

**TELFORD & WREKIN COUNCIL**

**PLANS BOARD**

**27<sup>th</sup> February 2013**

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TWC/2011/0575

Land to the South of, St Michaels Church, Waters Upton, Shropshire, TF6 6NP

Outline planning application for the erection of 8 No. dwellings with associated access and amenity space and church parking provision - Amended Plans

**APPLICANT**

John Brown

**RECEIVED**

13/07/2011

**PARISH**

Waters Upton

**WARD**

Ercall Magna

WATERS UPTON PARISH COUNCIL HAVE REQUESTED THE APPLICATION IS CONSIDERED BY PLANS BOARD MEMBERS

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Policy, suitability of site for development, design and access.

PROPOSAL: The original application was for a residential development for 24 units, including affordable housing, amenity and parking areas to serve the village. All matters were reserved for later approval.

The application would also include the removal of the existing redundant silos and agricultural buildings.

Following concerns with regard to the extent of development, the application was amended, revising the site boundaries and reducing the quantity to the development of 8 residential units of which 40 % would be affordable, and the provision of parking facilities to serve the community. All matters are reserved for later approval; however an indicative layout has been submitted which shows the relocation of an access point along the western boundary, providing a single access point which also serves the existing agricultural fields which abut the southern boundaries of the site. The proposal would retain the existing sandstone wall which acts as the northern boundary of the site, and the existing TPO'd trees along the western boundary.

**SITE & SURROUNDINGS**

The site is currently unused but has previously been occupied for agricultural purposes and a number of disused storage silos and a fire damaged barn remain. The application site has been revised during the application process to the northern end of the field.

The site is relatively level ground covering approximately 0.47 ha, it includes a small access track through the centre of the site.

The site is bounded to the north by a sandstone wall acting as the southern boundary to St Michaels Church and the White House, both of which are Listed Buildings. To the south there is a line of detached dwellings fronting the highway. To the west of the site at the front, the site directly abuts the main

road through the village, providing an existing access point, and is bounded by a sandstone wall whilst to the rear lies a brick wall and open fields beyond. A number of trees are sited along the western boundary of the site, of which three are subject to a TPO.

The surrounding area is predominantly residential, and is located relatively central to the village, approximately 7 miles to the north west of Telford.

#### HISTORY:

W2007/1688 Erection of two units; outline granted subject to the provision of one affordable dwelling 13/07/2010

W2007/1099 Residential development (outline) withdrawn 02/11/2007

#### POLICIES:

Telford & Wrekin Core Strategy DPD 2007

National Planning Guidance

National Planning Policy Framework

Saved Wrekin Local Plan Policies

UD2 Design Criteria

H10 Scale of Development

H24 Affordable Housing Rural Exceptions Policy

LDF Core Strategy

CS1 Homes

CS7 Rural Area

CS10 Community Facilities

CS13

CS14 Cultural, Historic and Built Environment

CS15 Urban Design

#### CONSULTATION RESPONSES:

Waters Upton Parish Council: Originally objected on grounds of extensive development, having a major impact on the community and the village.

Objections include:

- village already increased by 50% over past 10 years
- Existing consent for 16 units in the village still to be built
- Number of properties could produce 50 plus vehicle movements twice a day
- The access is on a narrow road, with no footpaths and poor visibility and opposite a junction, this creating a dangerous crossroads
- Is there evidence of a need for further properties, private and social housing, due to the fact there are a number of empty properties already in the village.
- The central area of the village is built on sandstone – concerns over drainage
- The village currently suffers from the effects of excessive traffic, both in numbers and size; development would add to these dangers and includes no traffic management to address these concerns

- The local school is at capacity
- There is no regular bus service
- The site shows a shared access, along a right of way route, to be used by pedestrians vehicles and farm machinery
- Even if the development is phased, to ensure a need prior to construction, this will mean the village could be disrupted for 15 years
- This central area of te village has an essential green space, which should be preserved – it includes a right of way and picturesque sandstone walls, beautiful trees – this part of the development site should be protected from development, although the old stackyard, with redundant barn and corn hoppers would benefit from some limited development.

Following submission of a revised site area and numbers the parish continue the objection, stating there remains strong concerns:

- Access, in a location where two roads meet, there is no footway and poor visibility. The site will have agricultural access through the residential area, which is dangerous and causes further concerns when vehicles leave the site; in addition the pedestrian right of way will share this access increasing dangers.
- Sandstone walls – within the centre of the village there is a wish for these to be retained.
- The previous application for 22 units used the entire site area of the old stackyard and the adjacent field; whilst the new application uses only the old stackyard the site still opens up the remainder of the field for future development.
- Parish welcome the church car park but concerned over location which is at the end of the site.
- Communal green space is no longer available.
- Wish to remind members of the front runner for the Vanguard Project, working towards a neighbourhood plan. Granting this may contradict the plan.
- Parish maintain the local housing needs register and at this time there is no identified need for more affordable homes.

Drainage: Support subject to conditions relating to soakaways, foul and surface water details and green field run off rates

Contaminated Land (Environmental Health): no objections subject to informatives relating to land contamination

Sustainability: No objections; comment that the proposal provides some very positive sustainability aspects of the development, including code 3 for sustainable homes, layout to comply with lifetime home standards, use of zero or low carbon technology such as solar water heating panels, ground source heat pumps, or air source heat pumps. Rainwater harvesting / water butts and cycle storage. Suggesting code 3 is conditioned as a minimum.

Arboriculture: Originally objected due to the site layout and the loss of tree from the proposed access. Lime trees adjacent to the road along the boundary area subject to a 1995 TPO including the lime adjacent to Cedar Lodge, with no reason for their removal. Following revised plans, a sandstone wall is to be removed from within the root protection area of one of the TPO'd lime trees, creating a new pedestrian path within centimetres of the trunk, changing the rooting environment for tree and subsequent change in soil level; without further information there is insufficient information to support the application and continue to object.

Ecology: Originally object due to lack of ecology surveys for the site. Following additional information now raises no objection subject to a number of bird boxes, and informatives with regard to vegetation, replacement planting and lighting.

Highways: Originally objected, whilst in outline form the proposed access fails to provide sufficient visibility splays; any access point on this frontage would also fail to achieve a 2.4m x 42m visibility splay. Suggesting a speed survey may indicate less than a 42m splay. Considers the site is in an unsustainable location with limited pedestrian, cycle, bus connectivity or availability of local services. Following submission of a Transport assessment, considers the concerns previously highlighted can be addressed through various mitigation measures, which includes the 2.4m x 43m visibility splay, details of the public right of way through the site to accompany the reserve matters application, and a S106 contribution of £5,000 for a Traffic regulation order onto River Lane and village Gateway scheme to the north of the site, reminding motorists they are within a 30mph rural location.

