

**TELFORD & WREKIN COUNCIL**

**PLANS BOARD**

**16<sup>th</sup> May 2012**

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TWC/2012/0109 The Swan, A442, Waters Upton, Shropshire, TF6 6NP  
Outline application for residential development (up to 5 houses) on part of pub car park and beer garden, with amended access off River Lane

**APPLICANT**

Simon Davis

**RECEIVED**

19/03/2012

**PARISH**

Waters Upton

**WARD**

Ercall Magna

THIS APPLICATION WAS DEFERRED AT THE 25<sup>TH</sup> APRIL PLANS BOARD FOR MEMBERS TO UNDERTAKE A SITE VISIT

Since the original report to members additional consultation responses have been received:

Highway Comments:

In regards to the amended indicative plan the highways officer has raised two points:-

- The new footway onto the A442 requires a dropped crossing link with the existing footway on the other side of the River Lane Bellmouth. This detail can be picked up under condition 4 however.
- The layout is of a private development and therefore the Local Highway Authority would not look to adopt as public highway.

As the application is in outline form with all matters reserved for later approval the officer would like to make no changes to the original response.

Waters Upton Council: have provided further comments in regards to the number of properties that have been granted permission over the last few years, the public rights of way and the proposed site entrance. They state that they have not had time to arrange for the Parish Council to consider the amended plans therefore request that the Plans Board defer the application for a site visit to understand the issues. Officers have contacted the parish and again reiterated the outline form of the application with all matters reserved for later approval.

Affordable Housing Need:

The Housing officer has considered the amended indicative plan and has looked at the local register which the Parish Council sent last year. There is clearly a need for houses suitable for families as well as the need for bungalows identified by the survey and would therefore recommend that the two affordable properties on this scheme are 1 No. 3 bedroom house and 1 No. 2 bedroom house ( to a lifetime homes standard) , both for rent.

Section 106 Agreement:

In order to ensure 40% of affordable housing is provided the Council have asked the applicant to enter into a 106 Agreement. However in order to save the applicant time and expense of a Section 106 the agent has asked to use

an affordable housing condition instead. The Council have considered the agents request however consider that a Section 106 Agreement is considered necessary to ensure the site development remains affordable in perpetuity for individuals with local connections and housing need, in line with the Councils normal procedures.

In regards to the above the officer's recommendation remains unchanged.

Recommendation: To grant delegated Authority to the Assistant Director: Planning Specialist to GRANT OUTLINE PLANNING CONSENT subject to the applicant entering into a S106 agreement for the provision of 40% affordable housing and the following conditions:

1. A01 Standard Outline
2. A2 Submission of Reserved Matters
3. B10 Details of Materials
4. B12 Sample Brick Panel
5. B019 Details of windows and doors
6. B42 Parking/Turning/Loading
7. B46 On site Construction
8. B47 Mud on road
9. B61 Foul and Surface Water
10. B74 Brownfield Run-off Rates
11. B121 Landscaping Design.
12. B122 Tree Survey.
13. B130 Tree Protective Fencing.
14. B131 Trees Roots & Services.
15. BCUSTOM Trees No Dig Method & the removal of existing car park hard standing without damaging the roots
16. B133 Tree replacements
17. BCUSTOM Visibility splays
18. BCUSTOM Closure of existing access
19. BCUSTOM Provision of footway
20. C07 Windows set in 75mm
21. C38 Development in accordance
22. C70 No burning
23. C71 Soil levels
24. C72 Storage of Materials
25. CCUSTOM bat boxes
25. D01 Removal of PD

Reason for Approval:

The Local Planning Authority considers the principle of development has been adequately demonstrated to ensure the long term survival of the Public House. The scale, design and form of the development is considered acceptable and in keeping with the character and appearance of the existing public house and context of the site and areas, with sufficient parking provision, amenity space to the dwellings and retention of landscaping. The development will not have a detrimental impact on adjoining residential

amenities or highway safety.

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**OBJECTIONS:** Yes

**MAIN ISSUES:** Principle of Development, Retention of Community Facility, Scale and Design, Character and Appearance, Impact on Adjoining Residential Amenity, Highway Safety

**PROPOSAL:**

This application seeks outline planning permission for residential development within the rear of an existing public house car park. This is an outline application with all matters reserved. The indicative layout indicates a development of 6 two-storey detached houses. As part of the planning application it is intended to close the existing access into the pub and provide a new access further along River Lane to serve the houses and remaining pub car park.

The existing access into the pub car park will be taken from River Lane, however its position will be altered and set approximately 17m back from the A442. This would involve the closure of an existing access and the removal of landscaping. The retained pub will have 20 parking spaces (including 1 disabled space and a beer garden approximately 129sq.m).

Originally the indicative layout showed a development of 6 houses and 12 pub parking spaces, however subsequent to highway concerns with a lack of pub car parking, the layout and proposed have been amended to allow parking for 20 cars, an improved access with plot 6 omitted from the plan.

**SITE AND SURROUNDINGS:**

The application site is the car park to the Swans Inn public house, adjacent to the Cemetery off River Lane in Waters Upton. The Swan is a mainly two-storey 19<sup>th</sup> Century building with more modern alterations and extensions.

The Swan Inn is an established white-rendered and red brick Public House located in to the south west of Waters Upton Village with access on to River Lane. The main façade of the Swans Inn fronts the A442 and is bound with a metre high red brick wall. Parking is located to the side and rear of the pub, which is bound by trees and hedgerows and access into the car park is off River Lane. The car park varies in ground level and the area immediately adjacent the pub is flat and level with the main road; however the eastern area of the car park slopes upwards and is, in total about 2 - 2.5m higher than the main road (A442). The eastern side of the car park lies adjacent Pinfold Croft which is a cul de sac of residential two-storey properties.

The pub is served by a beer garden that adjoins the southern and eastern boundaries of the site with a hedge and boundary fence. Part of the beer

garden contains Leylandii trees that currently screen some views of the beer garden from the car park.

