

AGENDA ITEM



Committee and date

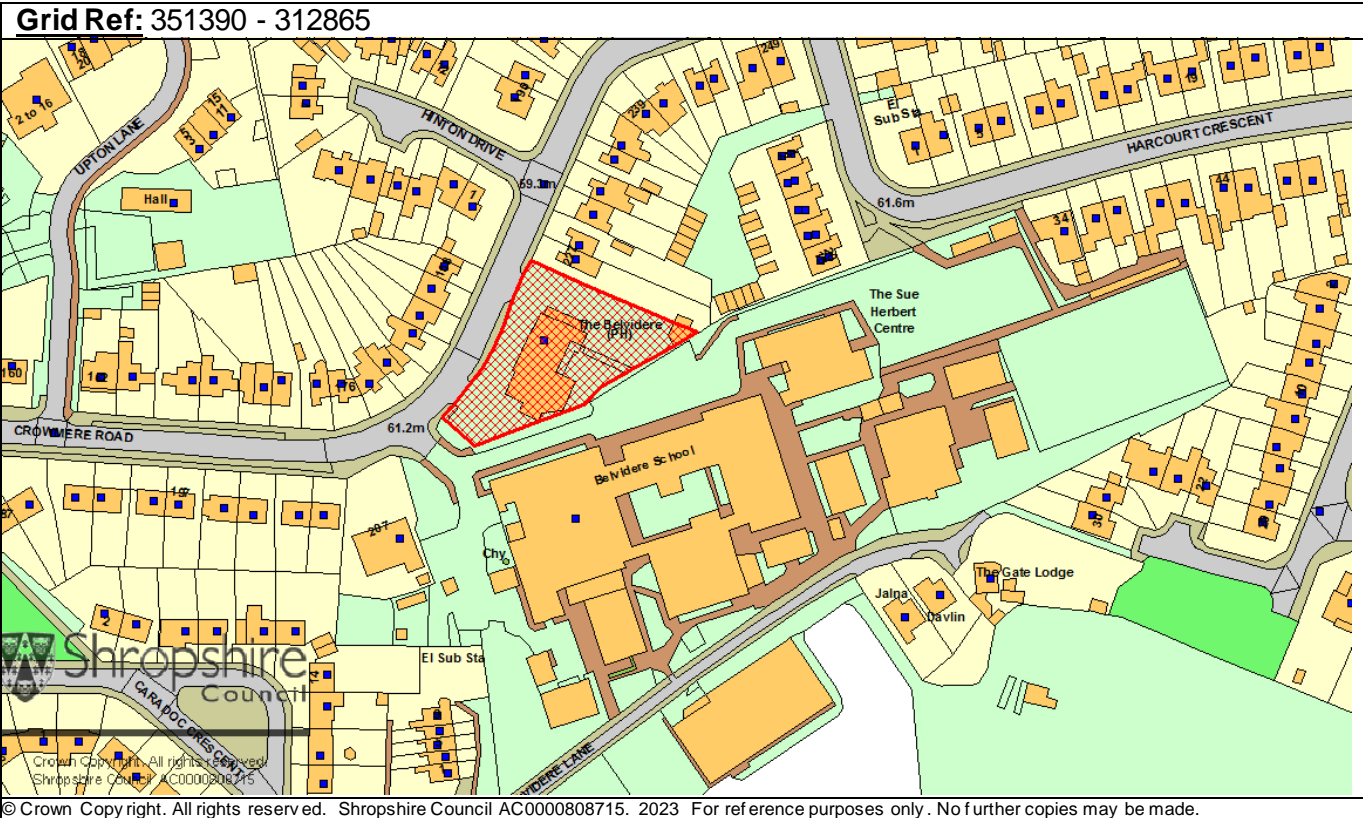
NORTHERN
6 Feb 2024

Development Management Report

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

Summary of Application

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| Application Number: 23/04744/FUL | Parish: Shrewsbury Town Council |
| Proposal: Demolition of existing public house and the construction of a 2 and 3 bedroom residential development with new vehicular and pedestrian access. | |
| Site Address: The Belvidere Crowmere Road Shrewsbury Shropshire SY2 5LA | |
| Applicant: Mr David Knight | |
| Case Officer: Jane Raymond | email: jane.raymond@shropshire.gov.uk |