Built Heritage and conservation: Originally objected on the grounds of encroachment to the two listed buildings St Michael's church and the White House, with no clear consideration of the impact on the setting of the listed buildings. The proposed layouts come too close to the southern boundary of both buildings. To preserve this area consideration should be made to some green areas between the listed buildings to prevent the effect of urban growth right up to the boundary. Concerns over boundary treatments given the character stone walls, alterations and partial removal causes concerns. Any house types and designs should take account of this setting. Following receipt of revised plans, improvements have been made to the setting of the listed building's however retains some concerns over the effect on boundary treatments due to lack of detail at outline stage. Building designs should reflect prevailing form of Waters Upton rather than modern.

Strategic Housing: originally objected on the grounds there is only a need for 9 affordable housing units, based on current data of existing planning consents there is only a need for a further 3 units. If the proposal was reduced to meet this remaining need, no more than 8 units should come forward providing 40% affordable housing meeting the requirements of CS7.

Parks and open space: No objection, Originally stated no requirement for a 2<sup>nd</sup> play area within the village, and requests a contribution of £600 per unit

towards off site facilities; following reduction of number of units, under the threshold however requests a small sum towards the new play area.

Education: originally requested contributions for 24 houses of £38710 towards primary education facilities.

Shropshire Fire: No objection subject to informatives relating to access, water supplies and sprinklers.

Local representations were originally received from 3 neighbouring properties raising concerns over:

- Boundary walls, currently remnants of the side of a building, require these boundaries are kept to at least 3m high, in sandstone
- Number of properties proposed; three larger properties would be more appropriate; number of properties already approved in Waters Upton
- The access to the site, with speeding traffic and parking during church events.
- Increased traffic
- Large farm vehicles using the access point
- Use of sandstone as a building material replicating the character of the area
- Impact on wildlife, birds and bats which are present in the area
- Farm been left to deliberately run down, feeling Waters Upton residents pay for the fire.
- Consider all future buildings should be restricted to the A442 so that it does not impact the village so negatively.

Following receipt of the revised plans, one local objection has been received raising concerns on the grounds of:

- Retaining suitable sandstone wall boundaries to properties to minimise the potential of being overlooked.
- Water supply from borehole which must not be disrupted
- Highways authority should be aware that the entrance to the site will be a real danger, due to limited visibility and speeding vehicles
- Whilst there may be housing need, number of houses in the area remain on market after several years, in addition to existing 19 within the village that have consents and remain to be built.

#### PLANNING CONSIDERATIONS:

The site is located within the centre of Waters Upton, one of three settlements identified in the adopted Core Strategy as an area where rural development will be focused to meet the needs of the area. Policy CS1 of the Core Strategy however limits the number of new dwellings in the rural area that can be developed during the period 2006 to 2016 to a maximum of only 170 properties. At the current time this threshold has been met from dwellings already built or having received planning permission. Consideration is also given to the up to date housing need survey published in March 2011 which outlines a need for 3 further affordable housing units, over those which have

planning consents. Furthermore at a national level at the time of submission PPS7 Sustainable development within the rural area, sought to control and limit rural development. Furthermore the principle of development has previously been established on part of the site adjacent to the highway, providing 2 units; this proposal increases the site area and the quantity of development.

The original submission for a larger site proposed to provide up to 24 units on partially developed ground, with 40% allocated as affordable homes. Concerns were made to the applicant with regard to the extent of development, going beyond the quantity of development outlined in both policy H10 of the Wrekin Local plan which supports infill development of 1-2 units within the identified suitable settlements and policy H24 for affordable exception sites limiting developments within the rural area to approximately 8 units where supported by an up to date housing survey.

Since this time there has been a significant change to planning policy at a national level, following the replacement of all planning policy guidance notes and planning statements with the National Planning Policy Framework. The replacement document has now been in place for nearly 12 months, with a strong emphasis on the delivery of development; it asserts that LPA's should support strong, vibrant and healthy communities by providing a support 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. Weight is also given to the adoption of the NPPF, which reduced the weight given to Local Plans which are out of date, judging applications on the degree of conformity to the NPPF, and a presumption in favour of sustainability. The Wrekin Local Plan saved policies therefore have to be given less weight when considering planning applications, subsequently policies H10, and H24 carry less weight than they once did, by virtue of the NPPF and the more up to date core strategy.

The applicant subsequently revised the application at the end of 2012, reducing the proposal to only 8 units, of which 3 (40%) will be affordable. Whilst an objection was previously received from Strategic Housing due to the quantity of development, the amendments are in line with the recommendation to provide up to the current need. Although policy CS7 of the core strategy request the delivery of 40% affordable housing, it has been demonstrated through appeal decisions that the requirement for affordable housing in the rural area should not be requested on sites less than 15 units; thus the provision of 3 affordable units, suggested by the applicant is above what is necessary to meet the provisions of CS7, however it does provide significant justification for the development taking account of rural housing numbers.

The location of the development is within the heart of the village, and its boundaries have been adjusted to include the redundant agricultural buildings, which are situated immediately adjacent to two statutory listed buildings. It is considered subject to sensitive development; the proposal will preserve and enhance the setting, removing the fire damaged barn which currently causes harm. Accordingly the principle of the reduced level of development is considered acceptable. It is noted that there are concerns with regard to the sandstone wall from both local representations and the Conservation officer, in addition to the design of the buildings, however in its outline stage it is considered these can be adequately controlled through conditions and on approval of the later reserved matters application. Furthermore taking account of the ground levels of the site, orientations of buildings, distance separation and amenity areas, it is considered the development will not adversely effect the residential amenities of proposed or existing neighbouring properties.

The proposal in its outline form is accompanied by an indicative layout, which suggests a new vehicular access directly off the main highway, to the south of the existing access, and the creation of a footpath adjacent to the sites boundary with the highway, providing a safe access to the adjacent church. The Highways officer is now satisfied with the amendments and has raised no objection subject to conditions and financial contribution of £5,000 towards a Traffic regulation order through the village. It is also noted that the site previously provided the adjacent church with public parking for special events at the church or other community events, however following an act of vandalism on the site, public liability is not covered under the landowners insurance, and the informal parking facilities have been removed for some time. As this was informal nature, the principle of development is acceptable; however the applicant is willing to provide a minimum of 10 parking spaces to be transferred to the Parish Council to maintain, providing community facilities. It is therefore considered that the site can be adequately accessed and the proposed development will not adversely prejudice the safety and free flow of highway users.

Contributions towards primary education and off site leisure and recreation facilities are requested on sites of 10 units or more; in this case these would have been necessary on a development of 24 units, however the application is below the threshold and as such no contribution is required. Whilst a requested for a small contribution towards off site play facilities is maintained from Parks and Open spaces, it is considered that the benefits of the community parking facilities provided by the applicant outweigh this request, and subsequently have not been pursued.

The site has the presence of three TPO'd trees, one of which may be effected by the proposed access point. Whilst the applicant has still failed to address the issues of the arboricultural officer it is considered there are means of creating the access point without harm to the tree, including some small adjustments to the layout, the materials or methods of construction. This can be adequately controlled and considered further through condition to be

supported in any reserved matters approval, taking account that it is only the principle of development which is currently under consideration.