Waters Upton is located in the rural area of Telford, approximately 10 miles north of the centre and around 8 miles west of Newport. The site is within the village of Waters Upton and to the south of the Severn Trent Water Sewage Works which is adjacent to the A442. To the north east is the Old Rectory, open fields and a site that has outline permission for residential development along with associated parking facilities and provision of a recycling area.

The village has two pubs, The Lion and The Swan Inn. The Lion lies at the southern edge of the village, around 0.2 miles south of the application site. The Lion is adjacent to Waters Upton Parish Centre which includes a community shop, post office and parish offices. Directly adjacent to the site is an allocated pedestrian and cycle path.

#### RELEVANT HISTORY:

W2005/1376, erection of single-storey extension and new steps to garden area, granted 17/01/2006.

W2004/1052, erection of 11 dwellings comprising of 4 no. 3 bedroom, 2 no. 2 bedroom and 1 no. 4 bedroom dwellings with estate road and vehicle/pedestrian accesses, granted.

#### BACKGROUND HISTORY – NEARBY SITE:

W2008/0619, residential development including affordable housing provision, cemetery extension, car parking for cemetery visitors and recycling area to serve village community (outline application) at land adjacent to The Old Rectory, Waters Upton approved January 2011.

#### PLANNING POLICY CONTEXT:

National Planning Policy Framework – published 27<sup>th</sup> March 2012

#### Local Development Core Strategy

CS1 Homes

CS7 Rural Area

CS9 Accessibility and Social Inclusion

CS10 Community Facilities

CS15 Urban Design

#### Saved Local Plan Policies

UD2 Urban Design

H9 Location of Housing

H10 Scale of Development

H22 Community Facilities

H24 Affordable Housing in the rural area

LR1 Provision of Community Facilities

#### CONSULTATION RESPONSES:

Waters Upton Parish Council: The Parish Council cannot support this application and have requested that, if the planning officer is recommending

approval, the application should be green-carded to allow it to be determined by Plans Board. The position of the properties is detrimental to existing dwellings. The new entrance is from a narrow lane opposite the entrance to a new development site. Is there sufficient need for further housing as we have a number of properties awaiting construction where planning approval has already been granted? The entrance is situated on top of the treatment works. The treatment works was inadequate for the pub alone; it will not cope with a pub and 6 properties. There will be insufficient car parking spaces for customers to the pub. There will be insufficient space for adequate parking and gardens for the proposed properties.

Shropshire Fire Service: Supports subject to informatives

Highways:

Supports the application subject to a number of conditions.

The highways officer states that it is likely the development will involve providing a reduced number of residential units to that shown on the indicative plan. In light of these comments the plan has been amended and highways have been consulted to provide further comments, therefore it is anticipated that additional responses will be received by the date of the Plans Board meeting and Members will be fully updated at the meeting.

Drainage:

The outline principal of development is acceptable; however the reserved matters application must provide the following information:

Standard condition B62 Condition: the site covers both greenfield (beer garden) and brownfield (car park) land. The rate of surface water discharge for each part of the site should reflect conditions B75 and B74 respectively. Details on how this will be achieved should be submitted.

Arboriculture:

The proposed planning site layout Ref: 7431/004, shows that the applicants are intending to retain the existing trees on site. Recommends that the Sycamore tree growing adjacent to the proposed Plot 1 is removed as the current location of the plot does not account for the future growth of the tree. If the tree is to be removed there is a need for replacement planting in mitigation for its loss.

There are three Ash trees growing in the north east corner of the proposal, at this time the root protection area of the trees is covered by tarmac. If consent is afforded to the application further detail is required as to the removal of the hard standing and how this can be achieved whilst not damaging the roots of the existing trees.

Plot 1 is within 10 metres of the three Ash trees, no information has been provided as to the soil underfoot which in turn will dictate the depth of foundation required with regard to NHBC Chapter 4.2 "Building near Trees." If consent is approved then the following conditions should be imposed;

B14, Landscaping Design.

B14a, Tree Survey.  
B73, Tree Protective Fencing.  
B74, Trees Roots & Services.  
B75, Trees No Dig Method  
B76, Tree replacements  
C70, No burning  
C71, Soil levels  
C72, Storage of Materials  
C76 Landscape Implementation Hard & Soft.

Ecology: supports subject to a bat box condition and informatives

Severn Trent Water:

Raise no objections however advise that there is a public sewer located very close to the application site.

1 local representation has been received which raises objection on the grounds of the swan has been a big part of this village and what made it what it is. We understand that it is not doing well as a public house but that's no reason to build on part of it. We have a great view over the car park of the river and fields whenever coming home or going out it reminds us how lucky we are to live in the countryside now they want to take that from us and give it someone else. One concern is whether there would still be a public right of way from pinfold croft across the now car park as it is very popular for walkers, cyclists, and horse riders as it is a lot safer than trying to walk down river lane or having to walk through village to The lion and along narrow footpath next to main road. Would the 2 proposed houses at the top of car park block out what bit of sun we do get in our back garden as this is only time we do catch the sun when it is over the car park?

**ADDITIONAL RE-CONSULTATION:**

Consultees have been notified of the amended plan therefore it is anticipated that additional responses will be received by the date of the Plans Board meeting and Members will be fully updated at the meeting.

**PLANNING CONSIDERATION**

The National Planning Policy Framework asserts proposals which deliver sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors should be supported by Local Planning Authorities. It also states that LPA's should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment. Housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that LPA's should promote sustainable development in rural areas and housing should be located where it will enhance or maintain the vitality of rural communities.

Public houses are listed as community facilities along with churches, schools and village halls. Such community facilities in rural areas often form a focus for community life. Policy CS10 of the Core Strategy outlines the provision of

new or improved community facilities to meet the needs of local residents will be supported; furthermore the loss of such facilities will be resisted. Therefore local planning authorities should take a positive and constructive approach towards planning applications that contribute towards economic development. LPA's support development which enhances the vitality and viability of rural centres and considering this is a pub located within the village of Waters Upton planning applications for residential development that may contribute to securing sustainable economic growth therefore should be treated favourably.

