



Northern Planning Committee

7th March 2023

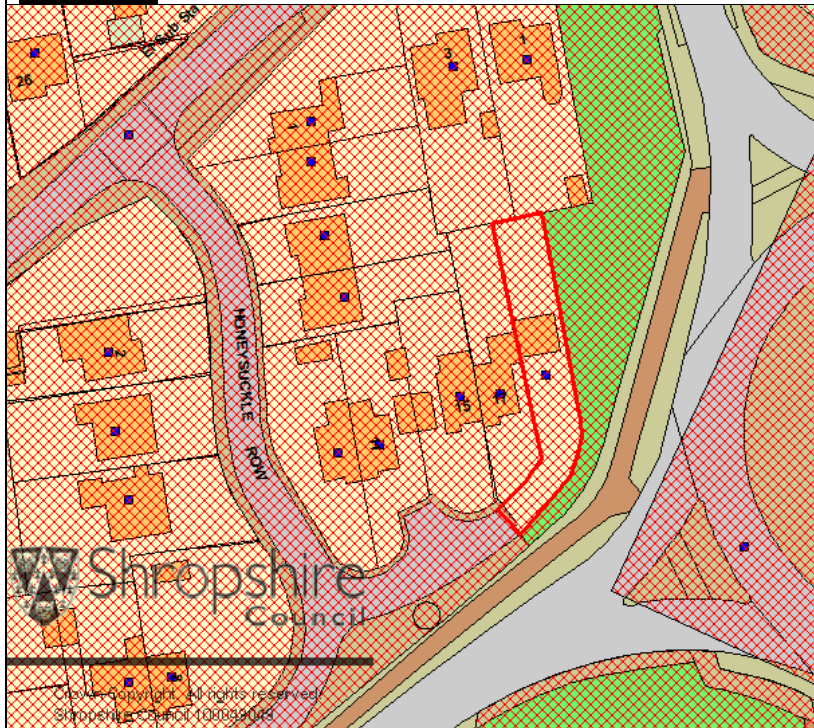
Development Management Report

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

Summary of Application

Application Number: 22/05603/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of new detached dwelling following demolition of existing garages		
Site Address: 17 Honeysuckle Row Shrewsbury Shropshire SY3 7TW		
Applicant: Miss Fearn Nicholas		
Case Officer: Didi Kizito	email: didi.kizito@shropshire.gov.uk	

Grid Ref: 350010 - 311266



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Recommendation:- Approve subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of new detached dwelling following demolition of existing garages.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is at the end of the cul de sac east 17 Honeysuckle Row. The site is within Shrewsbury development boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is referred to the planning committee because the officer recommendation of approval is contrary to an objection from the Town Council which is based on material planning reasons, cannot reasonably be overcome by negotiation or conditions and the , the Team Manager (Planning) in consultation with the committee chairman or vice chairman agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee.

Local member:

I am concerned with regards to this proposal. The plot for the proposed property to the right of 17 Honeysuckle Drive is, in my opinion too small for a detached dwelling. If this were being applied for by anyone other than the owners/occupants of 17 Honeysuckle those occupants would undoubtedly object. The gap between the two properties will be very small.

There is also concern regarding the mature hedgerow between the proposed development site and Sutton Lane. This must be protected.

There will also be issues regarding the overlooking of rear gardens on Primrose Drive which would need to be shielded.

Cllr Comments

Objection to planning application 22/05603 FUL at 17 Honeysuckle Row Shrewsbury. This would be a case of crowbar-ing in a new dwelling into a very small space.

The proposed house would be squeezed into the end of the cul-de-sac - almost certainly causing traffic problems and also being detrimental to the aesthetics of the area.

4.0 Community Representations

Consultee Comment

Shrewsbury Town Council:

The Town Council objects to this application on the grounds of overdevelopment. The plot appears too small for a detached dwelling and the gap between the proposed and existing properties would lead to potential terracing effect on the street scene which would be out of character and detrimental to the local area.

