

AGENDA ITEM



Committee and date

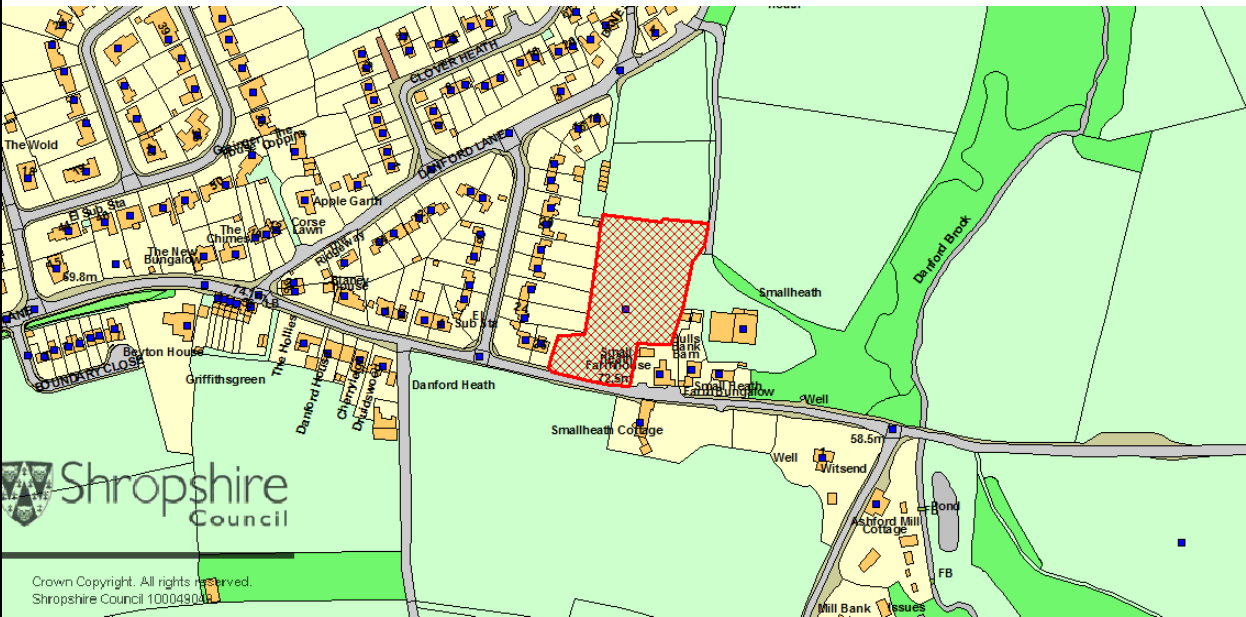
Development Management Report

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

Summary of Application

Application Number: 23/04577/VAR	Parish: Claverley
Proposal: Variation of Condition No. 2 attached to planning permission 23/00967/FUL dated 12 October 2023 to amend plots 3 and 4 from one bed bungalows to two bed bungalows and add PV panels at all plots	
Site Address: Land To The North Of Small Heath Farmhouse Ashford Bank Claverley Shropshire	
Applicant: TC Homes Contracting Ltd	
Case Officer: Sara Jones	email: sara.jones@shropshire.gov.uk

Grid Ref: 379980 - 293336



Recommendation:- that, subject to the receipt of amended supporting documents (Noise Assessment, Landscape and Mitigation Plan, and Aboricultural Impact Assessment) to reflect the revised layout, delegated authority be given to Officers to draft conditions as set out in Appendix 1 and to secure a Deed of Variation to the existing Section 106 Agreement.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks an amendment to planning permission 23/00967/FUL which was approved on 12th October 2023 under delegated powers. The amendment involves alterations to plots 3 and 4 to increase the accommodation from one bed bungalows to two bed bungalows, which will necessitate a modest reduction in the public open space provision. In addition, the proposed amendments include the addition of photovoltaic panels to the roofs of all the approved dwellings.
- 1.2 The extant planning permission allows for the erection of 12 affordable homes as an exception site in the Green Belt. The development consists of 10 single storey bungalows and 2 two storey houses, and includes 6 x 1 bed bungalows, 4 x 2 bed bungalows and 2 x 2 bed houses. As previously approved the 12 dwellings proposed for Claverley will be 6 low-cost home ownership (shared ownership or rent to buy) and 6 affordable rent capped at 80% market rent or local housing allowance (whichever is the lower).
- 1.3 The amended scheme would alter the mix of bungalows to 4 x 1 bed and 6 x 2 bed. At the time of writing this report the following documents are awaited which are being revised to accurately reflect the proposed amended layout of the scheme: Noise Assessment, Landscape and Mitigation Plan, and Aboricultural Impact Assessment.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located at Ashford Bank, Claverley and is 0.54 hectares in size. The site is located within the Green Belt on the eastern edge of the village and will be accessed from Aston Lane.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has submitted a view which is contrary to the Officer recommendation. The Area Planning Manager in consultation with the Chairman has concluded that the application raises issues which warrant determination by the Planning Committee under the terms of Part 8 of the Council Constitution.

4.0 Community Representations

Consultee Comment

SC Affordable Housing – Supports proposed amendment.

SC Conservation - No objection to the proposed amendments, where the PV panels should be of an appropriate specification, such as frameless and being matt black.

SC Drainage - No drainage details for application 23/00967/FUL were submitted for approval. However, the minor increase in drained area for plots 3 and 4 will have minimal effect on the flood risk arising from the site and are therefore acceptable.