The Swan Inn is the one of two Public Houses in the Village of Waters Upton and is important for the village as there are limited other community facilities. Furthermore there is a duty to support such facilities to prevent its loss. There must also be regard to the current economic climate and the closure of many Public Houses and other facilities like village shops within the rural area which are sometimes the sole facility in villages. The retention of the Swan Inn is considered to be a benefit to the local community and the revenue from the proposed dwellings may help to sustain the business.

Policy CS7 states that development within the rural area should be limited to meet the needs of the area, and be focussed on the 3 key settlements of High Ercall, Tibberton and Waters Upton. Outside these settlements development will be limited and within the open countryside strictly controlled. This is supported by national policy which outlines new development shall be located in or on the edge of existing settlements and service areas where housing, employment, services and other facilities are provided close together, in order to create sustainable communities.

The proposal is for outline planning permission for residential development; Waters Upton is one of the three settlements within the rural area where new development is to be focused; whilst there is no identified settlement boundary for Waters Upton the site appears to lie within the developed area of the village which is enclosed at the north by the River Lane and the A442 along the west; hence this proposal accords with Policy CS7 of the Core Strategy.

Core Strategy Policy CS1 states that housing needs in the rural area will be met by approximately 170 new dwellings over the period from 2006 – 2016. At the current time, the threshold has been met from dwellings already built or having received planning permission. The number of dwellings has exceeded the provision of 170 dwellings over the plan period however the housing officer has stated that there is still a parish need for house types in this area. The proposed 40% affordable housing is in line with policy requirements for 40%. The Waters Upton Parish Housing Needs Survey Report published in March 2011 identifies a current affordable housing need and in addition to this the Housing Officer supports development at this site. Furthermore it is deemed that the issues of community benefit also need to be taken into consideration when assessing the principle of development as well as the fact that the plot itself is surrounded by residential development. In this case the proposal would incorporate 40% affordable housing provision, which is line with the Core Strategy advice. Additionally dwellings within this location would

support the viability of the adjacent public house which serves as a community facility. In addition the proposed development site is considered to be an infill and a settlement plot therefore any new development would not encroach into the open countryside or extend the rural boundary.

The applicant has agreed to enter into a Section 106 agreement for the whole site in relation to affordable housing in accordance with policies H24 of the Wrekin Local Plan and CS7 of the Core Strategy. The housing officer has confirmed that she supports housing at this site, however regard needs to be taken to the development approved on the adjacent the Old Rectory Site (W2008/0619) and the requirements of the parish household needs survey, recommending that 'three are adapted bungalows, subject to verifying these, households needs are still the same'. The break down of affordable homes will therefore need to be discussed and agreed prior to the submission of the reserve matters application.

A contribution towards off site leisure and play facilities or primary education is not required due to the number of housing below the threshold of 10 units.

The site approved for residential dwellings, a recycling area and cemetery extension is located north of the public house. Between that site and the application site retains an adequate separation distance and between properties located within Pinfold Croft. It is therefore believed that the area proposed for residential dwellings is acceptable that would not adversely impact on neighbouring properties amenities. The amended indicative layout shows adequate sized gardens, parking spaces and separation distances between surrounding properties.

The concern that the development of dwellings in the car park would introduce a conflict of uses and adverse impact on future occupants' amenities is noted; however occupants renting or buying these properties will be aware of the location adjacent to the PH prior to moving in (a case of 'Buyer Beware'), however it is considered that there will be limited harm to the amenities of the proposed dwellings. Concerns regarding access and highway safety are acknowledged however the highways officer has said that he supports the application subject to conditions. In addition whilst neighbours may be concerned with a loss of light, the LPA emphasises that this application is for outline permission only and the plan submitted is an indicative plan. This permission does not purport to grant consent for the layout shown on the deposited plan. The number, type and design of houses will be agreed within a later application where issues of levels, orientation, design and scale of dwellings will be discussed.

In reference to the desire path located to rear of the beer garden, adjacent Pinfold Croft, I can confirm it is shown free of development on the indicative layout plan to allow continued pedestrian access.

The LPA have acknowledged concerns with the loss of pub car parking spaces, therefore the plan has recently been amended to reduce the number of houses shown on the indicative layout and increase the spaces to 20.

Despite a reduction in spaces it should be noted that the development would generate construction jobs, bring about additional custom to the village as well as the local public houses and hopefully bring this vacant pub back and open to business. With regard to the access for the site, this is still retained within the site edged blue, however as this is within the applicants control can be suitable conditioned. Subsequently the proposed development will not prejudice highway safety.

Having regard to local objections and planning guidance officers consider that on balance the principle of redeveloping some of the site for residential use is acceptable subject to conditions, mitigation works and affordable housing provision. The proposal will reintroduce and support a valuable community facility to the settlement, helping to sustain its survival. The Local Planning Authority considers the principle of the development considered acceptable and in keeping with the character and context of the site and area, with sufficient parking provision and amenity space to the dwellings. The development will not have a detrimental impact on adjoining residential amenities or highway safety.

**RECOMMENDATION:** to grant delegated authority to the Assistant Director: Planning Specialist to GRANT OUTLINE PLANNING PERMISSION subject to the Applicant entering into a Section 106 Agreement for the provision of 40% affordable housing and the following conditions:

(Conditions to be provided at update to board)

**REASON FOR APPROVAL:**

The Local Planning Authority considers the principle of the development has been adequately demonstrated to ensure the long term survival of the Public House. The scale, design and form of the development is considered acceptable and in keeping with the character and appearance of the existing Public House and context of the site and area, with sufficient parking provision, amenity space to the dwellings and retention of landscaping. The development will not have a detrimental impact on adjoining residential amenities or highway safety.

