential units to include first floor extensions to create additional accommodation - Withdrawn 28th August 2013.

BR/81/0547 – The use of part of shop premises as a printing workshop and store at Middle Shop, Elm Road/Bishton Road, Albrighton. Granted 11th September 1981.

11. Additional Information

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

Design And Access Statement received on 23rd April 2014

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Malcolm Pate

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(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No built development shall commence until samples of all external materials including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

4. No development shall take place until percolation tests have been carried out and soakaways designed in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted to and agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first occupation of the development. The site lies within a groundwater Source Protection Zone 3. Surface water run-off must be treated through a filtration unit prior to entering the soakaway. Surface water should pass through a silt trap or catchpit just prior to entering the soakaway to reduce sediment build up within the soakaway.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

5. No development approved by this permission shall commence until details of existing and proposed finished floor levels have been submitted to and approved by the local planning authority.

Reason: In the interest of maintaining the amenity value of the area.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

6. The development hereby permitted shall not be brought into use until the car parking area shown on approved plans has been constructed and surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the parking space thereafter shall be kept clear and maintained at all times for that purpose.

Reason: To provide for the parking of vehicles, associated with the development, off the highway in the interests of highway safety.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- free standing building within the curtilage of the dwelling
- addition or alteration to the roof
- erection of a porch
- hard surfacing
- container for the storage of oil
- fences, gates or walls
- any windows or dormer windows or other openings

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, to preserve the amenity and privacy of adjoining properties and to ensure that adequate private open space is retained within the curtilage of the building.

8. The garage hereby approved shall not be used for any purpose other than those incidental to the enjoyment of the dwelling hereby approved but not including use as living accommodation.

Reason: To safeguard the residential character of the neighbourhood and to ensure the provision of adequate off-street parking accommodation to avoid congestion of adjoining streets by parked vehicles.

Informatives

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In

accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

3. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
4. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

5. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
6. On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.
7. Consent is required from the service provider to connect into the foul main sewer.
8. The advice of Shropshire Council Drainage is attached for your information.
9. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
10. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

LDF Core Strategy Policies:
CS3 Market Towns And Other Key Centres
CS6 Sustainable Design And Development Principles

CS9 Infrastructure Contributions
CS11 Type And Affordability Of Housing

Bridgnorth District Council 'Saved' Local Plan Policies:
H3 Residential Developments In Main Settlements
D6 Access And Car Parking

Albrighton Neighbourhood Plan 'Light'

11. 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 187.