

TELFORD & WREKIN COUNCIL

PLANS BOARD

24th October 2012

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TWC/2010/0487

Charlton Arms Hotel, Church Street, Wellington, Telford, Shropshire, TF1
1DG

Partial demolition and alterations to existing Listed Building, & construction of
37no. 1 & 2 bedroom apartments & 4no. 2 bedroom terraced houses

APPLICANT

Nextdom

RECEIVED

13/09/2010

PARISH

Wellington

WARD

College

This application was initially presented to members on the 9th March 2011, whereby members approved the application subject to the signing of a S106 agreement to provide 25% affordable housing, (11 units), split 60% social housing and 40% shared equity; and contributions of £28,230.87 towards primary education and £13,200 towards off site leisure facilities. Unfortunately this S106 has not been signed due to the viability of the site.

Full disclosure of the viability of the scheme has been presented to the Council which demonstrates the inability of the scheme to provide any financial contributions or affordable housing. The Council recognises the need to secure development on and around the listed building to ensure the preservation of this Heritage Asset, and has held several discussions with the developer to bring forward the scheme. The applicant is also seeking funding opportunities from national schemes to ensure the developments commencement.

Consequently the proposal no longer provides any contributions, whilst disappointing it is recognised that the site was acquired prior to the economic downturn, in addition to the vital need to secure the future of the Listed Building. This proposal is considered acceptable and necessary to bring forward the development of the site at this sensitive location within Wellington Town Centre.

RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:

1. A4 Time limit
2. B06 Samples of materials
3. B07 Sample brick panel
4. B11 Details of doors and windows
5. B14 Landscaping design
6. B17 Landscape Management Plan
7. B23 On-site construction
8. B24 Mud on road
9. B30 Land Contamination
10. B33 Foul and Surface Water
11. Non Standard – brownfield discharge rate

12. B50 Details of service interior and exterior
13. B57 Roof lights
14. B67 Programme of archaeological work
15. B73 Trees protective fencing
16. Non standard – tree report
17. Non standard – Protected species survey
18. C12 Landscape implementation hard and soft
19. C18 Access prior to other operations
20. C19 Car parking
21. C38 Development in accordance with deposited plans
22. D01 Removal of all permitted development rights

Reason for approval:

The proposed change of use of the Charlton Arms, whilst regrettable, has been accepted by the Planning Inspectorate, as the use was not necessary to meet day-to-day needs of the surrounding community. Whilst the loss of the hotel is regrettable, the proposed residential use will ensure the Listed Building is preserved and enhanced, by removing a large and unsympathetic extension. Furthermore the proposed conversion will not have a detrimental impact on the fabric of the building. The proposed development within the grounds of the Listed Building is considered an acceptable scale, mass and design which reflects the nature of the surrounding conservation area, and does not adversely impact the setting of the Listed Buildings. The proposed development will not adversely affect residential amenities of the proposed or adjacent dwellings. The proposal will not adversely affect the safety or freeflow of highways users, and provides sufficient parking within the site. Trees and protected species will be adequately protected.

Since the preparation of the report to members, additional plans showing the retention of the cellar and window/ door details have been received from the agent. The Conservation Officer has raised no objection to this but considers a condition is required for the avoidance of doubt.

Whilst mindful of the Inspectors comments, the Conservation Officer has reiterated the concern that there is a lack of justification for the change of use. Officers consider that whilst PPS5 has been adopted since the Inspectors appeal decision, considerable thought was given to the use of the building through the assessment of Core Strategy Policy CS10, whereby the inspector considered the proposal was not contrary to this policy. Furthermore the vacant and dilapidated state of the Listed Building is also material consideration. As stated in the original report, it is considered that bearing in mind the building has stood empty for more than 5 years following the fire, residential use will ensure that the building is retained, restored and enhanced.

The Highways Engineer has maintained his original objections relating to the 4 terraces off Plough Road on the grounds of a substandard visibility splay when exiting. The proposed visibility splay will measure less than 2m by 10m; which is substantially below the 2m x 25m in a 20mph area as suggested by

Manual for Streets. The engineer considers whilst a principle is set by the existing arrangement, this is located further east and provides better visibility than existing. Whilst officers note this view, consideration needs to be given to the previous application; this application reflects the 4 spaces previously proposed, with the same access. The Highways officer did not raise any objection to this application; the application was not refused on this ground; nor did the inspector considered these issues. Subsequently as this issue has previously been considered it is perverse to refuse on such grounds. Officers considered that as the proposal will only involve the maximum of 4 car parking spaces, with approximately 8 trips per day entering and existing the site; the proposal will not have a significant impact on the safety or freeflow of highway users.

Additional information has also been submitted with regard to Tree protection and protected species update.

The Arboricultural Officer has upheld the original objection as the proposed protection methods do not meet current standards; furthermore there are some inaccuracies in tree identification, and some root protection areas are compromised. In addition the applicant is requesting to prune a protected tree on adjacent land, and subsequently consent is required. It is considered that these issues can be addressed, however should be addressed prior to approval.

The Ecologist states that the surveys in 2008 identify that part of the building offers potential roosting spaces, and it is possible that the bats have occupied the building since the last survey. The updated inspection indicates the building has deteriorated considerably since the survey, which impeded the ability to conduct a through search. Subsequently it is recommended that the emergence surveys are carried out during periods of activity May to October. It is considered that these issues can be addressed, however should be addressed prior to approval.

Subsequently there is no change to the recommendation to **approve** the application subject to additional information relating to the tree protection methods and bat emergence surveys.

OBJECTIONS RECEIVED: Yes

MAIN ISSUES:

Principal of development, loss of facility, impact on the listed building and the Wellington Conservation Area, character and appearance.

WELLINGTON TOWN COUNCIL HAVE REQUESTED THE APPLICATION TO BE CONSIDERED BY MEMBERS OF PLANS BOARD.

THE PROPOSAL:

This application is for the redevelopment of the former Charlton Arms Hotel which is Grade II Listed, including partial demolition of the 1960/70's extensions of the hotel itself and demolition a separate residential unit fronting onto Plough Road. The proposal is for the conversion of the remaining section of the hotel into 6 flats. The erection of four new apartment blocks within the car park of the existing hotel, a row of four terrace units fronting Plough Road, and the erection of a small block attached to the adjacent commercial premises in Church Street with associated parking and landscaping. In total the proposal involves the erection of 37 apartments and 4 x 2bed terrace houses.

SITE AND SURROUNDINGS:

The Charlton Arms Hotel fronts onto Church Street in Wellington and benefits from a large car park to the rear. The site is surrounded by predominantly commercial premises although to the rear of the car park to the east is St. Patrick's Church (Locally Listed) and its associated Presbytery; and to the southern side is All Saints Church (Grade II Listed Building) which retains a large strip of land running east to west joining both King Street and Church Street; a number of protected trees are located adjacent to this southern boundary of the site. To the north, the site abuts a number of properties facing onto Plough Road including the detached dwelling which has been subdivided into flats and is to be demolished and replaced with a new block of flats.

At the front of the site, the hotel is abutted to the north by the Learning Centre on the corner of Plough Road and to the south across the opposite side of the access road is DB Roberts estate agent.

On the opposite side of Plough Road, consent has been granted for the conversion of the Severn Hospice to residential accommodation and there are also a number of other residential properties in the vicinity of the site.

The site itself is relatively flat and the car park is bounded by walls which in part define the character of the area. The site has been vacant since November 2006.

PLANNING HISTORY:

W2008/0750 – Full planning for the erection of 42 dwellings with associated landscaping, vehicle and pedestrian access, and bicycle storage; refused by plans board October 2008 on the grounds that the proposal would result in the loss of a community facility and lack of marketing evidence contrary to policy CS10 of the Core Strategy; Appeal dismissed August 2009 on the grounds of design and impact on the Listed Building

W2008/0751 – Listed Building Partial demolition of existing hotel; Deferred by Plans Board October 2008 due to the refusal of the full planning consent;

appeal made on grounds of non determination, dismissed August 2009 due to the lack of information regarding the impact on the listed building.