Whilst the proposal will develop an agricultural site, it is considered the proposal will not harm the natural habitats of current wildlife. Comments from the ecologist are noted, and improvements can be made through conditions; including the installation of 14 bird boxes.

It is also considered that the site can be adequately drained, and there are no concerns with regard to potential land contamination. Neighboring uses are relatively minimal and there are no concerns on the proposed residential uses of the site from adjacent uses in terms of noise, dust or contamination.

In conclusion it is considered that the principle of development is acceptable within the identified settlement of Waters Upton where new development in the rural area will be focused. The proposal will provide 40% affordable housing meeting the current identified need for the settlement, in addition to the provision of some community parking facilities; furthermore the proposal will remove the redundant agricultural buildings, improving the setting of the adjacent listed buildings to the north of the site. With the provision of £5,000 towards a traffic regulation order, the proposal will not prejudice the safety or free flow of highway users. It is considered through appropriate conditioning and submission of appropriate reserved matters application that the site can provide a scheme which will not harm the visual amenities or character of the area, nor harm the setting of the listed buildings and the impact to any flora and fauna can be appropriately mitigated against.

**RECOMMENDATION:** GRANT OUTLINE PERMISSION subject to the applicant entering into a S106 agreement to provide 40% affordable housing, the provision of community parking facilities and the contribution of £5,000 towards a Traffic Regulation Order, grant delegated authority to the Manager of Development Management subject to 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. B61 Foul and Surface Water, Greenfield run off rates
8. Bcustom Soakaways
9. B121 Landscaping Design.
10. B122 Tree Survey
11. Bcustom Tree Protective Fencing/ no dig methods/ services.
12. Bcustom Visibility splays
13. C07 Windows set in 75mm
14. C38 Development in accordance
15. Ccustom bird boxes
16. Custom protection and retention of sandstone wall
17. D01 Removal of PD

## Reason for approval

The Local Planning Authority considers that the principle of development is acceptable within the identified settlement of Waters Upton where new development in the rural area will be focused. The proposal will provide 40% affordable housing meeting the current identified need for the settlement, in addition to the provision of some community parking facilities; furthermore the proposal will remove the redundant agricultural buildings, improving the setting of the adjacent listed buildings to the north of the site. The proposal will not prejudice the safety or free flow of highway users. It is considered through appropriate conditioning and submission of appropriate reserved matters application that the site can provide a scheme which will not harm the visual amenities or character of the area, nor harm the setting of the listed buildings and the impact to any flora and fauna can be appropriately mitigated against

TWC/2012/0314

Land adjacent The Cleveland Arms, High Ercall, Telford, Shropshire, TF6 6AE  
Erection of 6no. dwellings with associated car parking (Amended plans received)

**APPLICANT**

Punch Taverns plc

**RECEIVED**

11/12/2012

**PARISH**

Ercall Magna

**WARD**

Ercall Magna

THIS APPLICATION WAS DEFERRED AT 6<sup>TH</sup> FEBRUARY 2013 TO  
ENABLE MEMBERS TO UNDERTAKE A SITE VISIT

Since the deferral of the application, the Applicant has considered the comments raised by consultees, particularly those from the Conservation Officer, Councillor Bentley, Ercall Magna Parish Council and local residents.

Subsequently, the Applicant has submitted a revised scheme for the terraced properties and additional information in a Drainage Engineer's report. The amended plans have been forwarded to Councillor Bentley and Ercall Magna Parish Council for information.

The Conservation Officer is generally happy with the amendments to the terraced row and additional detailing.

The Council's Drainage Engineer has reviewed the additional information in the Drainage report and is happy with the approach as there should be a net reduction in surface water flows. However he will still require further information to prove that this approach works.

The Applicant is also in the process of preparing a Highway Engineer's report which it is intended will indicate tracking of vehicles, analyse safety of pedestrian routes and provide information regarding the car parking provision compared to the required usage to demonstrate future viability of the scheme will not be affected by the proposal.

The amendments to the scheme are relatively minor changes and officers would reiterate that the principle of development is acceptable. The condition regarding materials is still required to ensure appropriate finish to the development. Furthermore, as additional information would be required in regard to the drainage assessment, the drainage conditions are still proposed.

Accordingly, the officer recommendation is unchanged and remains for approval subject to conditions as per the previous officer report.

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

1. A04 Time limit

2. B11 Samples of materials
3. Bcustom Prior to commencement of new housing development, car parking to pub shall be completed
4. B61 Foul and surface water drainage
5. B64 Soakaway test
6. B65 Location of Soakaway
7. B121 Landscaping details
8. Ccustom Prior to occupation of new housing development, residents' car parking shall be completed
9. Ccustom Vehicular access to B5063 shall operate as entrance only
10. Ccustom Erection of nest boxes
11. C38 Development in accordance with plans
12. D01 Removal of Permitted Development Rights
13. D04 Garages

#### REASON FOR APPROVAL:

The principle of the development is considered acceptable as the site is located in High Ercall a suitable settlement in the rural area where new development will be focussed, whilst maintaining the existing public house and associated community facilities. The proposal is appropriate in terms of the scale and design, and will be in keeping with the character and appearance of Conservation Area. The development will not have a significant detrimental impact on adjoining residential amenity and will not adversely impact highway safety.

The original officer report is attached below for information.

COUNCILLOR BENTLEY AND ERCALL MAGNA PARISH COUNCIL HAVE REQUESTED THAT THIS APPLICATION IS DETERMINED BY MEMBERS AT PLANS BOARD.

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Principle of development, scale and design, impact on character and appearance of the area, impact on residential amenity and impact on community facility.

#### THE PROPOSAL:

The proposal comprises the erection of 2 detached 4-bedroom dwellings fronting the main highway, B5063, which would follow the building line of the Cleveland Arms Public House. A terrace of 4 units, each with 3 bedrooms, would front Ridgway. All the properties would be two-storey. Vehicular access would be from Ridgway, with a single garage and 2 parking spaces provided for the larger properties at plots 1 and 2. A communal car parking area providing 9no. spaces will be located at the rear of plots 3 to 6. Private amenity space will be provided at the rear of each unit, along with provision of existing and proposed landscaping.

In addition, the car parking area to the Cleveland Arms public house will be relocated at the rear of the building on the existing beer garden. A one-way system is proposed to serve the Public House car park with the entrance off B5063 and the exit on to Ridgway as per existing arrangements.

The proposal has been amended from the initial submission and the red line site area has been extended to include the existing beer garden at the rear of the public house which it is proposed will accommodate a replacement car parking area to the public house.

#### SITE AND SURROUNDINGS:

The application site comprises the existing car parking area to the Cleveland Arms Public House and allotments. It is an open area in a prominent location near the centre of High Ercall, with the main B5063 Cotwall Road to the south and estate road, Ridgway to the east. The two-storey red brick public house fronts the B5063, with beer garden to the rear and side and bowling green beyond. The site is generally flat but rises up slightly from the parking area to the allotments and again up to Ridgway.