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the demolition of the existing building and the erection of 9 dwellings (4 two bed and 5 three bed), providing a total of 23 bedrooms.
- 1.2 It follows the approval on this site for 7 dwellings that were all three bed roomed, providing a total of 21 bedrooms.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated in a residential area to the north east of Shrewsbury and is occupied by a derelict Public House and a small garage in the corner of the site.
- 2.2 The site is triangular in shape and fronts Crowmere Road to the north west, shares a boundary with a dwelling to the north east, and adjacent to the site to the south is the access drive to Belvidere Secondary School.
- 2.3 The area is characterised by a mix of semi-detached and terraced houses of varying periods and styles.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council has submitted a view contrary to officers and the application has been requested by the Local Member to be referred to committee, and the Area Planning Manager in consultation with the Committee Chairman and Vice-chairman agree that they have raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

4.1 Consultee Comment

- 4.1.1 SC Affordable House: *The proposed development falls below the threshold by which the Local Planning Authority are able to require a contribution towards affordable housing. Therefore no affordable housing obligations can apply to the proposed development. Whilst not a current policy requirement we encourage all residential development to meet Nationally Described Space Standards.*
- 4.1.2 SC Drainage: Advises that Severn Trent should be consulted and recommends a drainage condition and provides informative advice.

- 4.1.3 Severn Trent: Confirms that they have no objections to the proposal subject to the inclusion of a drainage condition and provides informative advice regarding the public sewer.
- 4.1.4 SC Highways: *Shropshire Council as Local Highway Authority raise no objection in principle to the proposed development, however whilst it is acknowledged that the applicant is seeking for the proposed access road to be adopted, it is not considered that the proposed layout is suitable for future adoption and has therefore been considered on this basis.*

Recommends conditions to be attached to any permission granted.

- 4.1.5 SC Regulatory Services: *No comments*
- 4.1.6 SC Ecology: Requested a Phase 1 Preliminary Roost Assessment to establish whether Phase 2 Bat roosting surveys are required to be carried out.

4.2 Public Comments

- 4.2.1 Shrewsbury Town Council: *The Town Council object to this application on the grounds of over development now that a total of 9 properties are proposed for the location. There were concerns for the number of dwellings and bin storage was also a concern as a bin lorry would struggle to gain access and turn around in the road which would lead to it being a main road collection. The potential impact on the sewage system also needed to be considered. The applicant also failed to mention any energy efficient savings or solar panel installations.*
- 4.2.2 Councillor Pam Moseley: *The site at present is occupied by the former Belvidere Public House, which closed several years ago. It is in a state of dilapidation, has been badly vandalised and has been, and continues to be the focus of anti-social behaviour in the evenings, which has caused disturbance for local residents. As such, its redevelopment for housing is, in principle, welcome.*

However, I feel that there are some aspects of the proposed development which are not satisfactory.

I think that the site is too small for 9 houses. Whilst the lapsed planning consent (19/03292/FUL) was under consideration, I commented that I felt that 7 units was one too many, and now another 2 are proposed. I feel that this is overdevelopment. The houses are small, and there is certainly a local need for smaller units, but these are out of character with the properties in the surrounding area in terms of size, design, plot size and density, which is exacerbated by their being at right angles to Crowmere Road.

Unlike the previous consent, there is no provision for area(s) for the gathering of domestic waste in wheelie bins and bags. On recycling collection day, there is the

potential for there to be 18 bins and 9 bags to be collected. Whilst the new road is to be an adopted highway, there is no swept path analysis for a refuse lorry, so this appears to suggest that the bins/bags would be brought to the front of the site, and likely the pavement. Not only would this impede pedestrians (and it is a well-used footpath, and a route to school), but the visibility splays would also be adversely affected. This is unacceptable.

There is no elevational image of a street view of the site. Whilst it is stated that the Crowmere Road frontage would consist of fencing between brick piers, there is no height given, although being adjacent to a highway, this should not exceed 1m in height, unless this application would seek to vary this, but this is not indicated. A solid high fence at the back edge of pavement would probably be a desirable feature to residents of plots 1 and 9, for privacy reasons, but not an attractive addition to the street view.

I also note that the SC ecologist is not satisfied with the information provided, and suggesting that a refusal would be recommended if information with regard to a bat survey (it being best practice to be conducted between May to September) and other aspects is not submitted.

Additionally, the resident of the adjacent house has raised the issue as to the proposed demolition of the garage on their joint boundary, and how this will be treated; this issue needs to be addressed. Another resident has also raised the issue of existing sewerage problems and I hope that these are taken into consideration by the Council's SUDS team and also Severn Trent.

4.2.3 Two objections and one representation from local residents summarised as follows:

Will potentially exacerbate the existing sewerage system.

The main sewage drain is at 243 Crowmere Road which connects the drain from the existing Belvidere pub through to the flats on Harcourt Crescent.