W2007/1533 – Full planning for the erection of 44 dwellings with associated landscaping, vehicle and pedestrian access, and bicycle storage. Withdrawn January 08

W2007/1534 – Listed building – partial demolition of existing hotel and pair of semi detached dwellings. Withdrawn January 08

PLANNING POLICY CONTEXT:

National Guidance PPS1: Delivering Sustainable Development

PPS3: Housing

PPS5: Planning and the Historic Environment

Core Strategy Policies

CS1: Homes

CS5: District and Local Centres in Telford

CS10: Community Facilities

CS14: Cultural, Historic and Built Environment

CS15: Urban Design

Wrekin Local Plan

UD2: Design Criteria

H6: Windfall sites within Telford and Newport

H22 Community Facilities

H23: Affordable Housing

T4: Development Principles

HE2: Demolition in Conservation Areas

HE3: New Development in Conservation Areas

HE15 Demolition of Listed Buildings

HE16: Alterations and Additions to Listed Buildings

CONSULTATION RESPONSES:

Wellington Town Council: Objects to the proposal. They asked the Borough Council be contacted to see if there were any plans for the future of the building and the owners of the building be contacted to remind them of their obligations for the maintenance of a listed building.

They also raised objections on the following grounds:

- This proposal would deprive a thriving market town of a valuable social and commercial amenity which would not be replaced in the immediate vicinity. The town, with its immensely successful and developing new rail links to London now required central hotel facilities more than ever and upon this basis, no change of use should be permitted. A hotel was required providing social and business amenities for local and national groups.
- Over development of the site. The reduction of the redeveloped units by two would not effectively alter the volume of proposed residences

and the proposed maisonette near to the Roberts building would be completely incongruous.

- Traffic congestion, which would be associated with such a large development, which would adversely affect two major roads in and around the town. The occupants of the proposed units might require parking for up to sixty vehicles.
- The proposed development would not provide appropriate buildings near to, or adjoining or to be viewed from other listed buildings in the town (HE 19 refers) and would not be appropriate, in particular because of the proposed height for erection near to the conservation area of Wellington. These buildings included Portway House, Plough Road, All Saints Church and St Patrick's Church. The proposed "straightened" road would not help St Patrick's Church to be seen from the Church Street entrance.
- The proposed buildings would have an adverse impact on the character of the area, being "insensitively designed" (HE 9 refers). Buildings of three storeys in height should not be erected in this location.

Housing: Percentage of affordable housing is considered acceptable at 25%, however request a larger proportion are 2 beds. Furthermore the development may be an appropriate site to provide "move on" units, involving Social Care.

Education: Response awaited

Leisure and Recreation: No objections subject to the provision of contributions towards off site leisure and recreation facilities.

Land Contamination: No objection subject to conditions relating to land contamination.

Drainage: No objection subject to conditions

Highways: Originally objected to the visibility splays of the four units on Plough Road, and raised concerns over the footpath, turning head and bin store locations if the highway is adopted. Comments on the revised proposal are awaited.

County Council Archaeological Officer: No objection subject to a condition requiring a programme of archaeological work to be carried out.

Shropshire Fire Authority: No objection subject to informatives

Arboriculture: Object due to lack of information

Conservation Officer: Originally objected to scheme with regard to the assessment of the listed building, lack of detail for listed building, justification relates to PPG15 rather than PPS5. Will not support the filling in of the cellars, these must be retained. Loss of modern constructions will improve

the building merely by its absence. Consider general alterations to the listed building are of an improvement with no real loss to historic material. Concerns over the design of the blocks mixing vernacular and polite, where polite are smaller than the three storey vernacular buildings. Concern over the detailing of windows. Subsequently amendments are requested. With regard to the development fronting Plough Road, these now reflect the smaller domestic scale of the dwellings that characterise the area, and is a clear improvement on the previous application. Some concern over the details of the windows which are shown as top hung, these should be sashes. Comments awaited on the revised amendments.

Neighbor Representation: Three letters of objection have been relieved, including a neighboring business. The adjoining Estate Agent raises objections to the proposal on the councils that there is no consent to:

- building work encroaching upon or oversailing their property;
- to attach the marionette to their property;
- or the diversion, obstruction or stopping up of the vehicular and pedestrian right of way to the rear of the premises from Church Street.

The residential objections include the following grounds:

- Consideration should not only be to the alterations to the listed building but the impact on Wellington Town Centre
- Loss of the most prestigious town centre hotel
- Considered the conversion to flats and houses is not the best use of the building
- There are reasons to suppose that it may have been the site of the medieval manor house.
- Archaeological investigations in the several cellars would probably throw light on its many previous uses; however the filling in of the cellars this evidence will be lost / destroyed
- Wellington does not require any more houses or flats;
- Wellington needs a place for local people to meet and stay, a meeting place, to provide food and drink;
- Nearest hotels of this size are the Buckatree or Hadley Park, all of which are not within walking distance
- Note the investment within the centre, including the Civic Centre, and the need for a vibrant town, for both tourism and commercial activities.

PLANNING CONSIDERATIONS:

Core Strategy Policy CS10 seeks to protect community facilities. This policy states that “the loss of existing land or buildings used for the benefit of the community will be resisted; and only where a lack of needs is demonstrated or where acceptable alternative provision exists or is proposed concurrently, will development for non community uses be considered.” Members considered that the proposal did not adequately demonstrate there was a lack of need, nor an acceptable level of alternative provision, and the application was

subsequently appealed. The Inspector broke down the issue of use into four activities:

- The Hotel: The Inspector found that the loss of the hotel facility would not cause harm to the regeneration of the town, nor the number of tourist or business visitors, furthermore the overnight accommodation would not be used by a local community as they would return home.
- Bar and Restaurant: There are numerous bars within the District Centre, supported by public houses that offered food also. Whilst these establishments did not provide a full range of food and drink options it was not for the planning system to control in such a degree, and similarly with regard to the clientele it would serve.
- Function Room: Taking account of the function room the Inspector considered 4 other hotels/ public houses in Wellington that had function rooms of a significant size; all of these were outside the District Centre. The Inspector considered that groups using function rooms would draw people from wider Telford rather than just the community of Wellington, and therefore assumed these facilities would have a certain level of accessibility; furthermore these are supported by other meeting places including community halls, places of worship, schools or similar; consequently the use of a function room would be specific to demand, on cost, size, location and facilities provided.

The Council Argued it was the loss of the facility that created the collective grouping of these 4 activities; the Inspector however found that the policy CS10 was more to meet the 'day-today' needs of a community, and such combinations of activities would be used for weddings whereby the organisers of such events would search a broader area to find a premises that would meet the needs of the specific function, and the need to locate in the District Centre would not be as strong. As such provision exists within Telford & Wellington, alternative provisions existed. Consequently he found the principle was not contrary to Policy CS10 of the Core Strategy.

The Inspector however raised concerns over the proposed development by virtue of its character, scale and design, being of uniform design which did not sit comfortably within the varied and diverse pattern of the built form of central Wellington. He however concluded that the proposed maisonette, attached to the estate agents was satisfactory, and that the separation distance between the proposed blocks and All Saints Church was sufficient. The use of the Charlton Arms as apartments was also considered acceptable.

Comments were also raised by the inspector over the lack of information provided by the applicant with regard to the internal works; whilst the applicant suggested there was nothing of any value to retain, no evidence was submitted to support this claim; subsequently the Inspector refused the Listed Building consent.

With regard to the proposed conversion of the Listed Building, the cellar remains filled; this is unacceptable. The additional PPS5 statement which supports the application states at the conservation officers request this will not

be filled; subsequently amended plans are required to address this element, in addition to window and door details prior to decision. Photographic evidence has recently been provided to the LPA to demonstrate that there are no historic elements which should be retained due to the previous damage caused to the building; confirmation from the Conservation Officer is awaited. The proposal will also remove the large extension to the rear of the building, which does not respect the historic or architectural merit of the building. This proposed removal will provide a significant enhancement to the Grade II Listed Building. Overall the layout of the apartments respects the general layout of Listed Building and will not have an adverse impact on proposed residential amenity.

This application attempts to overcome the Inspectors comments by readdressing the character, scale and design of the blocks. The application has recently been amended to address concerns of officers in terms of overlooking, distance separation, window detailing, and creation of principal elevations. Addressing each block in turn; Block 1a was considered acceptable by the Inspector and remains in this format. Block 1b sits to the right of the proposed access adjacent to the Charlton Arms; this has a close relationship with the setting of the listed building, and is visible from the main road. The unit has been amended from a bulky cranked unit, to a mixture of both polite and vernacular two and three storey unit; the two storey element is located close to the building, and will preserve and enhance the setting of the Charlton Arms.

