

AGENDA ITEM



Committee and date
Southern Planning Committee
25th June 2024

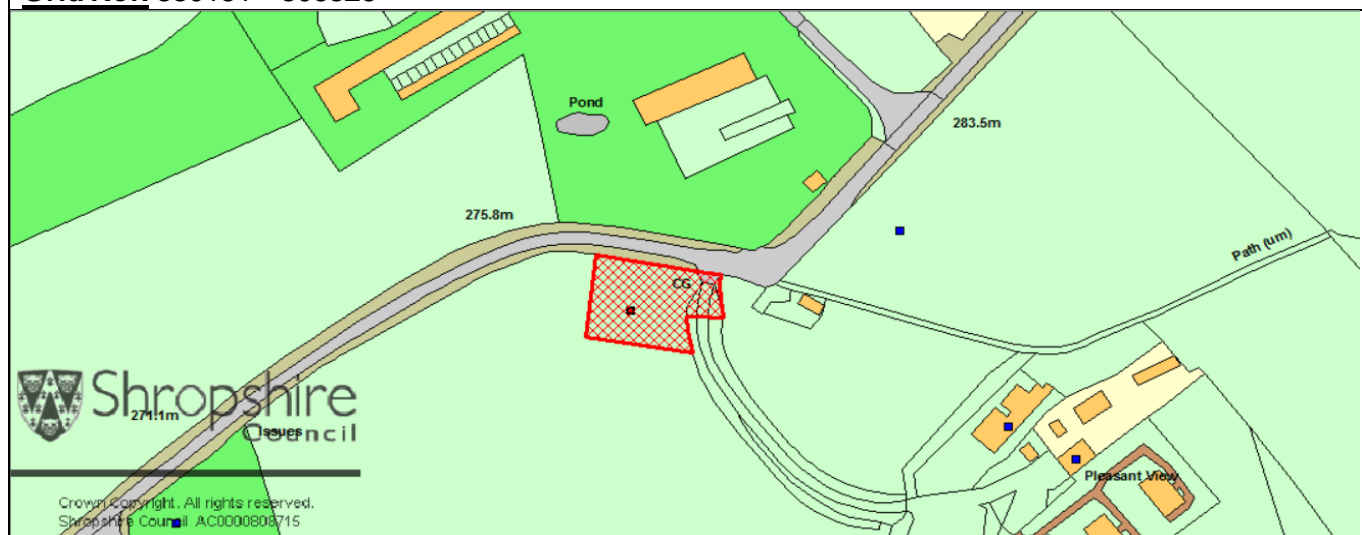
Development Management Report

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

Summary of Application

Application Number: 24/01047/REM	Parish:	Worthen With Shelve
Proposal: Approval of reserved matters (appearance, landscaping, layout and scale) in pursuance of outline planning permission No. 22/04011/OUT, for erection of pair of two-bedroomed affordable dwellings		
Site Address: Proposed Dwelling North West Of Pleasant View Rowley Shropshire		
Applicant: Mr Gavyn Williams		
Case Officer: Helen Tipton	email: helen.tipton@shropshire.gov.uk	

Grid Ref: 330151 - 306326



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks approval of matters (specifically appearance, landscaping, layout and scale) reserved when outline planning permission was given for the erection of a pair of two bedroomed affordable houses with associated access and parking facilities, (22/04011/OUT refers).
- 1.2 Amended plans have been submitted during the course of the current application, in line with officer advice.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site lies to the south of the rural road that leads between the small settlement of Rowley and Long Mountain, approximately 0.6 kilometres to the west of the centre of Rowley.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 Contrary to the original officer recommendation, the associated outline application was approved at committee, subject to a caveat that the reserved matters application be brought back to planning committee for determination. As such, the application is referred for committee consideration, in accordance with the Council's adopted 'Scheme of Delegation.' The officer recommendation of approval is also contrary to that of objection from the Parish Council.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

- 4.1.1 Historic England - no comment.

Refer to the Council's Conservation and Archaeological advisers.

- 4.1.2 Shropshire Council Drainage - no objection.

- 4.1.3 The drainage details provided are acceptable. An informative comment advises that the foul drainage would be calculated and overseen by Building Control.

- 4.1.4 Shropshire Council Highways - no objection.

The drawings demonstrate sufficient on-site parking and turning, swept path analysis and the proposed new access. The road, from which the access extends, has speed attenuating bends and the access itself is on the outside of a bend, affording visibility to drivers exiting the site, with the highway not heavily trafficked.

There are no objections, subject to the development being constructed in accordance with the submitted drawing (PL-003). Informative comments are provided.