Public Comments

Claverley Parish Council - Objects

Summary Reasons:

Need

The mix of housing within the previously approved scheme was based on housing register figures (Feb 2022). No supporting evidence has been supplied with this variation application for an increase in two bed accommodation. If more two bed affordable housing is required Claverley this has been satisfied by a current affordable housing site on a brownfield site and 4 two bed affordable houses were granted approval by the Southern Area Planning Committee on 27th June 2023.

Drainage

Concern about the drainage details which have been submitted under application 23/04904/DIS in connection with the drainage condition attached to planning permission n 23/00967/FUL.

Ecology

Concern about the loss of the ancient roadside hedgerow (present on The "Plot of the Morfe estate map" 1613). The apparent mitigation for the loss of this ancient hedgerow was new planting in the development however 50% of the new hedgerows will be planted on the north side of a 1.8 m lap larch fence so restricting growth if not killing it. Formal garden plantings will not replace flora /fauna of an established hedgerow bank and hedge.

5.0 THE MAIN ISSUES

Principle of development

Affordable Housing

Visual impact, landscaping and ecology

Residential Amenity
Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 This application seeks amendments to a previously approved extant scheme for a 100% affordable housing development which was compliant with national and local planning policy in principle. The principle of the development cannot therefore be revisited.

6.2 Affordable Housing

6.2.1 As at the time of the original application concern has been expressed about the need for additional affordable housing in the village of Claverley. It has been cited that previously approved affordable sites in the village have satisfied existing demand identified in the latest housing needs survey.

6.2.2 The Housing Register (as maintained by Shropshire Homepoint) provides continued evidence of housing need in Claverley. The Register (Nov 2023) confirms that there are 24 households which have requested Claverley as their first preference and of these, 20 households have at least one local connection. The housing need by bedroom is: 8 x 1 bedroom, 10 x 2 bed and 2 x 3 bed. Therefore, the proposed change from 2 x 1 bed bungalows to 2 x 2 bed bungalows continues to be supported by evidence of housing need.

6.3 Visual impact, landscaping and ecology

6.3.1 As noted above the amended scheme substitutes the approved 2 one bed bungalows with two 2 bed bungalows. These have been designed as those previously approved 2 bed bungalows on the site, with the exception that the amended scheme includes the installation of photovoltaic panels to the roof slopes of each dwelling within the overall scheme. The provision of photovoltaic panels is supported in principle in line with the policies supporting the provision of renewable energy provision. The applicant has also confirmed that the panels proposed to be used would be a black frameless version which would sit low on the roofline, without brackets so that they appear part of the roof. The SC Conservation Officer has raised no objections to the proposals.

6.3.2 The amended scheme would, it is acknowledged, involve a reduction in the total quantum of public open space (POS) within the scheme to 686 sqm, a reduction of 22 square metres, however the scheme would still provide sufficient POS to meet that required under policy MD2 i.e. 20 bed spaces x 30 sqm.

6.3.3 Turning to the concerns raised by the Parish Council in relation to the loss of roadside hedgerow to facilitate the safe access to the site. This remains as previously approved where appropriate conditions were attached to ensure

appropriate mitigation and compensation is delivered.

6.4 Residential Amenity

6.4.1 The amended scheme raises no significant residential amenity issues.

6.5 Drainage

6.5.1 As noted above the Parish Council raises concerns regarding the suitability of the proposed drainage arrangements which have been submitted in connection with condition No.6 attached to the extant planning permission. This matter is currently under consideration under a separate application and in consultation with the Councils Drainage Team. An appropriate condition is recommended to ensure that the drainage details are submitted and approved by the Local Planning Authority, as previously.

7.0 CONCLUSION

7.1 The amendments proposed to the extant planning permission are considered acceptable in principle and would not detract from the character and appearance of the development. The proposed amended scheme would not result in an adverse impact on the amenities of the adjacent occupiers or indeed, the future occupiers within the scheme. Overall, the proposed development accords with the adopted Development Plan and planning permission is recommended to be granted subject to the receipt of the amended documents listed at paragraph 1.3 above and appropriate conditions.

7.2 Any grant of planning approval will also be subject to a deed of variation to amend the existing S.106 agreement which requires the dwellings to remain affordable in perpetuity and provides for the long-term maintenance of public open space on site, to reflect the approved amended scheme.

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

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Land To The North Of Small
Heath Farmhouse

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Core Strategy and Saved Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD6 - Green Belt & Safeguarded Land
MD7A - Managing Housing Development in the Countryside
MD12 - Natural Environment
Settlement: S3 - Bridgnorth
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

PREAPP/22/00082 Proposed erection of 20no Affordable Homes (Phased Approach)
PREAMD 10th March 2022
23/00967/FUL Erection of 12no. affordable dwellings including associated works, vehicular access GRANT 12th October 2023
23/04904/DIS Discharge of conditions 4 (external materials), 6 (drainage scheme), 11 (bird/bat boxes) and 13 (on site construction) on planning permission 23/00967/FUL PCO

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2SFHTTDKVU00>

List of Background Papers
Planning application reference 23/04577/VAR and plans and supplementary reports.

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member
Cllr Colin Taylor

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Appendices APPENDIX 1 - Conditions

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APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Time limit,
2. Accordance with the approved plans

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Construction Method Statement
4. Approval External materials
5. Hard and Soft Landscaping Details
6. Approval of Drainage Details
7. Implementation of tree works and tree protection measures

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

8. Implementation of noise mitigation measures
9. Implementation of landscaping scheme and areas of open space
10. Approval of Bat and Bird Boxes specification and location

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

11. Prior approval of any external lighting to demonstrate will not impact on ecological networks and/or sensitive features.
12. Withdrawal Permitted Development schedule 2 part 1 class A, B, E, to ensure that the dwelling remains of a size which is "affordable" to local people in housing need in accordance with the Council's adopted affordable housing policy.

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