Block 2 sits to the rear of the site; the unit is designed with similar two and three storey elements to block 1; elevations and apartment layouts have recently changed to give the western elevation a principal emphasis, by the insertion of a front door. Located in the centre of the site is block 3, this has recently been subdivided into two blocks; a two storey element is now separate to the three storey; this overcomes officers concerns with regard to residential amenity, including overlooking, loss of light and distance separation.

A row of four terrace units are proposed to the north of the site, fronting Plough Road. The original scheme included a large mass of apartments which did not preserve or enhance the setting of the listed building or the conservation area. The scale, mass and design of these units now appropriately sit within this context. With regard to the design sash windows are required to reflect the nature of the modest dwellings; this can be controlled through condition. The proposed units will not have an adverse impact on the neighbouring amenities, or in respect of the proposed residential amenities. 4 parking spaces are proposed to the front of these units. Concerns are however raised with regard to the access to these units from Plough Road, due to the lack of visibility splay. However this area of parking was previously considered in the last application and the issue was not previously raised by highways, nor did the Inspector raise any concerns.

Access to all bar these four units is retained adjacent to the south of the Charlton Arms. A central access road runs west to east, leading to a large

area of car parking is situated on the eastern boundary adjacent to St Patricks Church and the Presbytery. This parking is adequately screened from Church Street by blocks 2 & 3, and from St Patricks Church by a boundary fence. Some smaller areas of parking are located adjacent to the blocks in much smaller clusters; these areas are then broken down further through alternative hard and soft landscaping treatments. Highways have raised no concerns with regard to this access or the level of parking which provides 43 spaces for the 41 units. Furthermore two bike sheds are proposed within the grounds, in addition to the central location within Wellington Town Centre, supporting sustainable transport methods.

There are no concerns with regard to contamination, drainage, or archaeology subject to conditions. The arboriculturalist has raised objections with regard to the impact on trees within the Conservation Area as insufficient information has been submitted to consider root protection areas, or consideration of felling. As these trees are protected by the designated Conservation Area, further information has been requested.

The previous application was supported by a bat survey; subsequently an up to date survey has been requested and addressed, the details of which are awaited and will be presented to members in the form of an update.

A level of affordable housing has been proposed by the applicant, providing 25%, 11 units, split 60% social housing and 40% shared equity. The mix requested by the housing enabling officer has also been agreed. The applicant is also willing to provide contributions of £28,230.87 towards primary education and £13,200 towards off site leisure facilities. These contributions and level of affordable housing are considered acceptable.

Conclusion:

The principle for the proposed change of use of the Charlton Arms was considered in depth by the Planning Inspector, and the appeal concluded the loss of the Charlton Arms would not have a detrimental impact on the community's day to day needs. Whilst the loss of this facility is still considered regrettable, consideration needs to be given to the current vacant state of the Listed Building, which is continuing to deteriorate, in addition to today's economic climate where such facilities are closing on a daily basis; furthermore the cost of renovating the facility, and restoring this listed asset is also material to the application. The Council is aware of a public house chain who are seeking facilities in Wellington, and the Charlton Arms has been considered and rejected due to costs; the chain have however found a possible premises and the Council is currently considering the proposed change of use. In this respect it is considered that whilst this premise may remain closed, opportunities still exist within the centre of Wellington, to ensure the centres vitality and vibrancy.

With regard to the proposed scheme, the issues relating to highways and trees have previously been considered and were not raised under the last application, or by the inspectorate; therefore consideration should be given to the amount of weight given to these concerns.

The proposed design, including the scale, mass and layout is considered a vast improvement to the previous scheme; and members are reminded that the application was not refused on these grounds. Officers considered the scheme has now addressed the concerns raised by the Inspector, and will ensure the Listed Building is restored and enhanced by the development, and preserved by the residential use. Subsequently subject to the applicant providing affordable housing, financial contributions for offsite leisure facilities, and primary education, the proposal complies with both local and national planning policy.

RECOMMENDATION: subject to the applicant entering into a S106 agreement to provide 25% affordable housing, (11 units), split 60% social housing and 40% shared equity; and contributions of £28,230.87 towards primary education and £13,200 towards off site leisure facilities, then delegated authority is granted to the Head of Housing and Planning to **GRANT PLANNING PERMISSION** subject to the following conditions:

Conditions to follow in an update.

TWC/2012/0189

Cobb Wood, Rodway Moor Plantation , Rodway, Shropshire,
Erection of a structure to include storage for tools, space for forestry tasks
and to wood store, a small area for shelter, changing, washing and temporary
overnight accommodation

APPLICANT

Mr James Currie

RECEIVED

07/03/2012

PARISH

Kynnersley, Waters Upton

WARD

Ercall Magna

KYNNERSLEY PARISH COUNCIL HAS REQUESTED THAT THIS
APPLICATION IS DETERMINED BY PLANS BOARD.

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Development in the rural area, the impact upon the character
and appearance of the area.

PROPOSAL

This application is for the erection of a structure to include storage for tools,
an area for forestry tasks, a wood store, a small area for shelter, changing &
washing facilities and temporary overnight accommodation in Cobb Wood
which is part of the Rodway Moor Plantation.

SITE AND SURROUNDINGS

The site is 8 acres of deciduous woodland which is accessed from a
padlocked gate by Rodway Bridge. The access is a rough track which is not
easy to navigate due to the length of the grass and weeds which indicates
that it is rarely used by pedestrians or vehicles. The woodland is irregular in
shape and is the 5th parcel of woodland which appears to have been sold to
private individuals; other parcels of woodland have names including
Harewood and Mallard Wood. The River Strine runs alongside the northern
boundary of the site, and there is a watercourse running along the southern
boundary adjacent the access track. Cobb Wood is accessed via a wooden
5-barred gate and at present there is a small touring caravan on site, 2 small
plastic sheds, a small timber shed, various benches, plant pots, tools,
wheelbarrows, a metal portable BBQ, a children's trampoline and various
pieces of domestic paraphernalia.

RELEVANT HISTORY

There is no actual planning history on the site however application
TWC/2012/0468 for the erection of footbridge over the River Strine, retention
of forestry management shed and erection of open building for use as tractor
shed on land adjacent, Rodway Bridge, Cherrington was approved on
21.10.10, which is close to the application site.

PLANNING POLICY CONTEXT
National Planning Guidance:
NPPF 2012

Saved Wrekin Local Plan Policies
Policy UD2 Design Criteria
Policy OL2 Designated Areas
Policy OL11 Woodland and Trees

LDF Core Strategy
Policy 7 Rural Area
Policy CS 12 Natural Environment
Policy CS15 Urban Design

CONSULTATION RESPONSES

Kynnersley Parish Council objects to this application on several grounds, these are:-

- Why is another storage shed needed when there are already sheds on site (without planning permission) for that purpose.
- The Parish Council vehemently disagree with the need for changing & washing facilities or temporary overnight accommodation. This could lead to more permanent facilities in the future
- There are serious concerns about the risk of fire hazard due to the use of a smelter.

Waters Upton Parish Council strongly objects to the proposal and firmly supports Kynnersley Parish Council in its objections. During the debate, Members were concerned to hear of the 'developments' within the wooded area and would look to T&W Enforcement to monitor the site. Any such permission could lead to inappropriate temporary accommodation.

Cllr Steve Bentley has asked the LPA to be mindful of the strong opposition from the Parish Council.

Shropshire Fire Authority has no adverse comments.

The Council's Drainage Engineer has no objections.

The Council's Highway Engineer has no objections.

The Council's Ecologist has no objections.

The Council's Sustainability Officer has no objections.

A site notice has publicised the application.

1 letter of support has been received. The comments made are:-

- As a neighbouring wood owner I support Mr & Mrs Curries application. Woods such as these are in great need of proper management and use. Given their residence is not within reasonable daily travelling distance I think it is a reasonable application they make to erect a shelter with washing facilities. I would have hoped local Parish Council concerns would be more concerned with getting these tracts of woodland back into a degree of management instead of placing hurdles in the way of owners.