4.1.5 Worthen with Shelve Parish Council - objection.

The parish council supported the outline application since it was for two x two bedroomed properties and the appearance and street scene were in keeping with the area.

The proposed changes refer to two bedrooms with a study. The footprints have increased, although this is below the Homes England guideline for a three bedroomed property, (100 sq. metres).

The appearance is urban in a rural setting and not in keeping and there are also concerns about the parking area.

4.1.6 Natural England - no comment.

Refer to Council Ecologist for advice.

4.1.7 Shropshire Council Archaeology - no comment.

We have no comments to make on this application in respect of archaeological matters.

4.1.8 Shropshire Council Affordable Housing - comment.

5 April 2024 -

Agree with concerns expressed by the Parish Council. Outline planning permission was granted based on 2 x 2 bed roomed affordable, rented dwellings. The accompanying Section 106 agreement restricts rent levels and occupation of the dwellings. The rent is restricted to the Local Housing Allowance, which is subject to an annual increase and thus increased on 1st April to £593.36 (for a 2 bedroom). With the high cost of construction, we would question why the dwellings now effectively propose three bedrooms and the maximum rent that can be sought relates to a two-bed dwelling. The application site appears to have increased in size from the Outline planning permission.

17 May 2024 -

To reiterate, the maximum rent that could be charged on these dwellings is the Local Housing Allowance for a 2-bed dwelling as per the application description.

4.1.9 Shropshire Council Conservation - no comment.

We have no comments to make in relation to conservation matters.

4.1.10 Shropshire Council Trees - comment.

9 April 2024 -

We have reviewed the submitted plans and details and can advise that the proposed development would have minimal impact on the tree resource of the area and no objection is raised. However, there are trees and hedgerows on site that are shown as retained and require protection in accordance with the details given in the submitted arboriculture report. A tree protection plan must be provided indicating positions of fencing etc., along with an arboriculture method statement. All tree protection measures specified must then be fully in place prior to development commencing.

7 June 2024 -

No objection in principle, however the submitted tree protection plan does not consider the off-set Root Protection Area (RPA) and how that will impact with the proposed access drive. The access drive must be constructed using a low impact method such as 'no dig' cellular confinement system. Use of a standard construction for the access drive would result in harm to the tree. Can these details be submitted?

4.1.11

Shropshire Council Ecology - no objection.

9 April 2024 -

We have reviewed the submitted Proposed Site Plan (Drawing No. PL-003) and are satisfied that the requirements of condition 14 of the outline permission have been met.

External lighting information is required in respect of condition 15.

31 May 2024 -

The external lighting proposed in the amended site plan (Drawing No. PL-003 Rev B) is considered sufficient to meet the requirements of condition 15.

4.2 Public comments

4.2.1 The application was advertised by way of site notice.

No public comments received.

5.0 THE MAIN ISSUES

Principle of development
Layout, scale, design and landscape impact
Access and highway safety
Ecology
Residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of building two affordable dwellings here is established by the extant outline permission and cannot be revisited.

6.2 Layout, scale, design and landscape impact

6.2.1 General design criteria provided under Core Strategy Policy CS6 and the Site Allocations and Management of Development (SAMDev) Plan Policy MD2 should be satisfied. These expect development to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density, and plot sizes, as well as materials and architectural detailing, although Policy MD2 also seeks to embrace opportunities for contemporary design solutions which take reference from local characteristics. The National Planning Policy Framework (NPPF) advises against preventing appropriate innovation or change and that development should be sympathetic to local character, including the surrounding built environment and landscape setting.

6.2.2 In terms of design, amended elevation plans have subsequently been submitted, at the request of Officers. These amendments now provide more traditional elements, such as vertically planked front doors and a heightened chimney. Although the amendments are minor and do not greatly change the overall appearance of the proposed buildings, they would be more traditional in character, particularly when observed from the front elevations and would not be unduly prominent. They would also relate to the rural vernacular, when considering the architectural variety of development in the surrounding area. A condition to control precise material details is recommended.

6.2.3 The main concerns relate to an increase in proposed footprint; addition of a study to the first floor of each property, with the potential for these rooms to be utilised as a third bedroom and the implications this could have in terms of affordability. Firstly, the plans provided at the outline stage were indicative only and ultimately not binding, so they cannot be used as a direct comparison. In accordance with outline condition 5, the footprint of both dwellings proposed remain below the 100 square metre limit for affordable housing. The agent has also provided an amended site plan and confirms that the site area is the same as that put forward under the outline application.