The pub has been extended to the side and rear. The beer garden is principally a large grassed area with a small number of tables and chairs on an area of hardstanding. The area is bounded by timber fencing and hedgerows, and there is a row of silver birch trees. A footpath link to Ridgway runs between the beer garden and the bowling green. The allotments are screened from Ridgway by a row of conifers.

The site adjoins an established sheltered housing development at Ridgway and further bungalows on Bradford Terrace, with 2 storey Almshouses beyond. The Almshouses are Grade II Listed 17<sup>th</sup> Century properties along with the listed boundary wall. There are both single and two-storey properties further along B5063 and Shrewsbury Road leading into the centre of High Ercall.

The southern part of the application site is located within the High Ercall Conservation Area. On the opposite side of the road to the application site is the grounds to the Grade II\* Listed Ercall Hall, which is well-screened by timber fencing and trees/conifer hedge.

A zebra crossing is situated adjacent to the existing car park across the B5063. There have been informal arrangements for parents to use the public house car park to drop-off and collect their children from the nearby primary school, due to limited parking facilities at the school. The application site is located on a bus route through the village.

#### PLANNING HISTORY:

Various history relating to extensions and alterations at the Public House and bowling green.; the most recent history being:

W2007/1081 Erection of Sheltered Seating Area in Beer Garden of Existing Public House, Full granted.

W2000/0364 Single storey extension to provide disabled WC.

**PLANNING POLICY CONTEXT:**

National Planning Guidance

National Planning Policy Framework

Saved Wrekin Local Plan Policies

UD2 Design Criteria

H10 Scale of Development

H24 Affordable Housing Rural Exceptions Policy

HE3 New Development in Conservation Areas

LDF Core Strategy

CS1 Homes

CS7 Rural Area

CS10 Community Facilities

CS14 Cultural, Historic and Built Environment

CS15 Urban Design

**CONSULTATION RESPONSES:**

Councillor Bentley has requested that the application is determined at Plans Board and makes the following comments:

- 1) The application is not considered to be appropriate for the conservation area.
- 2) It will impact upon the sheltered housing of the Ridgway
- 3) It has implications upon the safe routes to school which the council has significant investment, and future traffic displacement.
- 4) Removal of the allotments which have been established for 50yrs, are contrary to both local, and national guidelines/policies with regards health and wellbeing in communities.

Ercall Magna Parish Council formally greencards the application and requests a site visit by the plans board based on the following points:

- 1) The development is not consistent with the policy on conservation areas and not appropriate for the conservation area.
- 2) The development will impact upon the sheltered housing of the Ridgway Estate.
- 3) It has implications upon the safe routes to school which Telford & Wrekin Council has significant investment in which involves the car park and areas adjacent. Any development will adversely affect its use, feasibility and safety.
- 4) Removal of the allotments which have been established for 50years, are contrary to both local and national guidelines/policies with regards health and wellbeing in communities. The Parish Council has a duty to

- provide allotments, should they be requested, where and will an alternative site be found?
- 5) Concern over the increased dangers for pedestrian access for school children and the elderly at the new crossing in this area including concern over the speed of traffic in the area.
  - 6) Questions over the sewerage and storm water capacity in the area.

Built Heritage Conservation: no objection and makes the following comments: in respect of the previous issues raised, the layout is better given the removal of street front parking. The design of the terrace however is not resolved, whilst I generally question the terrace idea, my principal concerns related to the double 'paired' porches and the render on the gable ends, all of which could have been removed quite easily without much altering of the design. However, the building appears to have been re-designed entirely and not to an improvement. The design is a watering down of the previous submission, plain and lacking in some of the character traits of the former scheme, though it is perhaps not necessarily inappropriate.

Highways: no objection subject to the following conditions:

- i. Public house car park to be laid out prior to commencement of housing scheme
- ii. Residents parking available before occupation
- iii. The vehicular access off the B5063 shall operate as in only,

Drainage: Support subject to conditions relating to Foul and surface water drainage, Soakaway test and details

Ecology: Support subject to condition regarding Erection of nest boxes and informatives regarding Trenches and Enhancement planting

West Mercia Constabulary: Support subject to conditions and makes the following comments: there are opportunities to design out crime and/or the fear of crime and to promote community safety. Therefore should this proposal gain planning approval, the following planning condition be placed upon the said approval. The applicants should aim to achieve Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, The scheme has a proven track record in crime prevention and reduction. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures.

Shropshire Fire Service: Informative regarding Sprinkler systems

6 neighbour objections and 39 duplicate letters from local residents were received with the following comments:

- Highways safety – access arrangements, congestion

- Car parking used by parents for dropping off and collecting children
- Safety of school children (walking bus) and elderly residents using zebra crossing
- Loss of amenity (privacy) and loss of allotments
- Impact on pub's viability
- Ridgway won a national housing award in 2011
- Impact on residents of Ridgway Sheltered Housing development – the existing housing area will become playground for children, grassed areas will be used for sports and potential anti-social behaviour
- Loss of tranquility
- 2-storey development adjacent to bungalows – privacy and overlooking issues
- Site is within Conservation Area
- Car park is currently used for the church during weddings

Following resubmission on the amended plans, 8 neighbour objections and 41 duplicate letters were submitted with the following additional comments:

- Observations that pub receives 2 deliveries per week from brewery, including articulated vehicles
- Proposed development would mean such vehicles would have to park on highway causing dangerous obstruction
- Plans do not show dimensions capable of accommodating large vehicles at access or car park
- Loss of view
- Proximity of car park to existing bungalows – c.25m – potential noise issues
- Overspill parking from bowling club will be outside sheltered housing
- Impact on wildlife
- Devalue property
- Impact on telecommunications – sky signal/ broadband

#### PLANNING CONSIDERATIONS:

In terms of the principle of development; within Policy CS7 of the Core Strategy, High Erccall is listed as one of the suitable settlements in the rural area where development to meet local needs will be permitted. Whilst the development constitutes more than 1 or 2 units on an infill site within the rural area, as outlined in Policy H10 of the Wrekin Local Plan, and Policy H24 asserts that affordable exception sites will be permitted where the scheme involves no more than 8 units; as the Council does not have a specific policy that states the affordable threshold, we can only insist on affordable provision on schemes of 15 units or more, based on national guidance. Accordingly, the scheme does not comprise affordable housing; however the proposal has a mix of larger detached properties and smaller terraced units.

There is a mix of house types and ages of property in High Erccall including the row of traditional Almshouses and the modern bungalows to the side and rear of the site. The two larger properties facing the main highway take design cues from The Cleveland Arms public house. Unit 2 will have dual aspect, thus addressing the prominent corner position. There are no other terraced

properties in the vicinity except for the Almshouses; however the design of the proposed terraced properties is simple and does not try to compete with the adjoining Listed Buildings. The application seeks to incorporate a key feature of the High Ercall Conservation Area which is red sandstone. This will form a boundary wall which will enclose the development. The Conservation Officer has raised some concerns regarding the terraced properties; however the materials and detailing will ensure an appropriate development on the edge of the Conservation Area. Conditions can be requested with regard to materials and detailing. Landscaping details can also be conditioned. The car parking provision for both the new dwellings and the public house will not be overly prominent in the street scene, thus enhancing this site which is currently dominated by the car parking area in this central location in the village. Accordingly the scale, design and form of the development is considered acceptable and is in keeping with the character and appearance of the area.