PLANNING CONSIDERATIONS

The applicant seeks to obtain planning permission for the erection of a timber structure (measuring 6m x 4m x 2.9m high) to store tools, space for forestry tasks and wood storage, including a small space for shelter, changing, washing and temporary overnight accommodation for no more than 28 days in one year on land which he owns in Cobb Wood which is part of the larger Rodway Moor Plantation.

Cobb Wood forms part of Kynnersley Moor Woods Wildlife Site (a deciduous plantation with some conifers) and An Area of Special Landscape Character and needs to be protected and conserved. It is considered that the scale and design of the proposed shed will not adversely impact on the sustainability of this environment. The proposal therefore accords with the general objectives of Policy CS12 of the Core Strategy DPD and Policy OL2 of the Wrekin Local Plan. The Council also seeks to retain and enhance woodland by supporting initiatives for woodland management, therefore this proposal accords with Policy OL11 of the Wrekin Local Plan.

The shed will be constructed from timber with a shingle roof and thus will not appear incongruous within its setting. The siting ensures that the shed will not be easily visible from the public domain as it will be 102m from the access track and the closest distance to the boundary will be 17m, and therefore it will be well screened by the existing tree cover (and in the winter months too). The proposed shed is therefore deemed compliant with policies UD2 & CS15 which provide guidance to assess whether or not proposals are of an appropriate design quality and relate positively their context.

The applicant has advised that if planning permission is approved the existing caravan and sheds will be removed and the other items and equipment will be stored in the new shed. A single shed would be an improvement on the existing three (albeit small) sheds and the removal of the domestic paraphernalia is welcomed. It should be noted that a range of forest buildings can be erected without planning permission under Part 7 (Forestry Buildings and Operations) of the General Permitted Development Order 1995 (GPDO)). This includes the erection, extension or alteration of a forestry building, such as a tool shed, store, office or shelter. To qualify as Permitted Development (PD) , a building that is erected cannot be used as a dwelling, cannot be within 25 metres of a classified road, and must be “reasonably necessary” for the purposes of forestry. Also, any building must be designed for the purpose for which it is intended, so a forestry hut that looks like a house, or even is capable of providing overnight shelter, is not allowed as PD.

The Parish Council's concerns regarding 'the need for changing & washing facilities or temporary overnight accommodation' are noted.

However, Officer's consider that to use 2.5 sq.m of the shed for shelter and washing/changing facilities is not unreasonable and the occasional overnight accommodation, which will be no more than 28 days per year, is acceptable. This will reduce the number of vehicle movements as the owner lives several miles away from the site in Coventry. Thus, this will be more sustainable than travelling to and from the site every time he visits Cobb Wood.

Part 5 of the GPDO 1995 allows forestry workers to live in caravans in woods during a particular season while carrying out forestry work under certain circumstances. Inter alia these include:

- Use for stationing a single touring caravan for no more than two consecutive nights and for no more than twenty-eight days in a year;
- Seasonal stationing of caravans as accommodation for agricultural or forestry workers.

Therefore, taking the above permitted development allowances into consideration, if the application was refused due to concerns regarding a residential use of the site this would be difficult to successfully substantiate at any subsequent appeal. Furthermore, the applicant could leave/bring a caravan on to the site and stay in it for 28 days per year without the need for planning permission or any control via conditions, and construct a shed under Permitted Development.

The applicant has also responded to Kynnersley Parish Council's concerns which are cited below in full for completeness.

We have noted when checking the progress of our planning application online the Parish Council's comments. We would like to address these issues swiftly:

Firstly in response to the first objection "*1) Why is another storage shed needed when there are already sheds on site (without planning permission) for that purpose.*". If planning permission is approved, upon completion of the structure we will remove all other structures from the woodlands, as these would no longer be necessary. We understand the parish council's view and believe that we have now addressed this matter.

In regard to the second objection "*2) The Parish Council vehemently disagree with the need for changing & washing facilities or temporary overnight accommodation. This could lead to more permanent facilities in the future)*". We have no wish and no plans for any more permanent facilities to be placed on the site and if planning permission is gained there will be no need for any further planning as this structure fulfils all of our current and future needs. The reason for this structure is that we can carry out forestry tasks to manage the woodland, without which the

woodland would become unmanageable. Currently managing the woodland without this structure is particularly difficult. Forestry tasks in their nature are dirty jobs and requires the need to change and freshen up and provide a safe clean area to provide first aid if the need ever arises. The tasks may occasionally require an overnight stay to safely complete them as we live a significant distance away. To make the point explicit there will be no running water in the structure and the term 'washing' refers to using hygienic wet wipes and containers of water.

Finally in response to the third and final objection; “3) *There are serious concerns about the risk of fire hazard due to the use of a smelter*”. We have not stated in our documentation that a smelter will be used on site. We can definitively clarify that no smelters or similar will be used as this poses a severe fire hazard and completely agree with the parish council's view on this point.

It should be noted that if any subsequent applications are received by the LPA for a residential use they would be assessed on their merits at the time in line with the relevant policies. At this moment in time if an application was submitted for residential development it would not be supported by officers as it would constitute a new dwelling in the open countryside in an unsustainable location and thus would be contrary to local policies and national guidance.

CONCLUSION

The management of the woodland is acceptable and compliant with the Council's aim to retain and enhance woodland by supporting initiatives for woodland management. The scale and design of the development will not adversely impact on the sustainability of this environment. To use a small area of the a shed for shelter is not unreasonable and the occasional overnight accommodation, which will be no more that 28 days per year is acceptable and will reduce the number of vehicle movements as the owner lives several miles away from the site in Coventry and thus will be more sustainable than travelling to and from the site every time he visits the site. Accordingly, the proposal is deemed compliant with 'saved' policies UD2, OL2 & OL11 of the adopted Wrekin local Plan 1995-2006 and policies CS7, CS12 and CS15 of the Local Development Framework Core Strategy, and national guidance contained within NPPF.

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

1. A04 Time Limit
2. C38 in accordance with approved plans
3. Dcustom within 3 months of the erection of the new shed all other sheds shall be removed from the site and domestic paraphernalia shall be stored in the new shed when not in use.
4. I40 conditions
5. I41 reasons for grant
6. Ra custom reason

7. Icustom any subsequent applications for residential use are unlikely to be viewed favourably by the LPA.

REASON FOR APPROVAL:

The management of the woodland is acceptable and compliant with the Council's aim to retain and enhance woodland by supporting initiatives for woodland management. The scale and design of the development will not adversely impact on the sustainability of this environment. To use a small area of the a shed for shelter is not unreasonable and the occasional overnight accommodation, which will be no more that 28 days per year is acceptable and will reduce the number of vehicle movements as the owner lives several miles away from the site in Coventry and thus will be more sustainable than travelling to and from the site every time he visits the site.

TWC/2012/0554
12 Dale View, Coalbrookdale, Telford, Shropshire, TF8 7DL
Replacement of existing unauthorised windows and front door

APPLICANT
N Tromans

RECEIVED
10/07/2012

PARISH
The Gorge

WARD
Ironbridge Gorge

CLLR PAUL WATLING HAS REQUESTED THIS APPLICATION BE DETERMINED AT PLANS BOARD

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: The design and appearance and the impact on the World Heritage Site and Severn Gorge Conservation Area.

THE PROPOSAL:

This application seeks consent for the replacement of existing unauthorised windows and door. In 2010 planning consent was given for a two storey extension with a condition stating that materials used shall match those of existing. The existing windows were dark brown timber stained and the current windows and door installed in the recently extended section of the property are white uPVC.

SITE AND SURROUNDINGS:

The property is an inter war semi-detached dwelling of red brick construction with a hipped roof. The property is one of a row of similar semi-detached dwellings, some of which have been extended, which form the character of the street scene along Dale View. The properties back onto woodland to the rear.

The property has a canopy on the front elevation running above two bay windows and central doorway. It has the benefit of a two-storey side extension which is emphasised by the retention of dark-wood stain finish windows on the existing dwelling and white uPVC windows of a different design on the extension element.

Dale View is in a predominantly residential area with characteristics and appearances expected within a World Heritage Site and Conservation Area. Ironbridge town centre is within walking distance with mixed uses and tourist attractions.