There is already major problems with this sewage system with continuous flooding of this garden with sewage that Severn Trent agree there is an issue with.

The current sewerage infrastructure, designed to accommodate the housing development at the time of the Crowmere Road estate's establishment, is already strained and barely manages to handle the current usage.

Introducing an additional nine dwellings would put further pressure on a failing sewage system inevitably lead to sewage system problems for the downstream properties and damage to existing properties.

Cannot support the application until a thorough assessment is conducted by Severn Trent and the developer can provide concrete evidence that the sewerage

system has been comprehensively evaluated and can withstand the increased demand from the proposed development.

The boundary wall is an integral part of an outdoor garage at the rear of the pub which forms part of the wall facing the adjacent property and seeks confirmation regarding maintenance of the pub boundary wall with the neighbouring property and the school and ensuring the security of this property.

5.0 THE MAIN ISSUES

Principle of development
Scale, design, character, and appearance
Residential amenity
Access and parking
Ecology
Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The provision of housing within the urban area of Shrewsbury accords with policy CS2 and MD1 that identifies Shrewsbury as the primary focus for housing development for Shropshire. The site is situated within the urban development boundary and is also brownfield land. The proposal therefore represents sustainable development making effective use of a brownfield site.

6.1.2 CS8 seeks to protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors. CS6 states that '*proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term*'.

6.1.3 The loss of a community facility is of particular concern in rural areas where the local village pub is often the only community facility remaining and the next nearest pub or local facility may be many miles away. This is not the case in this urban location where there are a variety of accessible services and facilities nearby.

6.1.4 The public house closed several years ago and has therefore not been recently used by the local community. It is in a very poor state of repair being badly vandalised over the years. It is considered that the major works required and re-opening as a public house would not be a viable or realistic proposition.

6.1.5 Although resulting in the loss of the existing building (previously a community facility) its use ended several years ago and there are other facilities of equivalent

or improved provision available in the area. The erection of 9 dwellings in this sustainable location, in place of the existing building, makes effective use of a brownfield site and is considered acceptable in principle which has already been established by the earlier permission.

6.2 Scale, design, character, and appearance

6.2.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.

6.2.2 The layout indicates 9 dwellings (6 semi-detached and 3 detached houses). Some concern has been raised that the proposal represents over development of the site and that it would be out of character with the properties in the surrounding area in terms of size, design, plot size and density and being at right angles to Crowmere Road. The orientation and alignment of the development is the same as the proposal already approved and although the number of dwellings has increased the footprint of built development is much the same.

6.2.3 The plot sizes are considered to be comparable to those immediately opposite in Crowmere Road and Hinton Drive, where 9 houses occupy approximately the same area of land. The density of the development is considered to be approximately the same as that of dwellings in the surrounding area, being roughly the same as those opposite to the north-west, slightly higher than the semi-detached homes further to the west and to the north, but much lower than some nearby in Harcourt Crescent to the north east for example.

6.2.4 Hinton Drive opposite is a cul-de-sac off Crowmere Road (the same as being proposed) and the corner house is at right angles to Crowmere Road rather than facing it. There is a 1.8 metre high boundary fence facing Crowmere Road that provides privacy for the rear garden of this property. As future residents of the 2 end houses proposed will also require privacy in their rear garden it is recommended that this is provided by a combination of dwarf wall and fence or a fence with hedge behind rather than a high fence or wall. Detailed landscaping will be subject to condition and a fence or wall any higher than 1 metre at a later date would need planning permission. It is considered that the landscaping of the site and appropriate boundary treatments will provide a visual enhancement.

6.2.5 The floor area of the proposed houses all meet the national minimum space standards for the number of bedrooms, and satisfactory sized private gardens are provided. The proposed development will provide more affordable two and three bedroom dwellings that will make effective use of this brownfield site. It is

considered that the scale and design of the dwellings and the layout of the site is acceptable and would have no adverse impact on the character and appearance of the locality and would be an enhancement compared to the derelict building and the dilapidated condition and appearance of the site.

6.3 Residential amenity

6.3.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and well-being of communities, including safeguarding residential and local amenity.

6.3.2 The nearest property that the proposal might affect is 227 Crowmere Road to the north-east. The proposal includes rear gardens along the north-east boundary with this property. Due to the distance and orientation, it is considered that the proposal would not have a significant adverse impact with regards to overlooking and a loss of privacy and would not appear overbearing or result in a loss of light. Compared to its former use as a public house, and the current condition of the site that is subject to vandalism and anti-social behaviour, the proposed development would be an improvement.