The level of car parking and the proposed access points have been discussed with the Council's Highways Engineer who has raised no objection to this arrangement, and subsequently it is considered that the proposal will not prejudice the safety and free flow of highway users.

There is a separation distance of some 20 metres between the rear elevations of the bungalows in Ridgway to the north and the side gable of Unit 6. The side gable is blank and the orientation of the buildings will ensure the proposal does not lead to issues of overlooking or loss of privacy, along with the retention of existing hedgerows to boundaries. Likewise, the distance from the front elevations of the proposed terraced row and the bungalows in Ridgway and Bradford Terrace is nearly 20 metres. The removal of householder permitted development rights will help to ensure that privacy is maintained along with adequate amenity space to the proposed dwellings. As each of the properties will have their own adequate garden space, it is considered that the proposal will not lead to significant noise and disturbance from children playing in Ridgway.

In terms of the impact of the repositioned car park and beer garden on other residents in Ridgway; part of the beer garden is already located adjacent to the bowling green. There is a separation distance of approx. 20m from the car park to the rear elevations of No.3 and 5 Ridgway; although it is noted that the parking area is closer to No.11, due to the orientation of the building at the end of the cul-de-sac, with approx. 10m separation. The existing boundary treatment – fence, hedge and trees - is to be maintained which will help to preserve amenity.

Whilst it is noted that the existing allotments have been established at the site for a number of years and they will be replaced by the development, the supporting information to accompany the application describes the allotments as semi-redundant, and at the time of the site visit, the area appeared underused. There is no specific policy in the NPPF that relates to allotments. Local Authorities should protect facilities and green spaces that would reduce the community's ability to meet its day-to-day needs. This area, whilst considered by local residents as an important community facility, does not

appear to be well-kept and provide the community with a significant resource. In terms of the other community facilities, the proposal does not impact on the viability of the public house which will be retained, albeit with repositioned parking area and a smaller beer garden. Furthermore, the bowling green will be unaffected by the development. The informal parking arrangements for school drop-off and collection will continue. Thus, on balance, it is considered that the existing community provision will not be significantly affected by the development.

The consultee comments are noted, and can be added as conditions and informatives regarding Drainage, Ecology, Secured by Design and Fire safety.

Officers understand the strong local opposition to the proposal, with the main concerns being the implications of building on the existing car parking area and allotments, the creation of 2-storey properties adjacent to bungalows, highways issues and school parking arrangements. These matters have been considered above; however with regard to other matters raised, whilst the application does not implicitly state that the car park can be used by the church, it is assumed that as the informal arrangements for the school will continue, the church will also continue to benefit from this facility. The Highways Engineer has considered the tracking of a 9m type lorry entering from the side road and turning within the site. It is considered that the pub has an obligation to use delivery vehicles fit for its site layout and the Highway Authority can only go so far in what it is reasonable to ask this layout to accommodate. However, if the site is designed for a smaller rigid vehicle and they choose to use an articulated vehicle instead (which then has to park on the adjacent highway) any obstruction or danger they subsequently cause would be an offence under S.22 of Road Traffic Act 1988, and a matter for the police to take the relevant action to prevent happening.

The proposal will not have a significant impact on wildlife as the majority of the existing hedgerows will be retained, along with provision of garden areas. With regard to impact of view, officers have considered Unfortunately impact on sky signal/broadband and value of property cannot be taken into account as they are not planning matters.

In conclusion, the principle of the development is considered acceptable as the site is located in High Ercall a suitable settlement in the rural area where new development will be focussed, whilst maintaining the existing public house and associated community facilities. The proposal is appropriate in terms of the scale and design, and will be in keeping with the character and appearance of Conservation Area. The development will not have a significant detrimental impact on adjoining residential amenity and will not adversely impact highway safety. Accordingly the proposal complies with planning policy and is recommended for approval.

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

1. A04 Time limit
2. B11 Samples of materials

3. Bcustom Prior to commencement of new housing development, car parking to pub shall be completed
4. B61 Foul and surface water drainage
5. B64 Soakaway test
6. B65 Location of Soakaway
7. B121 Landscaping details
8. Ccustom Prior to occupation of new housing development, residents' car parking shall be completed
9. Ccustom Vehicular access to B5063 shall operate as entrance only
10. Ccustom Erection of nest boxes
11. C38 Development in accordance with plans
12. D01 Removal of Permitted Development Rights
13. D04 Garages

**REASON FOR APPROVAL:**

The principle of the development is considered acceptable as the site is located in High Er call a suitable settlement in the rural area where new development will be focussed, whilst maintaining the existing public house and associated community facilities. The proposal is appropriate in terms of the scale and design, and will be in keeping with the character and appearance of Conservation Area. The development will not have a significant detrimental impact on adjoining residential amenity and will not adversely impact highway safety.

TWC/2012/0886

Land between 121 & 125, Hadley Park Road, Hadley, Telford, Shropshire, Erection of 14 dwellings with associated garages roads, sewers externals works and double garage for 121 Hadley Park Road. \*\*\*\*Amended Plans Received\*\*\*\*\*

**APPLICANT**

Lioncourt Homes

**RECEIVED**

22/10/2012

**PARISH**

Hadley and Leegomery

**WARD**

Hadley and Leegomery

THE PARISH COUNCIL HAVE REQUESTED FOR THIS APPLICATION TO BE DETERMINED BY PLANS BOARD ON THE GROUNDS OF ACCESS.

OBJECTIONS RECEIVED: Yes.

**MAIN ISSUES:**

Residential amenity, highway safety, drainage, noise and disturbance during construction and ecology and biodiversity.

**THE PROPOSAL:**

This is a full application for residential development at Hadley Park Road in Hadley.

Consent is sought for 14 dwellings and associated garages. Consent is also sought to provide no.121 with a double garage. This group of dwellings would be made up of 9 no. 3 bedroom homes and 5no. 4 bedroom homes. This development would be made of 5 different styles dwellings known as Elm, Aspen Alder, Beech and Birch.

Each dwelling will provide 2 car parking spaces each in the form of garages and parking spaces. In total the site would comprise of 6 double garages to be shared between plots 1, 2, 3, 4, 8, 9 12, 13 and 14. The remaining plots will have spaces to the side or front of the property. In regards to access to the site permission is also sought to create a new junction onto Hadley Park Road.

Originally consent was sought for an alternative design, however subsequent to officers concern with overlooking, the removal of some hedging and the proposed access road the site plan was amended. The plan has been amended to retention of the hedgerow, improvements to the access road in order to control speeds naturally and changes to the layout of properties.