PLANNING HISTORY:

TWC/2011/0747 - Replacement of front windows and front door (Retrospective) Refused 14th October 2011.

TWC/2010/0388 - Erection of two storey side extension and loft conversion Granted 15th October 2012. Application for a non-material amendment to TWC/2010/0388 to change windows to white uPVC refused

ENF/2011/0090 – Alleged unauthorised uPVC windows

SURROUNDING HISTORY – TWC/2011/0834 - Erection of a detached single garage and retrospective replacement of timber effect UPVC windows at Plowmans, Dale Road, – dismissed by the Planning Inspectorate on the 1st May 2012 ref: APP/C3240/D/12/2169335

PLANNING POLICY CONTEXT:

Core Strategy:

CS14 Cultural, Historic and Built Environment

CS 15 Urban Design

Wrekin Local Plan:

SG1 World Heritage Site

UD2 Design Criteria

HE3 Development in Conservation Areas

National Planning Policy Framework

CONSULTATION RESPONSES:

The Gorge Parish Council: Has no comment to make

Geotechs: Support subject to instability informative

Shropshire Council: No comment

Built Heritage: Object - The National Planning Policy Framework does make it clear that the setting of a Heritage Asset and any effect on that setting or local distinctiveness are a material consideration in the Planning process s.131 & s.137. Accepts that in this area there is a mixture of window styles; most of the existing uPVC has been done prior to the introduction of the article 4. A number have been done without consent also and these are in the process of being enforced against. Also accept that there are a number of early 20thC buildings along this stretch, this being one of them. There is however an obligation on us to seek opportunities to continually improve the appearance of the World Heritage Site, again as stated in NPPF s.137. Resist the use of uPVC in the World Heritage Site as the typical nature of the material does not lend itself generally speaking to a traditional appearance, being of a generic oversized section, flat and lacking in any kind of traditional or period mouldings, so there is clearly a concern with the use of uPVC windows in that these are not traditional materials either and it has been impossible to get a traditional section for uPVC which has lead to some inappropriate insertions

that do detract from the appearance of the World Heritage Site. However, technology is moving on and it is now possible to get a much thinner section of uPVC in a more broadly traditional that minimises the effect of the material itself, this is of course a more expensive option.

It should be noted here that if an applicant wishes to insert wooden windows, also in an unlisted building within the World heritage Site, they too have an obligation to use windows of an appropriate design, and this will include section sizes. See no reason why if someone insists on proposing a uPVC section then they should not be obligated to follow the same line for consistency, there cannot be one rule for wooden windows and another for uPVC. It is possible to get a traditional section in uPVC now with specialist uPVC companies (and even to achieve a more paint-like finish than the shiny plastic option implied here) and applicants proposing use of such a material should have a view to the fact this is a World Heritage Site and Conservation Area. We should not be allowing any window of any material, wood or plastic, that serves to detract from the setting of such an important site. It conflicts with NPPF s.137 in its respect of the belief that it, and any precedent set by it, will have a harmful effect on the setting of the World Heritage Site and also NPPF s.131, in respect of the belief that such a heavy section window fails to make a positive contribution to the heritage asset, and serves to further diversify the window types along this row and undermine any sense of harmony which in itself would fail to make a positive contribution. The World Heritage Site Circular 07/09 (Section 20 & 21) Highlights the concern over small incremental changes and the erosion of character that can result.

Neighbour consultation responses - no comments received following consultation

PLANNING CONSIDERATIONS:

Planning approval for a two storey extension was granted in 2010. The Local Planning Authority considered that the extension was a satisfactory addition of a subservient scale and with external materials to match existing would be satisfactory within the street scene; subsequently Condition no. 2 of permission TWC/2010/0388 stated that the materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling in terms of their size, colour and texture and there shall be no variation without the prior consent in writing of the Local Planning Authority. Reason: To ensure that the extension harmonises with the existing dwelling.

The front elevation has dark brown timber stained windows and white uPVC windows installed on the recently built two storey extension. A non-material amendment application to amend the plans and allow white uPVC windows was refused and subsequently planning application TWC/2011/0747 was submitted in August 2011 for retrospective permission for the replacement front windows and front door which requested consent to retain the white uPVC windows and replace the existing timber windows with the same. The Design & Access statement on the previous application states that the timber framed windows in the existing property are not original windows and are not

special in any way, therefore not worth conserving. Of the other twenty one semi detached properties in Dale View, two houses have timber double glazing, four houses have metal frames and fifteen have white uPVC; therefore matching the majority of properties in Dale View. The LPA refused this application on the grounds that the white uPVC windows installed in the dwelling were unacceptable by reason of their design, form and appearance which detracted from the original character of the dwelling and harmed the street scene on this part of Dale Road. The windows failed to preserve or enhance the historic character and appearance of the Severn Gorge Conservation Area and the Ironbridge World Heritage Site; no appeal was made.

This new application proposes the use of uPVC windows to the front elevation but with a different design and appearance which removes the central dummy sash elements to the windows.

Material to this application is a recent appeal decision at Plowmans, Dale Road which was dismissed in May 2012. The Inspector states “uPVC is not a traditional material, its widespread use in building construction having largely developed during the latter part of the 20th century. Despite their obvious merits in terms of thermal performance and longevity, the chunky and relatively crude appearance of moulded uPVC sections, and the material’s somewhat mechanical finish, are not in sympathy with the traditional architecture that largely defines the Conservation Area’s distinctive character. The subtleties of such architecture are not reflected in modern uPVC components, the use of which in, my view, is harmful to character and appearance of both the subject building and the wider area. The appellant points out that uPVC windows are now common features within the Conservation Area and has drawn particular attention to a number of properties, mostly in Dale Road, where the Council is said to have granted planning permission for the use of uPVC replacement windows. Whilst I noted at the site visit that the windows cited were, indeed, of uPVC construction, the Council has provided clear evidence that in none of the Dale Road cases has planning permission been granted for the use of this material. Accordingly, I find that the mere existence of these windows provides little by way of support for the appellant’s case”.

Plowmans is a two storey semi-detached house sited at the bottom south side of Dale Road, in close proximity to no. 12 Dale View. It is in an elevated position but set back from the frontage; whereas 12 Dale View is set closer to the frontage and more prominent within the street scene. Since this appeal decision the LPA has reviewed the use of uPVC on the properties along Dale View and subsequently is proceeding with enforcement action and two applications for Certificate of Lawfulness have recently been received. The LPA has little control over the current use of uPVC but hopefully this overuse will now be eradicated over time by having a consistent approach in decision making.

New development within the WHS and Conservation area should enhance and preserve the properties and surroundings. The proposed new windows

are white uPVC, casement style. The appearance of the windows are considered unacceptable due to the size and thickness of the proposed frames, in addition the smooth finish appears harsh. The design and appearance fails to attempt to seek a more acceptable finish i.e. paint like finish. Therefore the windows fail to make a positive contribution to either the appearance of the property or the street scene.

The LPA has discussed with the applicant the possibility of an alternative uPVC design and finish, having a more traditional look and paint like finish that has recently been approved on some properties within the Borough. The applicant however is not prepared to change the design.

Subsequently It is considered that the proposed new uPVC windows are of an unacceptable design and appearance and fail to enhance the appearance of the property. In addition the proposal will neither preserve nor enhance the character or appearance of the World Heritage Site or Severn Gorge Conservation Area; therefore the proposal is contrary to Policies CS14 and CS 15 of the Core Strategy, 'saved' policies SG1, HE3 and UD2 of the Wrekin Local Plan and National Planning Policy Framework

RECOMMENDATION: to REFUSE PLANNING PERMISSION for the following reason(s):

1. The Local Planning Authority considers that the proposed white uPVC windows are unacceptable by reason of their design, form and appearance and fail to enhance the original character of the dwelling to the detriment of the street scene. The proposed windows will neither preserve nor enhance the character and appearance of the World Heritage Site and Severn Gorge Conservation Area.

TWC/2012/0654

Muxton County Primary School, Marshbrook Way, Muxton, Telford,
Shropshire, TF2 8SA

Erection of a single storey extension to provide three classrooms, toilets and storage accommodation with associated works to include the repositioning of the existing sports pitches and pathways

APPLICANT

Telford & Wrekin Council

RECEIVED

02/08/2012

PARISH

Lilleshall, Donnington and Muxton

WARD

Muxton

MUXTON COUNTY PRIMARY IS A TELFORD AND WREKIN COUNCIL SCHOOL THEREFORE THE APPLICATION IS TO BE CONSIDERED BY MEMBERS AT PLANS BOARD.