TWC/2012/0116 The Paddock, Arleston Lane, Arleston, Telford, Shropshire, TF1 2LY

Renewal of extant planning permission W2008/1029 for the demolition of the existing dwelling and redevelopment to provide 12no. dwellings

**APPLICANT**

Mr A. Vaughan

**RECEIVED**

02/02/2012

**PARISH**

Wellington

**WARD**

Arleston

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Planning appeal decision, Principle of development, Green Network, Character and appearance, Noise and air quality

THE PROPOSAL: The application seeks planning permission to renew the extant consent, reference W2008/1029 for the demolition of the existing dwelling and redevelopment to provide 12no. dwellings with associated amenity space and parking.

The original application was refused under delegated powers on 22 October 2008 as it was considered that it was contrary to policy regarding the Green Network, on sustainability/accessibility grounds, character and appearance, failure to provide planning obligation requirements regarding education, open space provision and highway infrastructure, and detrimental impact on amenity of future occupiers due to proximity to the M54 motorway.

Following the initial delegated refusal, a subsequent planning appeal (inquiry) was lodged with the Planning Inspectorate. Counsel's opinion was that the Local Planning Authority had a limited chance of succeeding at the appeal and was at risk of substantial costs incurred by the Appellant unless the Local Planning Authority changed its position and offered no evidence at the Inquiry. The Local Planning Authority did not offer any evidence to the Inspector and invited the Inspector to grant planning permission subject to the Appellant entering into a Section 106 to provide financial contributions, and subject to appropriate conditions.

The Inspector allowed the appeal on 16 April 2009 and granted planning permission for the development subject to a unilateral undertaking and conditions.

**SITE AND SURROUNDINGS:**

The site comprises an existing large modern detached dormer bungalow, 'The Paddocks', with detached double and triple garages located within a substantial plot. The site is mainly level, with a slightly raised grassed garden area along the southern and southwestern boundary. The boundaries of the site are screened by timber fencing, trees and landscaping. The site is accessed off Arleston Lane, with a gated drive access. The property is screened from the highway by trees.

'The Paddocks' is located opposite the rear of Wrekin Retail Park, to the east of the site. Arleston Manor Mews residential development is located to the north and west of the site, with the motorway embankment and M54 to the south. The site is located to the southern edge of Arleston, a large established housing area and is approximately 1.5 kilometres from Wellington District Centre.

**PLANNING HISTORY:**

W2008/1029 Demolition of existing dwelling and redevelopment to provide 12no. dwellings, Refused; Allowed at Appeal

W2005/1495 Erection of low-cost starter homes (Outline), Refused

**PLANNING POLICY CONTEXT:**

National Planning Guidance:

National Planning Policy Framework

Saved Wrekin Local Plan Policies

UD2 Design Criteria

H6 Windfall Sites in Telford and Newport

OL3 Green Network

OL4 Development in the Green Network

OL5 Extensions and Redevelopment in the Green Network

LR4 Outdoor Recreational Open Space

LR6 Developers Contributions to Outdoor Recreational Open Space Provision within New Residential Developments

LDF Core Strategy

CS1 Homes

CS15 Urban Design

**CONSULTATION RESPONSES:**

Wellington Town Council: no objection

Highways: no objection in principle subject to conditions. Suggests a revision to the Inspector's wording of condition 6 on the appeal decision - details for the footway and bellmouth construction and the submission of associated street lighting are provided (in order to illuminate the junction).

Geotechs: Support subject to condition regarding shallow mining and Informative I20

Drainage: Support subject to conditions regarding surface water drainage and Brownfield runoff rate

Parks & Open Spaces: no objection subject to the Applicant entering into a S106 agreement to provide a contribution of £600 per 2 bed property (or above) towards the upgrading of the nearest community use recreation facilities (which would serve the development area)

Arboricultural: To the front of the proposal there is a copse of trees, within the ownership of Telford & Wrekin Council. Species within the copse include early mature Oak & Beech trees. Within the proposal site there is a large bund of soil which runs the length of the site adjacent to Arleston Lane and the copse of trees, the soil bund itself has been planted up with a number of trees. If the soil embankment is to be removed, an Arboricultural Method Statement would be required, and the trees would require protection. A 'no dig' construction method is highly recommended. As Plots 1, 4 & 5 are within 5 metres of the trees adjacent to the site, the foundation depths of the properties should adhere to NHBC Guidelines to ensure that no issues arise in the future with regard to maturing trees and insufficient foundation depth.

Ecology: Support subject to condition regarding Erection of nest boxes and informatives regarding Nesting Birds (vegetation), Trenches, Replacement and enhancement planting

Contaminated Land (Environmental Health): Support subject to Land contamination condition

Pollution Control (Environmental Health): Awaiting comments and if any are received these will be reported in an update.

Shropshire Fire Service: Informatives regarding Access and Water supplies

4 neighbour letters have been received with the following comments:

- Confirmation from Malamar Homes (Newport) Limited that company is not in administration and have copyright of the design of the development
- Need for further housing has not been demonstrated in the vicinity of many unsold properties
- Loss of green belt
- Impact on wildlife and water table
- Impact on road infrastructure and local facilities
- Protection of Arleston Manor, Listed Building
- Proximity to adjoining dwellings – impact on residential amenities
- Development must be to same quality as houses in Arleston Manor Mews/Arleston Manor Drive, with the same planning restrictions
- Street lighting is required
- Increased traffic on Arleston Lane – vehicles already exceed 30mph speed limit
- Need weight limit restriction to stop lorries using Arleston Lane

#### PLANNING CONSIDERATIONS:

This application seeks planning permission to extend the time limit to implement planning permission W2008/1029. The application comprises the erection of 12 dwellings following demolition of the existing modern property.

The Planning Inspector allowed the original application W2008/1029 at an Inquiry, subject to a Unilateral undertaking that the Applicant provided contributions towards community recreation provision and subject to conditions. In the Inspector's decision notice (April 2009), it is stated that the Council had a shortfall in its supply of housing, and that in line with PPS3 Housing and the Regional Spatial Strategy, the policies weighed in favour of the proposal. The regional tiers of planning policy and national planning policy statements have both been superseded. The National Planning Policy Framework has a presumption in favour of sustainable development and seeks to significantly boost the supply of housing.