**SITE AND SURROUNDINGS:**

The site regards to an area of land that lies west of 121 Hadley Park Road in Hadley. The site is bound by existing landscaping and Hurley Brook which is bound on both sides by footpath routes within the Telford and Wrekin Green Network. The site itself is fairly flat with a gentle slope westwards towards

Hurley Brook. The land contains low level scrub vegetation and was formerly used as grazing land for horses.

Hadley Park Road provides a local shop and access to Hadley Park Industrial Estate. Hadley is located approximately 5 miles North West of Telford Town Centre and to the west of Hortonwood. The site is located 2 miles from the centre of Hadley which provides a number of services and local facilities which include a number of shops, nearby schools such as Millbrook Primary as well as a number of pubs, churches and community centres. The site is situated immediately to the north of Mill stream Way housing estate and south of Park Court.

Along the southern boundary of the site lies a public right of way known as Silkin Way. Immediately adjacent the site is a mix of residential properties located in a north, east and southerly direction. These properties are a mixture of detached, semi-detached and terraced dwellings are varying ages and styles.

#### PLANNING HISTORY:

None

#### PLANNING POLICY CONTEXT:

National Planning Guidance  
NPPF – National Planning Policy Framework

LDF Core Strategy  
Policy CS1- Homes  
Policy CS11 – Open Space  
Policy CS12 – Natural Environment  
Policy CS15 – Urban Design

Saved Wrekin Local Plan Policies  
Policy UD2 – Design Criteria Policy  
Policy H9 – Location of new housing  
Policy H10 – Scale of development  
Policy H22 – Community Facilities  
Policy T22 – Planning Obligations  
Policy LR4 – Outdoor Recreational Open Space  
Policy LR6 – Developers Contributions to Outdoor Recreational Open Space  
Provision within New Residential Developments  
Policy OL3 Green Network  
Policy OL4 Development in the Green Network

#### CONSULTATION RESPONSES:

Hadley & Leegomery Parish Council: The Parish Council wishes to object to this application on the grounds of access.

The proposed new junction to provide access to the development will create an additional and unacceptable hazard on Hadley Park Road. The proposed

junction is less than 100 metres from another junction that was created approximately 3 years ago to serve an adjacent development, Park Court. That junction has contributed to the congestion around the local shop situated immediately to its north, and is frequently obstructed by vehicles parking to visit the shop. Emerging from that junction is a very hazardous manoeuvre. The proposed new junction in such close proximity will only add to the difficulties that exist and, despite visibility splays, will also be difficult to exit safely.

The Transport Assessment submitted with the application suggests that the highway verge on Hadley Park Road could be used for parking to avoid parked vehicles creating difficulty for vehicles emerging from the new junction; this is a weak argument and the planning authority should not consent to such activity which will cause deterioration of the highway verge in front of residential properties. The assessment also suggests that the existing congestion serves to slow traffic, thereby reducing the danger along that section of road. Again this is a weak argument, and in fact vehicles regularly come in to conflict due to the road being reduced to single vehicle width by parked vehicles.

The proposal is therefore contrary to saved policy UD2 of the Wrekin Local Plan which requires developments to have safe and convenient access.

The Parish Council also has concerns about the risk of flooding and the effect that additional development will have on the flood risk to surrounding properties. The Phase 1 survey submitted with the application confirms that the site is within a zone 3 flood plain according to Environment Agency Records, which has an annual probability of flooding of 1 in 100. Recent events nationwide have shown the increase in frequency of flooding occurrences, and a full flood risk assessment is needed to ascertain not only the risk to the proposed properties but also the impact that the development will have due to loss of open space.

The Parish Council wishes to point out that it raised similar valid concerns about the access junction to the adjacent Park Court Development, and the problems that have arisen since in respect of traffic congestion have borne out those concerns. The Council asks that the planning authority takes note of these comments, which are based on the experiences of local residents and local knowledge, in respect of the current application.

The Parish Council therefore asks that unless it is intended to refuse permission under delegated powers, the application be dealt with under the green card procedure and referred to the Plans Board for determination, and that the Parish Council's letter of representation be copied in full in the report to the Board.

Shropshire Fire Service: Access for Emergency Fire Service, Water Supplies for Fire Fighting and Sprinkler System Informatives

Parks and Open Spaces: Parks and Open Space believe it is essential that all new developments make full provision for the infrastructure/amenities and services which they create. New residents to the area will increase demand upon the existing recreational resource. The development will contain a number of properties which will contribute to the need of recreational facilities for the area. There are some nearby recreational facilities in need of upgrading for children and young people in order to maximise the capacity and meet the need arising out of this development.

I would therefore suggest that should development (if successful) provide 2 or more bedroom properties; that they meet this need through conditioning of WLP Policies LR4 and LR6. This could be provided by providing a contribution towards the upgrading of the nearest community use recreation facilities (which would serve the development area). I would suggest an appropriate sum to request would be £600 per 2 bed property (or above) in relation to this policy. This should be provided prior to commencement of development if at all possible.

Plot 5 appears to have a gap in the hedgerow which opens up onto the Silkin Way. This important link provides for an informal countryside experience in the urban area and as such this plot should be amended to ensure the Silkin Way is screened from this development.

Geotechs: no comment

Drainage: no objections subject to conditions B61 and B75

Ecology: no objection subject to erection of nest boxes condition and Nesting Birds (Vegetation), Trenches and Replacement/Enhancement Planting Informatives.

Arboricultural: To the west of the proposal there is a large dual stemmed Willow tree which will clearly have an influencing factor over Plots 7 & 8, yet there is no information within the application relating to it?

The red boundary edge of the development site dissects hedges to the south and to the west. The southern boundary hedge is maintained by TWC each year. Clarification is required as to where the future management responsibilities of the hedge will lie and to the location of any proposed fencing which may border either of the hedges or the site.

To the west growing on the banks of the Hurley Brook past the Willow trees there are a number of other trees owned and managed by TWC. Within the application there are no details of proposed or existing services and if any are to be discharged into the Hurley Brook.

Following on from the development to the north of the proposal at Park Court, TWC incurred a financial cost with regard to the removal of trees where roots had been severed to incorporate a pipeline to the Hurley Brook following development of the Park Court estate.

Therefore further information will be required so that an informed decision can be made. Such information should include service runs into and out of the site and information relating to the trees adjacent to the proposal.

Highways: Further information requested 05/12/02012:- The Transport Statement describes the access road with a 1.8m footway; this description contradicts the shared surface arrangement illustrated in the planning layout. Would the applicant please clarify this please? A road should be able to control vehicle speeds naturally through physical features such as horizontal deflection. The proposed access road is quite straight in its design and therefore does not control speeds naturally. The applicant will need to change the proposed access road design to include some curves and twists in order to manage vehicle speeds.

Education: Given the number and type of dwellings we would seek a contribution towards education facilities in the vicinity of the development. The attached spreadsheet shows the proposed contribution.