OBJECTIONS RECEIVED: No

MAIN ISSUES: Scale, design and impact on amenity

THE PROPOSAL:

Permission is sought for the erection of a three class room extension and associated works at Muxton Primary School. The proposed extension includes toilets and storage accommodation and associated works include the repositioning of an existing sports pitch. The extension will provide additional teaching spaces to cater for the increased residential properties being constructed within the school's catchment area.

The extension will be situated on the southern side of the site to the west of the existing school building; it will link with the main school building and be cranked round to run parallel to the existing building. The footprint of the new extension will measure 352sq.m and reflect the shape of an 'L'. The extension would measure 2.46m high to the eaves and 5.56m high to the ridge. The building would extend out towards the west for 14m and northwards for approximately 24m.

The building would feature 5 roof lights in the south facing roof plane, one in the east facing roof plane and 4 window lights in the west facing elevation. The building would comprise of brickwork to match with the existing school. Roof tiles would be Marley Modern Concrete to match and the brickwork banding work comprise of Staffordshire blue engineering blue bricks. The windows would be triple glazed powder coated with aluminium. The proposed extension will incorporate a store room which can be accessed externally for the safe storage of play and sports equipment for the use on the sports field.

The re-positioned sports pitch would measure 48m by 29.5m and will be relocated further west of the existing sports pitch so that it is set approximately 1.7m and 1.9m off the western boundary fence. In addition an

existing timber demountable building, which is situated near to the sports pitch, will be removed from the school grounds in order to accommodate the extension.

THE SITE AND SURROUNDINGS

The site is located in the urban area of Telford where the principle of development is considered acceptable providing works comply with both local and national planning policies. The site lies adjacent to Marshbrook Way and is made up of school buildings, a grassy field as well as hard and soft formal areas.

To the west of the school building sits an existing timber demountable building which is located within the footprint of the proposed extension. This area is a grassy area located several metres from the edge of the existing sports pitch, the sports pitch measures 32.50m by 51m and this grassy area is currently used to site an existing timber shed and bike shelter. Officers view this area as a space in which staff and children use to walk in around the site and as a route from the school building to the existing school field and sports pitch.

To the north west of the site is a staff car park and an existing nursery, to the north is the school's main entrance. There is a children's playing area (Forest School Area) located to the south of the existing sports pitch as well as a sizeable existing hard play area east of the school's main building. The grounds consist of predominantly 1990's period buildings. The site is bordered at the south by Granville Country Park a Woodland Local Nature Reserve (LNR) and Muxton Marsh, a Site of Special Scientific Interest (SSSI), which is 250m from the site.

The northern boundary of the site is screened by palisade fencing to Marshbrook Way with the south easterly boundary being screened by fencing and neighbouring properties. The south and western boundary feature palisade fencing with hedge /undergrowth to the SSSI of Muxton Marsh/LNR of Granville Country Park and the public walkway.

The school grounds are accessed by two points which are the main driveway which leads directly into the existing Muxton Primary School car park accessed off Marshbrook Way and a pedestrian gate within the northern boundary.

CONSULTATION RESPONSES

Lilleshall, Donnington and Muxton Parish Council: No objections

Shropshire Fire Service: Access for Emergency Fire Service Vehicles and Sprinkler System informatives

Sustainability: no comment

Shropshire Council: no comment

Sport England: comments will be presented to members at plans board in the form of an update.

Geotechs: informatives: no objections however I17 (Minerals Area) & I20 (Contaminated Land) are required and Written Informative: High Ground Water: The site is affected by high ground water levels. This must be considered when designing the foundations and BRE Special Digest 1 must be followed especially in relation to high ground water.

18 Neighbours have been consulted and no representations have been made.

PLANNING HISTORY

W2008/0871, formation of a new car parking area, granted 5th September 2008.

W2004/1304, erection of a cycle shelter, granted 20th December 2004.

W2001/1140, erection of a 5 bay pre-fabricated classroom building for use by school and after school childcare, granted 14th February 2002.

W2000/0689, siting of a steel container, granted 26th September 2000.

POLICY CONTEXT;

Core Strategy DPD

CS10 Community Facilities

CS15 Urban Design

Wrekin Local Plan

UD2 Design Criteria

LR1 Provision of Community Facilities

National guidance:

National Planning Policy Framework

PLANNING CONSIDERATIONS

The proposed extension has been designed to meet the school's increased requirements and, provide an open and inclusive learning space which is sympathetic to the local residents and corresponds with the scale of the existing buildings by having the lowest ridge and eave lines.

Policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively their context. It advises the Council to assess proposed development in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality.

Policy LR1 states the Council will permit proposals for community facilities to serve the needs of the District providing that the proposed development is located in a District or Local Centre and satisfies other appropriate policies in the Local Plan.

Policy CS15, amongst other issues, advises that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment.

In addition, national planning guidance contained in the NPPF asserts that development should be of high quality design, in keeping and scale with its location.

In order to accommodate a new extension the grassy area that lies between the west side of school building will be reduced by approximately 220msq.m. The sports pitch will be reduced in size by 241sq.m and will be repositioned to provide the required 2m long runoffs areas between the pitch and the new extension, as well as additional area around it varying from 1.9m to 2.3m. (Sport England requests a 2m runoff for the sport pitches).

It appears from discussions with Sport England and the applicant that reservations have been raised about the positioning of the extension and the area of amenity it will enclose (grassy area). The applicant has considered alternative options and has concluded that the only other option would be to build on either side of the school, where the children currently exit out onto the hard play area and towards the school field. The applicant considers that if an extension was built in that position it would create an extended period of disruption to the school and the pupil's education during the construction phase. Therefore adopting this method would result in the substantial loss of the hard play area, which in itself would be resisted.

Sport England have been consulted and members will be updated with their comments at plans board.

Although the sports pitch will be somewhat smaller than the existing sports pitch, its repositioning will maintain the runoff areas required and an additional 2.3m, as well as supplying the school with dedicated sports storage as part of the scheme which the school currently does not have. Officers appreciate that the extension would be built on a small area of the school's field, however officers should emphasise that the proposed extension will provide the school with the required additional class bases and replace an aging and inappropriate demountable classroom. In addition to this it should be noted that the school provides a play area to the rear of the field, an area of hard standing to the west as well as the sports pitch.

The height of the extension would sit level with the existing school building and be built using materials to match. The case officer deems the extension to be discrete and sympathetic that will reflect the appearance of the surrounding buildings. The extension will be set back from the main road and will be well screened from all surrounding views by reason of the buildings height, position and existing boundary screening. The building may be visible from immediate neighbouring properties located in Winchester Drive; however these views may only be apparent in winter months and be somewhat restrictive by reason of the existing screening and proposed set down.

Due to the site's close proximity to the SSSI/LNR and the removal of a small amount of amenity grassland an extended Phase I Habitat Survey has been submitted with the application.

Absolute Ecology undertook an Extended Phase I Habitat Survey on 20th March 2012. According to Natural England's Standing Advice mid March, is a time of year is deemed appropriate to conduct studies of this detail. The study concluded that the proposed small scale development will not have any impact on the European Protected Species in the area or any sensitive habitats adjacent to the application site. The investigation showed there was little opportunity for habitation by bats or birds due to the lack of cracks or crevices and the two buildings show low potential to support roosting bats as they provide little opportunity for bats to utilise as roosts and no evidence was detected to show bat activity. The proposed works will not affect ponds or significant areas of valuable terrestrial habitat and therefore great crested new surveys of the ponds are not considered necessary. Removal of the small area proposed is unlikely to impact any population of great crested newt should they be present. The site provides no cover and foraging habitat and it is unlikely that a reptile population is present on site. However, care and vigilance is recommended when carrying out any ground works.

However, as there will be the removal of a small amount of grassy area, in order to avoid potentially harming individual newts a precautionary approach to the works is recommended with conditions in line with the recommendations set out in Absolute Ecology Extended Phase I Habitat Survey.