With regard to the site's designation as Green Network, the Inspector stated that given its existing residential use and significant areas of hardstanding, it contributed little to the Green Network and the proposal would not be incompatible with the long term aims of the Green Network. The proposal therefore met the objectives of Policies OL3 and OL5 of the Wrekin Local Plan.

The site is located opposite the Wrekin Retail Park and on the southern edge of Arleston; therefore the Planning Inspector deemed the site to be sustainable and accessible to services and facilities, thus according with Policies H6 and T4 (Development Principles) of the Wrekin Local Plan. The principle of the development was therefore deemed acceptable.

In terms of the impact on the character and appearance of the area, the Inspector considered the scale, design and form of the development was appropriate to the context of the Arleston Manor development to the north and west of the site, and would comply with Policies UD2, UD3 (Urban Design Assessments) and H6 of the Wrekin Local Plan and national planning policies. Furthermore, the development was designed to ensure sufficient separation distances and no undue overlooking of existing properties or loss of light would result.

With regard to residential amenity of future occupiers living in close proximity to the M54 motorway, the Planning Inspector determined that the proposal addressed these issues sufficiently, and that appropriate conditions could be imposed to ensure satisfactory living conditions are provided by the scheme; and that the proposal would conform to national planning guidance.

With regard to the Planning Inspector's decision, the principle of development is acceptable. As this is an extant permission, no plans have been submitted and the application is unchanged from the 2008 scheme. Whilst national planning policy has altered since the original application and the planning appeal, the principles contained in the National Planning Policy Framework seek to support such development. The creation of a residential development of 12 units in a sustainable location, and of a design that reflects the character and appearance of adjoining development accords with the criteria in the National Planning Policy Framework.

The development comprises a new central access point. There are no highways objections to the access arrangements subject to conditions. The dwellings are 3-storey units with 4 to 5 bedrooms and single garages set back at the sides of the properties. Within the site layout, the dwellings are positioned to maintain mutual privacy to the existing and proposed dwellings with the 5 units to the north orientated at an oblique angle, and the 3 units to the west screened by landscaping. The majority of the tree belt to the south and east of the site is indicated to be retained. Conditions were imposed by the Planning Inspector with regard to details of tree retention and protection.

Neighbour comments are noted. Officers have made the Applicant aware of the previous Applicant's (Malamar Homes (Newport) Limited) position and issues with regard to copyright are a legal issue outside of this planning application. The principle of development has been agreed previously and the impact on the area would not be detrimental. Whilst it is noted that the site adjoins the Arleston Manor development, at the appeal it was agreed that it is not in the curtilage of the Listed Building, therefore officers do not consider that it must be controlled by the same planning restrictions (removal of permitted development rights). The issues of traffic management on Arleston Lane cannot be dealt with under this application; however highways are aware of these concerns.

As agreed at the planning appeal, the scale of the development necessitates a financial contribution towards provision of recreation facilities; and the Applicant has agreed to pay £600 per 2 bedroom unit (total of £7200) towards this provision.

No requests for education contributions have been made; furthermore any request would need to be supported by evidence to suggest a change in circumstance. As neither have been requested or submitted, no further contributions are required.

Conditions were imposed on the appeal decision. In addition to these, officers consider it appropriate to request drainage details prior to commencement.

In conclusion, the principle of the development is acceptable having regard to the Planning Inspector's appeal decision on W2008/1029. The site is sustainably located and its redevelopment will not be incompatible with the long term aims of the Green Network. The layout of the site and the scale and design of the dwellings with associated parking, amenity space and landscaping is considered acceptable and in keeping with the character and appearance of the area. The proposal will not have a detrimental impact on the residential amenities of adjoining or proposed dwellings. The proposed new access can be accommodated without detriment to highway safety. The existing character of the site shall be maintained in the streetscene with the retention of trees to the south and east. Appropriate measures shall be incorporated into the scheme to ensure provision of satisfactory living conditions for future occupiers, given the site's proximity to the motorway. Accordingly, the proposal complies with national and local planning policy.

RECOMMENDATION: to GRANT PLANNING PERMISSION subject to the Applicant entering into a Section 106 Agreement to pay £7200 towards the upgrade of community recreation facilities within the vicinity and the following conditions:

1. A004 Time limit
2. B011 Samples of materials, with sample panel
3. B121 Landscaping details, including ecology requirements (nest boxes)
4. Bcustom Plan of trees to be retained
5. Bcustom Tree protection
6. Bcustom Construction details of access, footways and lighting
7. Bcustom Construction method statement
8. B050 Shallow mining investigation
9. B057 Land contamination
10. Bcustom Details of 2.5m high acoustic fencing to southern boundary
11. Bcustom Details of noise attenuation measures to Plots 4 and 5
12. B062 Surface water drainage details
13. B074 Brownfield runoff rate
14. C038 Development in accordance with plans submitted under Ref: W2008/1029
15. D012 Hours of deliveries 0800 to 1800 Mon – Fri, 0800 to 1200 Saturdays, No deliveries Sundays and Bank Holidays

Informatives:

- |         |                                |
|---------|--------------------------------|
| I20     | Contaminated land              |
| Icustom | Ecology informatives           |
| I40     | Conditions                     |
| I41     | Reason for grant of permission |

REASON FOR APPROVAL:

The principle of development is acceptable having regard to the Planning Inspector's appeal decision on W2008/1029. The site is sustainably located and its redevelopment will not be incompatible with the long term aims of the Green Network. The layout of the site and the scale and design of the dwellings with associated parking, amenity space and landscaping is considered acceptable and in keeping with the character and appearance of the area. The proposal will not have a detrimental impact on the residential amenities of adjoining or proposed dwellings. The proposed new access can be accommodated without detriment to highway safety. The existing character of the site shall be maintained in the streetscene with the retention of trees to the south and east. Appropriate measures shall be incorporated into the scheme to ensure provision of satisfactory living conditions for future occupiers