- 6.2.4 Whilst there is a potential for the study rooms to be used as bedrooms, a Section 106 agreement is in place which is specific to the description of the development, i.e. that each house would comprise of two bedrooms. Therefore, it is already established that, regardless of the amount of habitable space available, rent would be capped at the Local Housing Allowance rate for two bedrooms, ensuring those in local housing need would not be discouraged from renting the houses and that they would remain affordable in perpetuity.
- 6.2.5 The Council's Tree team have no objection, in principle, to the proposed landscaping, although there is some concern that construction of the access drive could impact on the Root Protection Area of the tree to be retained. As requested, a Tree Protection Plan has been submitted, although this does not fully alleviate those concerns. A condition is therefore recommended regarding the submission of a construction method statement for the access drive.
- 6.3 **Access and highway safety**
- 6.3.1 It is agreed with the Highways Development Control team that the access proposed is acceptable from a highway safety perspective.
- 6.4 **Ecology**
- 6.4.1 Details provided of the siting and type of bat and bird boxes, along with external lighting details are satisfactory and sufficiently meet the requirements of the outline conditions 14 and 15.
- 6.5 **Drainage**
- 6.5.1 The Council's Drainage team confirm that the submitted surface and foul water drainage details are satisfactory.
- 6.6 **Residential amenity**
- 6.6.1 There are no concerns regarding overlooking, overshadowing or general loss of outlook given the separation of the site from the nearest neighbouring dwellings.
- 7.0 **CONCLUSION**
- The principle of development is already established by the outline permission. Its proposed layout, scale and design are acceptable in the context of the site and its surroundings and it would not unduly affect the wider landscape. There are no significant or insurmountable concerns in terms of affordability, highway safety, ecology, drainage, or residential amenity. Overall, therefore, the application accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to appropriate conditions.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

8.1.1 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

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

8.2.3 This legislation has been taken into account in arriving at the above decision.

8.3 Equalities

8.3.1 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

9.1 There are financial implications if the decision and/or imposition of conditions are 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:

National Planning Policy Framework
CS4 - Community Hubs and Community Clusters
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
MD12 - Natural Environment
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

20/05055/OUT Outline application (access for approval) for the erection of one 'eco' dwelling with garage and formation of new vehicular access REFUSE 10th June 2021
21/04556/OUT Outline application for the erection of a pair of semi-detached two bedroomed dwellinghouses to include associated access and parking facilities REFUSE 15th December 2021
22/04011/OUT Outline application for the erection of a pair of two bedroomed affordable houses with associated access and parking facilities GRANT 1st June 2023

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SAAVM6TDGEC00>

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

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Proposed Dwelling North
West Of Pleasant View

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Mrs Heather Kidd

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. 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

2. Notwithstanding the submitted Tree Protection Plan, Amended Site Plan (drawing number PL-003 Rev B) and Arboriculture Report (as submitted on 14th March 2024), prior to commencement of any works, a further revised method statement for construction of the proposed access drive shall be submitted to the Local Planning Authority (LPA) for approval in writing. This shall consider the offset Root Protection Area of the adjacent tree to be retained and shall include details of a low impact construction method, such as a 'no-dig' cellular confinement system.

Demonstration that the tree protection measures have been established on site shall also be submitted to the LPA for approval, prior to development commencing, (photographs of them in situ may suffice).

Reason: To ensure the external appearance of the development is satisfactory and to help safeguard the visual amenity and character of the wider landscape.

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

3. No above-ground development shall commence until precise details/samples of the external materials/finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained thereafter.

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

4. The site shall be landscaped, broadly in accordance with the approved, amended site plan, (drawing number PL-003 Rev B). Confirmation of precise species planting, including their size and timetables for implementation of the landscaping shall be submitted for approval prior to first use/occupation of the development.

Any trees or plants which, within a period of five years from the date of planting, die, are removed, or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species.

Reason: To ensure the external appearance of the development is satisfactory, and to help safeguard the visual amenity and character of the wider landscape.

Informatives

1. 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;
undertake 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 with a list of approved contractors, as required.

2. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.

3. The foul drainage field must be calculated in accordance with Building Regulations.

4. If the new vehicular access and/or parking/turning areas hereby permitted would slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water to drain onto the public highway or into highway drains.

5. Your attention is drawn to the need to ensure that appropriate refuse 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, and all trafficked areas of highway (i.e., footways, cycle ways &

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carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

6. Your attention is drawn specifically to the conditions above, and/or those attached to the associated outline planning permission No. 22/04011/OUT, which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015, a fee is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful, and the Local Planning Authority may consequently take enforcement action.

7. 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.