In conclusion the design of the extension is relatively simple and in-keeping with the character of the school building. The proposed materials will match existing and therefore the character of the school and immediate area will not be significantly affected. Furthermore, the extension is considered proportionate in size to the existing site. The comment from Sport England are awaited, however officers do not consider the re-positioning of the pitch will adversely impact upon the schools existing amenity space or sports pitch provision.

For the above reasons, it is considered that this application is acceptable and it is recommended for approval subject to conditions.

RECOMMENDATION: GRANT PLANNING PERMISSION subject comments from Sport England and the following conditions:

A04 Time Limit

C011 Samples of materials

C38 Development in accordance with plans

CCUTOM Development in accordance with extended habitat survey

I17 Minerals Area

I20 Contaminated Land

I32 Fire Authority

I35 High Ground Water

I40 Conditions
I41 Grant of planning permission
RACUSTOM

REASON FOR APPROVAL:

The Local Planning Authority considers the proposed extension and associated works to be appropriate in terms of materials, design and scale. There will be no adverse impact upon the existing amenity space; sports pitch provision, or the character or appearance of Muxton County Primary School itself or the surrounding amenity. Furthermore there will not be any significant overbearing impact or any impact or harm on European Protected Species.

TWC/2012/0655
Land off, Bluebell Coppice, Ketley, Telford, Shropshire, TF1 5NE
Erection of 4 detached dwellings (Outline) *****AMENDED AND ADDITIONAL
INFORMATION RECEIVED*****

APPLICANT

Isobel Reah

RECEIVED

07/08/2012

PARISH

Ketley

WARD

Ketley and Oakengates

This application has been referred to Committee

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Green Network, access, scale and impact on amenity

THE PROPOSAL:

Outline planning consent is sought for residential development with all matters reserved.

Although all details have been reserved the applicants have submitted a design and access statement and an indicative layout which shows four dwellings. The plan has been drawn to show that the properties would sit to the rear of two detached properties (Meadow Rise and Wyrley Barn) that lie south east of Cow Wood and to the north west of The Cedars and Oakwood. Most of the properties along Bluebell coppice are positioned with the principle elevation facing onto the main road.

Although all matters are reserved it is proposed to widen a section of the sites existing access road with the creation of a passing place and for the proposed dwellings to share its access with neighbouring dwellings. The applicant has also stated that an alternative access that is located to the South of the site could be used as access.

The application states that whilst all matters are reserved it is anticipated that the design would be compatible with the character of the 3 and 4 bedroom dwellings.

As part of the application a landscape management plan has been submitted to manage the adjacent Cow Wood as well plant landscaping in and around the site in order to help sustain and improve this piece of Green Network.

The Management plan intends to do the following:-

- Restore previous habitats.
- Identify management requirements to achieve these objectives
- Identify and define the monitoring requirements needed to measure the effectiveness of the management.
- Prioritise actions needed to develop and manage the site.

- Explore the feasibility of accessing grant funding to help develop and manage the site for the next 20 years
- Ensure continuity in management and the effectiveness of developing the site

BACKGROUND

In 1997 Planning Permission was granted for residential development comprising of 188 houses. This permission included the signing of a Section 106 Agreement that required financial contributions and the cessation of the scrap yard use. In 1999 the Environment Agency revoked the scrap yard licence.

The housing layout that was approved in 1997 showed an area to be left alone due to unresolved concerns in relation to potential gassing arising from the Mannerly Wood landfill site. Although this site had been undeveloped it should be noted that this land was approved as part of the rear gardens to plots no. 23 and 24 (Meadow Rise and Wryley Barn). I

In 2000 the gardens to Meadow Rise and Wryley Barn were then reduced in length as a result of an application that was made to vary the approved layout (W2000/0723).

This area now forms the application site and an area of scrubland that is bound by landscaping. Having visited the site it appears as though the aforementioned scrap yard use may still be active, therefore a member of the enforcement team will investigate and comments will be presented to members at plans board in the form of an update.

A property located north east of the site (Meadow Rise) was recently granted planning permission for extensions to the side and rear of the house as well as a detached garage.

THE SITE AND SURROUNDINGS

The application site relates to the east of Bluebell Coppice, adjacent to Cow Wood in Ketley. Cow Wood comprises of woodland measuring approximately 3 acres, it is predominately made up of Hawthorn, sycamore with occasional Oak, Rowan, and Silver Birch, it is on a west facing slope with an abundance of Elder, Holly and Sycamore regeneration. The wood offers good nesting potential for birds but offers minimal bat roosting potential.

Bluebell Coppice is an established residential area of Ketley that comprises of modern, detached, two storey dwellings. The application site itself is situated at the end of a small cul-de-sac to the rear of two detached properties known as Meadow Rise and Wryley Barn.

The site is predominately a colliery spoil heap from the 1880's and has several recorded mine entries near by but not on the site of Bluebell Coppice

The site is immediately surrounded by houses and gardens of Bluebell Coppice at the north and east; an area of scrub to the south and west.

The application site lies to the rear of two residential properties, within a cul de sac of three detached properties. The site is located towards the end of the cul de sac and is bound along its southern and western boundary by means of landscaping and at the north by existing garden boundary fencing. The site is somewhat open to the east and is bound by an existing road. This road provides access to number 7 Cow Wood and what was a former scrap yard.

Further to the south east of the site is an upward sloping road, south of this road are properties The Cedars and Oakwood. This road provides access to number 7 Cow Wood and what was a former scrap yard.

CONSULTATION RESPONSES

Ketley Parish Council: no comments received

Geotechs: no objections subject to conditions

Shropshire Wildlife Trust: comments will be presented to plans board in the form of an update

Drainage: no objections subject to condition foul and surface water run off

Aboricultural: No objections subject to conditions relating to a tree Protection Plan, detailing which trees are to be retained or removed and the location of the HERAS fencing; landscaping design, no burning, soil Levels and material Store

Rights of Way: no comments received

Highways: no objections

Environmental Health: no comments received

Parks and Open Spaces: No objections

3 letters of objection have been received from neighbouring properties. These raise objections on the following grounds:

- Impact on Green Network
- Planning Inspector's decision
- Impact on highway and traffic
- Outlook
- Site is already overdeveloped
- Impact on Cow Wood
- Impact on Wildlife
- Existing Driveway between Meadow Rise and Number 10 is inadequate
- Evidence of Great Crested Newts and Bats in the area

PLANNING HISTORY

TWC/2012/0130, erection of a first floor extension, conservatory and detached garage at Meadow Rise, granted 5th April 2012.

TWC/2012/0263, outline application for erection of 3no detached dwellings, withdrawn 24th July 2012.

W2006/0713, erection of 5 detached dwelling houses, refused 11th August 2005 and dismissed at appeal 14th November 2006, appeal ref: APP/C3240/A/06/2008652

W2000/0089, substitution of house types on plots 176-180, 182 and 189, granted 18th April 2000.

W94/0399, erection of 6 detached dwellings, withdrawn 18th August 1999.

W96/0750, residential development comprising of 188 houses with associated accesses, granted 18th November 1997.

W98/0659, erection of 47 dwellings, revision to plots 115 -160 previously approved, granted 24th June 1999.

W99/0015, erection of 20 dwellings, plots 23-25 and 190-206, refused 29TH March 2000.

POLICY CONTEXT;

National Policy

Planning Policy Framework

Core Strategy:

CS1 Homes

CS11 Open space

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

H6 Windfall Sites in Telford and Newport

EH7 Contaminated Land

OL3 Green Network

OL4 Development in the Green Network

OL5 Extensions and Redevelopment in the Green Network

OL11 Woodland and Trees

PLANNING CONSIDERATIONS

Principle of Development

The site is located in Ketley, approximately 2.5 miles from Wellington Town Centre. It has good accessibility to public transport and local facilities in Ketley local centre. The site is therefore considered to be a sustainable location for

new development, and in accordance with the NPPF's presumption in favour of sustainable locations.

The site is located within the Green Network; the Wrekin Local Plan seeks to protect areas of Green Network in order to achieve the 6 aims of the Green Network. These 6 aims are:

- To maintain Telford's image as an attractive place to live and work
- The separation of built up areas with green wedges
- To provide easily accessible 'green' lungs
- To provide an appropriate study of open land for formal and informal recreation
- To protect, enhance and maintain Telford's ecological and geological and archaeological heritage
- To provide open space linkages

Green Network protection should only be applied where it is identified that the designation sites meet any of the above criteria, which is backed by Counsel's opinion.