TWC/2012/0128 16 Frame Lane, Doseley, Telford, Shropshire, TF4 3BQ  
Alterations to garden boundary (amendment to Planning Permission  
W2007/0773)

**APPLICANT**

Simon & Elisabeth Hancock

**RECEIVED**

17/02/2012

**PARISH**

Dawley Hamlets

**WARD**

Horsehay and Lightmoor

THIS APPLICATION WAS DEFERRED BY MEMBERS ON THE 25<sup>th</sup> APRIL'S  
PLANS BOARD FOR MEMBERS TO UNDERTAKE A SITE VISIT

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Amenity space; adjacent residential amenity

**THE PROPOSAL:**

Following planning approval for a three bedroom dwelling recently constructed it has emerged that a section of the rear garden at the time of submission was not owned by the applicant although the certificate of ownership declared this. The land is now owned by the adjacent neighbouring property no. 16a Frame Lane; subsequently this application seeks to amend the garden boundary to reflect this.

**SITE AND SURROUNDINGS:**

The property is a modern detached house with a gable roof line over the main element of the house and a hipped wing housing an attached garage and bedroom above. The frontage which faces the highway has an opening in the existing boundary wall to provide a hardstanding and vehicular access to the attached single garage. The site is level and was originally the garden land of the adjacent property no. 16 Frame Lane. A path at the side leads to the rear which is bounded by 1.8m high fencing and has several trees within the immediate surrounding area. No. 16 is a semi-detached property, slightly forward of the new dwelling, approximately 4.2m to the south east. 16a Frame Lane is located approximately 4.6m north west of the site.

The site is within a predominantly residential area with properties of different ages, design and appearances. Opposite to the site is an established industrial estate. Telford Town centre and local services are within a short driving distance with access to transport links in and around Telford.

**PLANNING HISTORY:**

W2005/0548 – Erection of a three-bedroom dwelling - outline granted 4<sup>th</sup> July, 2005

W2007/0773 – Erection of a detached dwelling – full granted 12<sup>th</sup> June, 2007

**PLANNING POLICY CONTEXT:**

National Planning Policy Framework

Saved Wrekin Local Plan Policies  
UD2 – Design Criteria  
H6 – Windfall development in Telford & Newport

LDF Core Strategy  
CS15 – Urban Design  
CS1 - Homes

#### CONSULTATION RESPONSES:

Dawley Hamlets have made no comments.

Geotechs support subject to informatives regarding minerals and landfill gas.

One letter of objection received with the following concerns;

- Conflict of interest due to the applicant being an employee of Telford & Wrekin Council where he can influence decisions.
- The boundary is closer to their property than shown on the plans.
- Whole application is vague and misleading.
- Overlooking.
- Light is restricted
- Original application says water surface to go to soakaways, there are none and the garden of no. 16A has been flooded.
- There are numerous inaccuracies throughout the stages of this development and the application should be dealt with by an independent body due to complexity and history.

#### PLANNING CONSIDERATIONS:

For reference purposes, Mr Hancock (the applicant) owns both 16 Frame Lane and the unoccupied dwelling in question; Mr Humphreys is the owner of 16a Frame Lane.

Outline planning approval W2005/0548 was given for a three bedroom dwelling on land adjacent to 16 Frame Lane, Doseley on 4<sup>th</sup> July, 2005. A full application W2007/0773 was subsequently submitted for a detached dwelling which was approved on 21<sup>st</sup> September, 2007. There was no reason for the LPA to question the land ownership at that time as during the site visit the case officer noted that that the site appeared to form part of the garden area of no. 16 Frame Lane.

The house was subsequently built but remains unoccupied due to a dispute between the applicant and No. 16A Frame Lane over land ownership. On the 26<sup>th</sup> October, 2010 the LPA received correspondence from No. 16A Frame Lane stating land had been purchased from David McClean Homes on the 21<sup>st</sup> October 2010 which was a section of rear garden land of planning permission W2007/0773 and was not owned by the applicant as suggested on the planning file. For members' information, the site boundary of planning permission approval W2007/0773 can be viewed on a plan attached to the end of the report.

The LPA responded on the 1<sup>st</sup> November, 2010 stating that ownership issues and boundary disputes are private matters between landowners, the LPA act on good faith as they do on all planning applications and declarations on ownership certificates, and any subsequent disputes over ownership are civil matters between disputing parties.

At the end of 2011 discussions were held between the applicant and officers to ascertain a way forward as the land could not be purchased. It was suggested that a planning application be submitted changing the existing eastern boundary by encroaching into the existing garden area of No. 16 Frame Lane offsetting the loss of garden to the north west of the site. Whilst the rear windows of the dwelling would fall only 2.5m from the rear boundary the use of obscure glazing would alleviate concerns with overlooking and privacy.

Whilst this is not an ideal situation, consideration needs to be given to any appeal and its likely outcome. Further consideration should also be given to the recent application of No. 16A Frame Lane and the desire to erect a detached garage to the rear of this boundary; however no approval of this garage has been given and as such can be afforded limited weight.

The garden land approved on W2007/07 was rectangular shaped providing approximately 104m<sup>2</sup>. The resultant boundary dispute has reduced this by approximately 30m<sup>2</sup>. The proposed amended boundary will result in an L-shaped garden with a small strip of land approximately 2.5m deep from the rear elevation leading to a strip of land approximately 12.5 long by 5m wide and will provide an additional 26m<sup>2</sup> of garden land off setting the loss. Subsequently the proposed amendments provides sufficient amenity for the new dwelling and retains sufficient for No.16 Frame Lane.