#### NEIGHBOUR CONSULTATIONS

47 Neighbours and two sites notices publicised the application and 13 letters of objection have been submitted. The comments have been summarised below:-

- Loss of privacy
- Impact on Hurley Brook and wildlife
- Congestion
- Increase of parking
- Highway danger
- Would prefer to see bungalows at the site
- Little support for affordable housing
- Loss of light
- Problem of flooding
- Is the presence of various protected species which the ecology fails to mention

#### ADDITIONAL CONSULTATION RESPONSES:

Subsequent to an amended site plan consultees have been re-consulted. Any further comments will be presented to members in the form of an update at plans board.

Following re-consultation additional comments are contained below:-

Arboricultural : Following receipt of the Tree Survey and amended plans I would like to make the following comments;

The proposed foul water and surface water depicted on Drawing No. 3938\_01 will need to be moved southward outside of the root protection area of T8. Additionally, the HERAS fencing stipulated to protect the Willow tree (T8)

growing adjacent to the Hurley brook will be required to encircle the tree adjacent to the proposed utilities as currently it is only shown to protect the tree within the proposal site.

The tree survey does not include the Alder trees which are growing on the banks of the Hurley brook, this group of trees will clearly be affected by the connection of the utilities from the site into the brook as the installation will involve root disruption or severance. It must also be noted that H7 the Hawthorn hedge to the west of the development is neither owned nor managed by Telford & Wrekin Council. If consent is afforded to the application the following conditions will need to be imposed;

B121, Landscaping Design, Plans to include services into and out of the site and planting plans detailing soft landscaping too include points 8, 9, 10 & 11.

B130, Protective Fencing, To mirror that shown on the Tree Protective Plan produced by Peter Jackson Developments, to protect T8, T9 & T10.

B131, Tree Services Roots, with regard T8 as mentioned above.

B133, Tree Replacements, The Alders growing on the banks of the Brook have not been surveyed but will probably need to be removed, if this is the case they will need to be surveyed and mitigation offered in the form replacement plantings.

C71 Soil Levels

C73 Hedge Protection

C78 Landscape Implementation Soft

#### PLANNING CONSIDERATIONS:

- Residential Amenity
- Design
- Highway Safety
- Drainage
- Noise and Disturbance
- Ecology, Biodiversity and Trees
- Section 106 Contributions

Majority of the site is situated within the urban area of Telford where residential development exists. Further residential development is therefore acceptable providing the proposal continues to comply with all local and national policies.

The far western end of 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.

It seems that this section of Green Network may have originally been designated within this site in order to prevent development enclosing the green corridor along the course of the Hurley Brook. The proposed layout will involve properties backing on to the Hurley Brook green corridor, however they will be several metres east of it.

This particular section of Green Network is currently screened from view located several metres west from Hurley Brook. It 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 or the footpath that runs adjacent Hurley Brook. 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.

The proposal is for 14 new houses with garages and a new access road. Policy H6 advises that housing development will be considered acceptable providing the site can be adequately accessed and parking provided, when the site can be adequately drained and the proposal does not adversely affect the surrounding amenity.

Policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to 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 CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment.

The proposal is located near to the centre of Hadley near some local services and facilities and is therefore a sustainable location that complies with guidance contained in CS5 and the National Planning Policy Framework. The National Planning Policy Framework outlines what Local Planning Authorities should significantly boost the supply of housing' (paragraph 47). The NPPF also states that Housing applications should be considered in the context of the presumption in favour of sustainable development.

Officers consider there is no principle objection to residential development in this locality, subject to details for further discussion below.

#### RESIDENTIAL AMENITY

The proposed development borders the side gardens of No's 10 and 9 Park Court and the rear garden boundaries of No.84 and No.82 Millstream Way and No. 125 to No.135 Hadley Park Road. However, the above mentioned properties in Hadley Park Road have good sized gardens (approx 40m in length) and the proposed properties have approx 10m long gardens. This separation distances between properties is sufficient for there not to be any significant overlooking or loss of privacy as it is far in excess of standard guidance of 21m.

Plot 4 will be almost adjacent to the rear garden boundary of No. 84 Millstream Way; however these properties will position at slightly oblique angles to one another and retain a 16m separation distance. Plot 10 will position 4m south of No.9 Park Close however these properties will lie flank side on to one another. Plot 9 will situate approximately 5.7m east of No. 10 Park Close however by reason of the 7m separation distance no adverse affects to amenity will be caused. A condition can be imposed to ensure that no additional windows are inserted in the future to preserve the privacy of surrounding amenity.

Officers are satisfied that the positioning of the proposed development in relation to nearby existing dwellings will not have a significant adverse affect on residential amenity of existing nearby dwellings by reason of any overlooking, loss of privacy or any overbearing effect.

#### DESIGN

The proposed dwellings are of a design that will in keep with the mixed local character of the area. The dwellings are divided up into different styles and will be constructed with materials to be agreed with the Local Planning Authority. The scale and layout of development for 14 dwellings is similar to existing surrounding development to the north. The proposed scheme is therefore not considered out of character with the prevailing pattern, scale or layout of development. Although some of the house types can be considered somewhat of a satisfactory design, an increase in variation in the schemes overall appearance will achieved through the careful choice of materials. Overall the scheme complies with urban design policies UD2 of the Wrekin Local Plan, CS15 of the core strategy and guidance in NPPF.

#### NOISE AND DISTURBANCE

Residents have expressed concerns about noise and disturbance during the construction of the development. Whilst officers acknowledge this concern it should be noted that this problem would be a temporary issue and there will always be noise and disturbance from construction of development, even for development that does not require planning permission. Therefore officers do not consider this reason to warrant a recommendation for refusal, and can be

mitigated through the imposition of conditions for control over the construction period.

#### HIGHWAY SAFETY

The Council's Highways officer originally had some concerns with the proposed layout however subsequent to discussion and the submission of an amended plan these objections have been withdrawn. The highways officer has confirmed by email that there are no objections subject to conditions. Officers have been given two weeks to formerly comment on the application, when comments have been received they will be presented to members in the form of an update at plans board. Although neighbours and the parish council are concerned with the increase in traffic that is likely to arise from this development, it is not a level to be significant and to justify any highway safety concerns or a planning refusal. The proposal is therefore considered to comply with saved policy UD2 of the Wrekin Local Plan which requires developments to have safe and convenient access.

#### DRAINAGE

In light of concerns raised in regards to flooding officers can confirm the Council's drainage engineer has not raised any objections to the proposed development and has advised the imposition of conditions.

#### ECOLOGY, BIODIVERSITY AND TREES

Objections have been received concerning the loss of wildlife and potential harm that will be caused. Officers do not share this concern. The site lies adjacent the Hurley Brook however officers do not consider that the proposed development would cause any harm to any protected species. Further to this the Council's ecology officer has not raised any objections to the application. Originally concerns were raised in regards to the removing a section of hedge along the southern boundary; however the plans have been amended so that the hedge is not altered or harmed in any way. Further to the above and following re-consultation the tree officer has withdrew previous objections and supports the application subject to a number of conditions listed above.