6.3.3 The resident of this property has queried the proposals for the boundary wall with the neighbouring property and the school once the garage is removed that is part of that existing wall. The revised drawings indicate that the existing garage will be carefully dismantled, and the adjoining rear boundary wall with the school boundary will be reinstated to match the existing. The agent has confirmed that they will liaise with the neighbour and the boundary treatment here will be retained as existing (brick dwarf wall, brick piers and close board fencing) and repaired as necessary. Future maintenance is subject to ownership.

6.4 Access and parking

6.4.1 The proposal indicates a single access of Crowmere Road to a short cul-de-sac development providing access to private drives. The junction with Crowmere Road is the same as previously approved with 43.0m visibility splays. Each house is provided with 2 off-road parking spaces and in addition two of the houses each have a single garage. An amended plan indicates a dedicated bin storage area sited off the pavement fronting Crowmere Road so that the refuse lorries do not have to enter the cul-de-sac.

6.4.2 It is considered that a satisfactory and safe means of access and adequate parking spaces are proposed to be provided. The proposed residential development of this site is considered acceptable from a highway perspective subject to compliance with the recommended conditions.

6.5 Ecology

6.5.1 An internal and external inspection of the building has been carried out and an

assessment of the potential for bat roosts to be present submitted. Since the previous surveys in 2019 the building has suffered significant vandalism. Many of the ceilings are torn down permitting visibility of the loft throughout. No bat droppings were seen in the remaining loft, nor among the detritus beneath the holes. The insulation is clean and none of the timber exhibit greasing typical of bat roosts. As no evidence of bats was seen in the derelict public house further survey work is not required. Conditions are recommended regarding landscaping which will enhance the bio-diversity of the site, and the provision of bat and bird boxes in the new dwellings will enhance the roosting opportunity. The proposal will therefore provide ecological enhancement compared to the existing site.

6.6 Drainage

6.6.1 Severn Trent have been consulted on the application and have no objections to the proposal subject to the inclusion of a drainage condition. The provision of 9 houses instead of 7 larger houses and in place of the existing public house would not make any significant difference to foul or surface water drainage. The provision of gardens and a reduction in hard surfaced areas will increase the permeable area of the site. Subject to the submission of a satisfactory drainage proposal it is considered that the proposal would not exacerbate any existing foul or surface water drainage issues and is likely to provide improvements.

7.0 **CONCLUSION**

7.1 The proposal makes efficient use of a brownfield site in a sustainable location within the urban development boundary of Shrewsbury and is therefore acceptable in principle. The development will improve the appearance of a currently derelict site, enhancing the character and appearance of the area and would have no significant adverse impact on the character and appearance of the locality or residential amenity. A satisfactory access with adequate visibility splays and space for the siting of bins off the pavement on bin collection day will be provided in addition to adequate parking provision. Subject to compliance with the recommended conditions regarding landscaping and ecology the proposal will secure improved soft and hard landscaping and boundary treatments, and ecological enhancement.

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 Site Allocations and Management of Development (SAMDev) Plan:
CS2, CS6, CS8, CS17, MD2 and MD12.

Relevant Planning History:

19/03292/FUL Demolition of existing public house and erection of 7 new residential dwellings
GRANT 25th September 2019
22/04130/DIS Discharge of Condition 3 (Construction Management Statement) on Planning
Permission 19/03292/FUL for the demolition of existing public house and erection of 7 new
residential dwellings DISAPP 5th October 2022

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S3EQ9XTDL5A00>

Cabinet Member (Portfolio Holder): Councillor Chris Schofield

Local Member: Councillor Pam Moseley

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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Traffic Management Plan

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

4. 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.

5. Prior to above ground works commencing full details of the means of access, including the location, layout, construction and sightlines and details of the reinstated dropped crossings including tactile paving and details for the relocation of the existing lighting column (if required) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the development is occupied.

Reason: To ensure a satisfactory means of access to the highway and to ensure pedestrian continuity and priority across the frontage along Crowmere Road.

6. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, in the interest of highway safety, and to protect the amenities of the area.

7. The development hereby permitted should not commence (other than demolition) 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 first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

8. Notwithstanding the details of boundary fencing and walls indicated on the submitted and approved plans no above ground works shall be commenced until full details of both hard and soft landscape works (to include boundary fences/walls, hedgerow and tree planting) have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved details prior to the first occupation of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

9. Prior to first occupation of the development details of the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be provided in accordance with the agreed details prior to occupation of the dwellings and thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

10. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.