SC Affordable Houses: No objection

SUDS: The proposed surface water soakaway is acceptable.

SC Highways:

No objection ' subject to the development being constructed in accordance with the approved details and the following conditions and informative notes.

Conditions:

Traffic Management Plan

No development shall take place, including any works of demolition, until a Traffic Management Plan for construction traffic has been submitted to, and approved in writing by, the local planning authority, to include a community communication protocol. The approved Statement shall be adhered to throughout the construction period.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

Access, Parking, Turning

The access and parking areas shall be satisfactorily completed and laid out in accordance with the Site Plan Drawing No. 834.02 A prior to the dwelling being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety

Access Apron

The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

Gates

Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

Observations/Comments:

Based upon the information contained within the application it is considered that, subject to the conditions listed above being included on any approval, there are no sustainable Highway grounds upon which to base an objection.

It is advised that prior to the submission of the required information for the Traffic Management Plan, the applicant/developer should contact Shropshire Council's Street Works Team on the following link to approve details prior to applying for the discharge of the condition.

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

Informative notes:

Protection of Visibility Splays on Private Land

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

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 a 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/roads-and-highways/road-network-management/application-forms-and-charges/>

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.

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.

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e., wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, to ensure that all visibility splays, accesses, junctions, pedestrian crossings, and all trafficked areas of highway (i.e., footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

Public Comments

Comments objecting to the scheme have been received. Concerns raised include, Notification of the development, previous applications refused, over development of site, highway, traffic and access issues, lack of measurements on plans, impact on trees, loss of privacy, overbearing, construction works.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Amenity
Highways

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Shrewsbury is identified within policy CS2 of the adopted core strategy as a major focus within Shropshire for the provision of housing. The application site is located within the built up area of Shrewsbury and in principle the site is therefore in an area that is acceptable for housing development.

6.1.2 Policy CS6 of the adopted core strategy requires that all development be designed to a high quality and aims to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment and that new development is appropriate in scale, density and design taking into account the local context and character. New development is also required to include appropriate landscaping and car parking provision and needs to safeguard residential and local amenity.

6.2 Siting, scale and design of structure

6.2.1 The proposed 3 bedroom dwelling would be located at the end of the cul de sac of this section of Honeysuckle Row. An existing double garage would be demolished and replaced with a two storey detached residential dwelling. The scheme has been amended whereby the width has been marginally reduced so that it is relatively in keeping with the sizes of neighbouring dwelling. Equally, the dwelling has been repositioned more centrally within the side boundaries and away from the no 17. The dwelling would measure approximately 6.3m wide, 11.8m deep and ridge height of 7.5m. In terms of design, whilst render is not a common material within vicinity of the site, it is a commonly utilised material for residential dwellings. The overall design cues characteristic of those of neighbouring dwellings are viewed favourably, as they help to integrate the new dwelling within the context of the site thus meeting the overarching aims of CS6 and MD2. The scheme proposes the installation of solar panels to the roof. Policies CS6, CS8 and MD encourage infrastructure which adapts to climate change, including renewable energy generation, where this has no significant adverse impacts on visual and residential amenities. Considering the hidden location of the site it is not considered there would be an adverse impact on the locality.

6.3 Amenity

6.3.1 Where visual amenity is concerned, the dwelling would be located at the end of the cul-de-sac and therefore not considered to give rise to a detrimental harm. The proposed dwelling is not considered to be out of scale and character with neighbouring dwellings. With the amended plans, there is a gap offering a visual break between the semi-detached dwellings and the proposed detached dwelling.