With regard to other material considerations made by the objector, In response to the objection received; drawing no. M706-03 indicates the western shared boundary to be 1.05m from the new property and 4.7m from No. 16a Frame Lane. The issues with light and overlooking was considered with the original application and considered acceptable. This application is for a change of boundary treatment on the opposite boundary and therefore is not considered to be detrimental in this case. In relation to soakaways, condition no. 6 of W2007/0773 states that a scheme for foul drainage and surface water drainage shall be approved before development commenced and completed before the property is occupied. As this property has not yet been occupied, the drainage scheme does not need to be completed. Once occupied this condition can be enforced.

The LPA considers that the proposed change of boundary will not have a detrimental impact on the amenity space of No. 16 as the existing parking area will remain unchanged and the garden area will still be of an acceptable size at approximately 12m x 9m.

In relation to No. 16a Frame Lane, the additional land purchased by the adjacent owner is bounded by high fencing and has several trees within the site providing privacy. In addition the first floor windows on the new property

can be conditioned to be obscure to alleviated concerns with overlooking. Subsequently it is considered the proposal complies with both local and national planning policy.

**RECOMMENDATION:** to GRANT PLANNING PERMISSION subject to the following conditions:

1. A04 Time limit
2. Ccustom Before occupation 1st floor windows shall be obscured glazed to level agreed by LPA, and thereafter retained.
3. Ccustom Prior to occupation the boundary fence will be moved and thereafter retained.

**Informatives:**

I17 Minerals Area

I18 Landfill Gases

I20 Contaminated Land

**REASON FOR APPROVAL:**

The proposal is a minor amendment as the principle has previously been accepted. The proposed amended boundary will provide additional garden land offsetting the loss. Concerns with overlooking will be offset by obscure glazing.

TWC/2012/0203 The Rose & Crown PH, Stirchley, Telford, Shropshire, TF3 1DY  
Change of use from car park to car wash facility

**APPLICANT**

Mr Martyn Brookes

**RECEIVED**

05/03/2012

**PARISH**

Stirchley and Brookside

**WARD**

The Nedge

THIS APPLICATION WAS DEFERRED AT PLANS BOARD ON WEDNESDAY 25<sup>TH</sup> APRIL TO ALLOW OFFICERS TO UPDATE MEMBERS ON SEVERAL ISSUES.

THE ISSUES ARE ADDRESSED BELOW:

**Bridleway:**

Whilst there is a bridleway which leads from Northwood Terrace, this does not cross land within the red line and the proposal will not therefore have an adverse impact on this bridleway. The Council's Highways Officer maintains 'No Objections' to the proposal.

**Planning Permission for adjacent site:**

Outline permission was granted under application TWC/2010/0316 for a residential dwelling. This permission did not include siting and this can therefore be amended if need be under reserved matters. However the illustrative layout submitted with the outline application shows a dwelling positioned approx 15m away from the closest part of the car wash facility, although the dwelling garden boundary would be approx 2m away.

**Environment Agency:**

The Environment Agency was consulted as part of the initial consultation. However the Council received communication from the Environment Agency advising that there was no requirement for them to be consulted and based on the constraints of the site, this did not meet the requirements under the EA's checklist for consultation.

**Drainage:**

The Council's Drainage engineer maintains 'No Objections' to the proposal and requests that a scheme for foul and surface water is submitted and that Severn Trent Water are notified of the proposed car wash facility prior to commencement.

Stirchley Parish Council have since submitted an Objection to this application which follows below:

**Site History**

- The site is in a semi-rural, village type residential area on the edge of Telford Town Park.

- The application only covers the change of use and does not cover the signage which will presumably be erected.

The council believes that the proposal will

- Impact on highway safety by increasing traffic in the area. During winter months water run off (there is an existing drainage issue from Northwood Terrace) and cars leaving the site wet/dripping water this will increase risk of ice on Stirchley Road, which is not on a gritting route and is often dangerous and difficult for residents and through traffic to negotiate.
- Constitute loss of amenity by increased levels of noise, from machinery operating, cars, doors slamming, engines noise, radio's etc.
- Contaminate water quality in the area (it is noted that a sediment trap is to be fitted, however this will not stop detergents from entering the water system)
- Increase parking issues – although the plan states only four spaces will be used the layout will restrict use of at least half the car with traffic moving between the different areas – there is an existing problem with cars parking at the west side of the pub overflowing from the small car park and blocking access to properties along Northwood Terrace and to the Town Park. Emergency vehicles have been delayed due to inconsiderate parking. It is the Council's opinion that this will only be exacerbated by this proposal.

In particular the parish council is very concerned that the Environment Agency has not been consulted on the application. The applicants are actively seeking contracts with fleet owners and taxi firms. Councillors are concerned that this could result in the car park becoming an informal taxi base. Officers are likely to be aware that this is an existing issue with the car park at Randlay local centre.

At the previous meeting, an update was provided informing members that the agent had requested for the drainage condition to be dealt with prior to a decision being made and accordingly officers requested to delegate authority to the Assistant Director : Planning Specialist to approve the application.

The Council's recommendation remains to:

Delegate Authority to the Assistant Director: Planning Specialist to **GRANT PLANNING PERMISSION** subject to the following conditions and receipt of satisfactory drainage details.

Conditions:

1. Time Limit - 1 year Temporary Permission
2. Development in accordance with submitted plans
3. A scheme of foul drainage and surface water drainage to be submitted and approved in writing by the Local Planning Authority prior to commencement of the development
4. The hours of operation shall be restricted to 9am – 6pm Monday to Saturday and 10am – 4pm on Sunday and Bank Holidays
5. The drainage sediment trap will be installed prior to commencement of business and will remain in place and will be emptied on a daily basis and disposed of to a suitably licensed waste facility.
6. Business operations to be kept within the designated area as shown on the submitted plans.

\*\*\*\*\*

ORIGINAL REPORT

OBJECTIONS RECEIVED: NO

MAIN ISSUES: Impact on residential amenity

THE PROPOSAL:

This is a full planning application seeking the change of use of part of an existing car park into a hand car wash facility at 'The Rose & Crown' public house off Stirchley Road in Stirchley. It is proposed that two employees will operate this business, seven days a week.