In 2006 an application for 5 houses at the site was refused by the council and dismissed at appeal. In 2006 the Planning Inspectorate considered the main issues to be the effect of the proposed development on the green network and on highway safety, particularly with regard to the two proposed driveways. Part of the Planning Inspectorate Green Network reason for the refusal of this site was that this site had been identified to locate a children's play area.

In the decision the inspector states the following:

'Although the site is not managed or maintained, nor particularly attractive, the site has the potential to fulfil several of the Green Network aims. It also has some existing value as open space and contributes to the this Green Network aim as a small but accessible 'green lung'. Its development would therefore be contrary to criterion (b) of Policy OL4. I conclude that the site either meets or has the potential to meet several aims of the Green Network, that there are no exceptional circumstances to override the protective policy and that therefore its development would be contrary to Policy OL4 of the Local Plan.'

In regard to the above refusal it is noted that this piece of identified Green Network is privately owned land with no right of public access, it does not provide open space linkages, it does not provide both formal or informal recreations areas and no longer the potential to provide a play area as it was previously intended. It has no geological or archaeological value and relative limited ecological value. The site is not landscaped; it is somewhat overgrown and untidy with remains of building materials within the area. Furthermore the site does not significantly reduce the surrounding area of Green Network by reason of the site being adjacent to Cow Wood and other areas to the south. This area is also well screened by the existing housing estate, is not open to view and is bound by a high embankment to the north. Furthermore the Extended Phase I Habitat Survey confirms that the only disturbance to any existing green vegetation would only be the loss of self set gorse. This report

also concludes that the development will not have any impact on Protected Species subject to awaited comments from Shropshire Wildlife Trust. Subsequently it is considered that the site does not meet the intended aims of the Green Network Policy or fall contrary to criterion (b) of Policy OL4.

Originally the application site was designated as an area to locate a play area (through a Section 106 Agreement) and this is one of the reasons why the council previously refused applications for housing in this location. However the original developers of the estate went into receivership leaving a number of outstanding payments on the S106 (including maintenance monies for the Neighbourhood Area Equipped for Play NEAP). This meant that the council had no money to maintain the NEAP once it was built. Therefore it was decided to downgrade to a Local Area Equipped for Play (LEAP) and reserve some of the original capital funding for the maintenance. The council were asked to provide the play area but unable to acquire this land Parks and Open Spaces ceded and created a play area in the isolated Mannerly Wood open space. Subsequently Bluebell Coppice is no longer needed for children's play overcoming the main reason for refusal at appeal in 2006.

It is noted that the site is isolated in its position out of view from the public realm and majority of the housing estate, offering very limited visual benefit to the local area. Officers deem that if left alone this site would become somewhat overgrown and a nuisance to residents living directly adjacent. It is therefore considered residential development would make good use of this site and improve its visual appearance. In light of the above officers therefore conclude that this site does not meet the aims of the Green Network and the principle of residential development is considered acceptable.

Management Plan

However in recognition of the importance of the aims of the Green Network this application proposes a Management Plan for the Woodland for a period of 20 years that would be reviewed every 5 years. The applicant had originally intended to furnish the Woodland with litter bins and benches and create a Woodland Walk. However local support of this idea was not received therefore the applicant has decided not publicise the land for public use.

Highways

The previous application was also refused on highways grounds. In reference to impact on highways the Inspectorate stated:-

'Both of the driveways are too narrow to allow two-cars to pass each other. I concur with the Council's view that if a car entering the proposed development was to meet a car leaving, which would be quite likely this would cause nuisance to the occupiers of the existing houses and be dangerous for any pedestrians using the driveways. The hazard would be exacerbated by restricted visibility on the northernmost driveway where, as I saw on site, a wall has been built adjacent to number 8 to shield its garden from overlooking from neighbouring houses. Thus error already causes some vehicle manoeuvres for example reversing out of drives, to be particularly awkward because of the lack of space between number 10 and Meadow Rise. The appellant has provided a plan showing a sightline but since this indicates the

view across a private garden, it could easily be blocked by installation of a fence, a hedge or shrubs or even by a car parked on the drive. I conclude therefore that to introduce more traffic and manoeuvres onto the two private driveways where the existing circumstances are below standard and awkward would, in my opinion be dangerous to all road users but particularly pedestrians and occupiers of the existing and proposed houses. This would be contrary to Policy H6 of the Local Plan which (a) requires windfall sites used for the housing development to be adequately accessed.'

The Council note that access in and out of the site is narrow therefore a place for cars to pass has been included on the plan, overcoming the Inspectorates previous concerns. The council note neighbouring concerns however officers should emphasise that this application is outline only and that highways officers raise no objections. Furthermore the indicative plan demonstrates that the site can provide adequate parking provision. It is therefore considered the proposal will not prejudice the safety or freeflow of highway users.

Other Matters

The Council's Geotechs have not raised any objections to the application subject to various ground work conditions; therefore there are no concerns with regard to land contamination, slope stability or mining. The site can also be adequately drained.

Residential Amenity

This is an outline application; however an indicative plan showing the layout of four dwellings supports this application. The indicative layout plan shows that the site would sit approximately between 14m and 30m back from western garden boundary of both Meadow Rise and Wyrley Barn. The council does not have any specific numeration standards, however generally the LPA require that two-storey properties are set around 10m from a side garden boundary, therefore this proposal accords with these guidelines. The siting shown on the indicative plans clearly demonstrates that an adequate separation distance of around between properties can be achieved. The LPA have acknowledged neighbouring concerns with loss of privacy, overlooking and overdevelopment however considered that the new dwellings in this location would not harm adjacent residential amenity.

It is noted that the proposed development has raised some objections from local residents in regards to leaving the land in its current form. however this is not open land and has no right of way through the site, and therefore of no physical benefit to the public, furthermore it has limited visual amenity. .

In addition to the above officers consider that the status of the Wrekin Local Plan, which will be less at the end of March 2013, is another material consideration that should be taken into account when considering this application. With no replacement policies in draft form, should the application be considered at appeal from this time onward, the Council needs to satisfy proposals also contrary to the NPPF and its adopted Core Strategy.

The Council are aware that development at this site has previously been refused planning permission by both the Council and the Planning Inspectorate. However in reference to permission previously being refused the Council now considers the material considerations that have been outlined above significantly outweigh the previous reasons for refusal and justifies the proposal for residential development in the Green Network.

In conclusion the submitted scheme has overcome the previous reasons for refusal. The proposed development is in Green Network land, alike the surrounding development. However the identified Green Network is private property with no public access, it does not provide open space linkages, it does not provide either formal or informal recreation areas, it has no geological or archaeological value and relative limited ecological value as the site does not support a rich variety of flora or fauna, nor any protected species; the site is not landscaped and has limited visual interest. Whilst the application is in indicative form it is considered that the proposed scale of development is acceptable and will not have a detrimental impact on adjacent residential amenities, furthermore the site can be adequately accessed and sufficient parking provided. For these reasons, it is considered that this application accords with both local and national planning policy.

RECOMMENDATION: GRANT PLANNING PERMISSION subject to comments from Shropshire Wildlife Trust and the following conditions:

Time Limit Outline
Standard Outline
General Details
Samples of Materials
Shafts
Landscaping Design
Greenfield Run Off Rates
Foul and surface water drainage
Shallow Mining
Gas Protection Measures
Stability
Windows set back 75m
Monitoring Land Contamination
Tree Protection Plan
Development in accordance with plans
No Burning
Soil Levels
Material Store
Site Construction Scheme
Habitat Management Plan
Removal of pd

Fire Authority

REASON FOR APPROVAL:

In conclusion the submitted scheme has overcome the previous reasons for refusal and accords with the relevant national and local planning policies. The proposed development is considered acceptable in terms of the scale, design and form. The proposed development is in Green Network land, alike the surrounding development. However the identified Green Network is private property with no public access, it does not provide open space linkages, it does not provide either formal or informal recreation areas, it has no geological or archaeological value and relative limited ecological value as the site does not support a rich variety of flora or fauna, nor any protected species; the site is not landscaped and has limited visual interest.