6.3.2 The amenity scenario of occupiers of neighbouring dwellings must be carefully considered. Due to proximity of the development and side windows of no 17, the impact of the development on existing windows would need to be assessed. While it

is recognised there would be an impact on outlook, it is also recognised no 17 has additional windows serving habitable rooms and therefore on balance the scheme would not result in an unacceptably compromised scenario of overshadowing and loss of amenity to existing dwelling no 17. The overall window placement and design of the development also matches that of the neighbouring dwellings. The existing situation in relation to rear windows to the rear on existing dwellings on Honeysuckle Row and distance of approximately 30m to the dwellings at the rear along Primrose Drive would predominately remain unchanged. In relation to neighbouring dwellings abutting the rear boundary of the site, it is not considered the scheme would result to unacceptable impact. The proposed dwelling would be set along the existing development line on Honeysuckle Row and would have an adequate rear garden as private amenity space.

6.4 Highways

6.4.1 Comments relating to access, road safety and traffic are noted. The Highway team have been consulted and raise no objection. The site is accessed via an existing lane off Honeysuckle Row. The lane currently serves 4 dwellings and would end up serving a total of 5 dwellings. It is unlikely that this development would add to the existing highway conditions to a level that is considered unacceptable and resulting in harm to highway safety and highway users. In addition, it is worth noting this section of the lane is a cul de sac with no through road thus, the scheme would not result to any material harm to highway safety to road users to warrant a refusal. Furthermore, with the site being in a residential area on a somewhat narrow lane, vehicle entering and leaving are likely to be at a low speed, therefore allowing drivers sufficient time to react to any unexpected potential conflict with other road users/pedestrians.

6.4.2 Concerns about issues arising from the construction works such as noise, construction vehicles, traffic are noted. Paragraph 55 of the NPPF makes it clear that planning conditions should be kept to a minimum, and only used where they satisfy the tests. In this instance, the Highway Team have provided a condition on Traffic Management Plan that officers feel would be reasonable to apply for this development.

6.5 Other matters

6.5.1 Comments relating to other schemes where planning has been refused are noted. However, this application site is judged on its own merits and constraints. The application site is within Shrewsbury development boundary where the principle of erecting a new dwelling is acceptable in principle.

With respect to the position of the site notice, an officer site visit found that the notice was visible on the signage of Honeysuckle Road when approaching the junction from Primrose Drive. By virtue of the Council being in receipt of public comments in respect of this development this evidence that there is a public awareness of the application.

7.0 CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed site falls within the development boundary of Shrewsbury and therefore the principle for residential development is acceptable. The proposed dwelling is in a sustainable location accessible to services and facilities. On balance, the scheme is of a suitable layout and design that would not have a detrimental impact on neighbouring properties.

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:

22/05603/FUL Erection of new detached dwelling following demolition of existing garages PCO SA/85/1070 Alterations and additions at the rear to provide a single storey mono pitched roof enlarged dining room, utility room and wc. PERCON 16th January 1986
SA/83/0288 Erection of a flat roof extension to enlarge existing private garage. PERCON 3rd May 1983
SA/88/0692 Erect a single storey flat roof rear extension to provide additional living accommodation. PERCON 28th July 1988

SA/78/0295 Erection of 144 dwellings with garages and associated works. PERCON 11th July 1978

SA/75/0822 Erection of 133 dwellings. PERCON 3rd February 1976

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RMUFMQTDL4A00>

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 Richard Marshall

Local Member

Cllr Ted Clarke

Cllr Tony Parsons
Cllr Rosemary Dartnall

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, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. The access and parking areas shall be satisfactorily completed and laid out in accordance with the approved plans prior to the dwelling being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety

4. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development shall take place, including any works of demolition, until a Traffic Management Plan for construction traffic has been submitted to, and approved in writing by, the local planning authority, to include a community communication protocol. The approved Statement shall be adhered to throughout the construction period.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

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

6. 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

7. 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-D 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. Protection of Visibility Splays on Private Land**

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

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
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Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e., wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, to ensure that all visibility splays, accesses, junctions, pedestrian crossings, and all trafficked areas of highway (i.e., footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

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.