SITE AND SURROUNDINGS:

'The Rose & Crown' public house is situated within the urban area of Telford, in one of its original villages known as Stirchley. The public house has two separate access points, both directly off Stirchley Road. The first access leads to a small car park which is situated on the west side of the building and has approximately 8 car parking spaces whilst the larger main car park sits to the east of the public house with roughly 40 parking spaces.

The building itself is a two storey premise, constructed around the mid 1800s and has over the years seen various extensions and alterations. The property sits in its own extensive curtilage. To the north of the site is vacant land, to the west a wooded area, to the south Stirchley Road and to the east is the domestic cartilage belonging to No.1 Grange Farm View.

The site has boundary treatments which comprise 2m high close board timber fencing along the northern and eastern boundaries.

PLANNING HISTORY:

None

## PLANNING POLICY CONTEXT:

Saved Wrekin Local Plan Policies  
Policy UD2 – Design Criteria

LDF Core Strategy  
Policy CS2 – Jobs

National Planning Policy Framework

## CONSULTATION RESPONSES:

Stirchley & Brookside Parish Council:

Drainage: Support subject to condition B61

Geotechs: No comments

Highways: No Objection

Severn Trent: Comment - *As the site is to be used as a Car Wash, we would strongly recommend the applicant speaks to the Trade Effluent Support Desk before requesting a discharge of the drainage related condition*

Contaminated Land:

A site notice and 20 direct neighbour letters have publicised this application however no further comments have been received.

## PLANNING CONSIDERATIONS:

This is a full planning application seeking the change of use of part of an existing car park into a hand car wash facility at 'The Rose & Crown' public house off Stirchley Road in Stirchley. It is proposed that two employees will operate this business, seven days a week.

It is proposed that the car wash facility will operate from no more than five of the approximately 40 car parking spaces located to the rear of the public house. Three of these spaces will be along the northern boundary and will be used for the car washing and drying area and a further two spaces will be along the southern boundary which will be used as a customer waiting area. The business will require the use of a jet wash and a vacuum cleaner, however both pieces of equipment shall be of a domestic nature and will not therefore produce a level of noise that commercial equipment may produce and will not therefore be detrimental to residential amenity. Both water and electricity supply will be direct from the public house.

The washing of the vehicles will take place immediately adjacent to the rear of the public house which is approximately 30m away from the closest neighbouring property, No.1 Grange Farm View and officers therefore consider that over this distance any increase in the level noise will not be

significantly detrimental to the amenities of nearby neighbours. It is also worth noting that no objections have been received by neighbouring properties. Furthermore, the existing 2m high close boarded fencing which sits along the boundary between the public house car park and the adjacent residential property (No. 1 Grange Farm View) will help to obscure any views that may be deemed detrimental to the amenity of this dwelling.

The applicants propose to tarmac the ground from which they will be operating, which is currently uneven concrete and at the same time a small gully will be created leading directly to the existing sewer. The car park slopes slightly from west to east which will help encourage the water to the drain. All drains exist within the curtilage of the public house and it is proposed to provide a grease and sediment trap to allow any waste water to be discharged to the foul sewer. A condition will be applied to the decision notice to ensure that this is installed prior to commencement of this facility.

The proposed hours of operation will be 9am – 6pm Mondays to Saturdays and 10am – 4pm on Sundays and Bank Holidays. Officers consider that these hours are not excessive, especially when considering the nature of the public house business on site and the general comings and goings to the pub car park that could continue irrespective of this application. There will be a restriction to the potential size of this business as only two employees are proposed. Officers are informed that a maximum of 15 - 20 cars will be cleaned on a day-to-day basis and are therefore satisfied that there will be no significant detrimental impact on nearby residential amenities, given the business will be operating from a distance of approximately 30m to the nearest residential property.

The allocated spaces for the proposed car wash facility have been chosen as to not restrict visibility from existing entrance points. The proposed location means that the business will not have an impact on existing highway safety. Despite the loss of 5 car parking spaces, officers consider that there will be ample car parking space remaining for the use of customers to the public house. Officers consider it appropriate to restrict the car wash facility to only five car parking spaces, as shown on the plans, in order to control any expansion on pub car park. In addition officers consider it appropriate to grant a temporary 1 year permission in order to fully assess the impact the proposal will have on the operation and function of the pub car park and residential amenity.

For the above reasons, it is considered that the application is acceptable for an initial temporary period of 1 year. Due to the relatively small nature of the proposed business and given its location, there will be no significant detrimental impact on nearby residential dwellings. The proposed drainage and sediment trap will ensure that there is no adverse environmental impact and its location will not have a detrimental impact on existing highway safety. Furthermore, the business will provide employment opportunity, albeit minor, which is supported under Policy CS2 of the Core Strategy.

RECOMMENDATION: GRANT TEMPORARY PLANNING PERMISSION FOR ONE YEAR subject to the following conditions:

Conditions

|           |  |
|-----------|--|
| A07       | Time Limit – Temporary, Uses of Land   |
| C38       | Development in accordance with plan Nos.   |
| B33       | Foul & Surface water   |
| D11       | The hours of operation shall be restricted to Mon – Sat 9am – 6pm and Sun & Bank Holidays 10am – 4pm   |
| Drainage  | The drainage sediment trap will be installed prior to the business commencing and will remain in place and will be emptied on a daily basis and disposed of to a suitably licensed waste facility. |
| Operation | Operations to be kept within the designated area as shown on the submitted plans   |

Informatives

|     |                                 |
|-----|---------------------------------|
| I40 | Conditions                      |
| I41 | Reasons for Grant of Permission |

REASON FOR APPROVAL:

It is considered that the application is acceptable. Due to the relatively small nature of the proposed business and given its location, there will be no significant detrimental impact on nearby residential dwellings. The proposed drainage and sediment trap will ensure that there is no adverse environmental impact and its location will not have a detrimental impact on existing highway safety. Furthermore, the business will provide employment opportunity, albeit minor, which is supported under Policy CS2 of the Core Strategy.