#### S106 CONTRIBUTIONS

The Councils Parks and Open Spaces Officer has requested £600 per 2 bedroom property (or above) which equates to a sum of £8,400. In addition the Councils Education Officer has requested £38105 towards primary education.

#### OTHER MATTERS

The officers acknowledge neighbouring comments regarding a need for affordable homes and bungalows on the site. In regards to this comment the members should note that the trigger for affordable homes is 15 dwellings or above in accordance with policy H23 of the Wrekin Local Plan. Furthermore the Council do not have any policies that make specific reference to particular house types such as bungalows; therefore these matters would not warrant reason to refuse planning permission.

## CONCLUSION

The principle of the development in this location is acceptable as it is in a highly sustainable location within walking distance of Hadley District Centre. The scale, landscaping, layout and appearance will not have an adverse impact on residential amenities of nearby dwellings. The site will provide adequate parking provision and amenity space. Furthermore the proposal is located near local facilities and service and is therefore a sustainable location that complies with guidance contained in CS5 and guidance contained in the National Planning Policy Framework. The proposal is considered compliant with both local and national policy and recommended for approval with conditions.

**RECOMMENDATION:** Based on the conclusions above, the recommendation to Plans Board on this application is that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to GRANT PLANNING PERMISSION subject to the applicant entering into a s106 agreement for £38 105 towards primary education provision, £8,400 To Parks and Open Spaces and subject to the conditions (to be agreed and determined as appropriate).

The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

A04 Time Limit  
B10 Details/Samples of Materials  
B012 Brick Panel Sample  
B61 Foul and Surface  
B75 Greenfield Run off  
B120 Details of Enclosure  
B121 Landscaping Design,  
B130 Protective Fencing,  
B131 Tree Services Roots,  
B133 Tree Replacements,  
B150 Site Environmental Impact Assessment  
C007 Windows set 75mm  
C017 On site Construction  
C38 Development in accordance  
C71 Soil Levels  
C73 Hedge Protection  
C78 Landscape Implementation Soft  
D01 Removal of some PD  
D08 Windows Obscure Glazed

Informatives;

Fire Service Access for Emergency Service, Water Supplies for Fire Fighting, Recommended Minimum Flow Rates and Location of Fire Hydrants and Sprinkler Systems.

I25c Nest Boxes  
I25aNesting Birds

I25e Trenches  
I25g Replacement/ Enhancement Planting  
I32 Fire Authority  
I40 Conditions  
I41 Reason for Permission

REASON FOR APPROVAL:

The principle of the development in this location is acceptable as it is in a highly sustainable location within walking distance of Hadley District Centre. The scale, landscaping, layout and appearance will not have an adverse impact on residential amenities of nearby dwellings. The site will provide adequate parking provision and amenity space. Furthermore the proposal is located near local facilities and service and is therefore a sustainable location that complies with guidance contained in CS5 and guidance contained in the National Planning Policy Framework. A small area of the proposed development is in Green Network land. 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. The proposal is considered compliant with both local and national policy and recommended for approval with conditions.

TWC/2012/0961

Land at, Orchard House, Tibberton, Newport, Shropshire  
Erection of 10 dwellings and partial demolition of Orchard House to provide access \*\*\*Amended Plans Received\*\*\*

**APPLICANT**

Gladstone & May Development Ltd

**RECEIVED**

05/12/2012

**PARISH**

Tibberton and Cherrington

**WARD**

Edgmond

OBJECTIONS: Yes

MAIN ISSUES: Principle of Development, Scale and Design, Character and Appearance, Impact on Adjoining Residential Amenity, Highway Safety, Drainage.

**PROPOSAL:**

This application seeks full planning permission for residential development to the rear of Orchard House in Tibberton. The application seeks consent for a 10 houses that will provide a mixture of 4no. 3 and 6no. 4 bedroom units and garages.

The proposal seeks to demolish the Northern part of Orchard House to allow for a new access road and turning head.

Originally the permission was sought for an alternative layout however following concerns with layout, highways, parking provision and the retention of a TPO tree plans have since been amended to address these issues. Consultees and neighbours have recently been re-notified.

**SITE AND SURROUNDINGS:**

The application site currently forms part of the curtilage for Orchard House and its garden. The garden is somewhat untidy comprising of various structures; the site is currently being used as a paddock. The land located to the east of the paddock is open fields.

Orchard house is currently owned by the applicant however is rented out and operates as a registered Child Minding Nursery that does not have planning consent. The applicant intends to refurbish and sell Orchard House and has given the current occupiers a period of notice to vacate the premises.

The application plot is surrounded on 3 sides by existing housing. A mixture of house types situate along the main lane and in cul-de-sacs located north and west of the site. These cul-de-sacs are known as Middle Croft Road and Great Croft Road.

The applicant has stated that the garden has not been used for any agriculture throughout that time, and historical tax returns can demonstrate this.

NO RELEVANT HISTORY:

PLANNING POLICY CONTEXT:

National Planning Policy  
National Planning Policy Framework

Local Development Core Strategy  
CS1 Homes  
CS7 Rural Area  
CS15 Urban Design  
CS10 Community Facilities

Saved Local Plan Policies  
UD2 Urban Design  
H9 Location of Housing  
H10 Scale of Development  
H24 Affordable Housing in the rural area  
LR1 Provision of Community Facilities

CONSULTATION REPOSES:

Tibberton and Cherrington Parish Council: objects and states that the density would be inconsistent with policy UD2. The parish believe the need for accommodation can be met within the existing housing stock in Tibberton and do not agree with the findings contained within the Parish Needs Survey. Development fails to comply with policy H10. The Parish question the sustainability of Tibberton and states there is little existing capacity in the parish for further employment and many essential services and amenities. There are concerns with Highway safety and drainage as well as the loss of a child-minding service. Request a reptile survey be undertaken for the Common Lizard due to the nature vegetation found on the proposed site.

Shropshire Fire Service: Supports subject to Access for Emergency Fire Service Vehicles, Water Supplies for Fire Fighting and Sprinkler Systems in formatives

Parks and Open Spaces: Parks and Open Space believe it is essential that all new developments make full provision for the infrastructure/amenities and services which they create. New residents to the area will increase demand upon the existing recreational resource. The development will contain a number of properties which will contribute to the need of recreational facilities for the area. There are some nearby recreational facilities (Tibberton Playing Fields) in need of improvement in order to maximise the capacity and meet the need arising out of this development. Request £600 per 2 bed properties (or above) open market dwelling and £300 per affordable home is required to comply with to LR1 of the Wrekin Local Plan.

Arboricultural: According to Drawing No. PL001A Revision B; the proposed access road / turning head appears to be constructed within a metre of the

trunk of the only preserved tree on site (T4). The access is encroaching just under half of the recommended root protection area of the tree. The Arboricultural Assessment prepared by Future Arbor on the 22<sup>nd</sup> of October 2012 has stipulated that the HERAS fencing and subsequent Construction Exclusion Zone that will protect the rooting environment of the tree will extend into the site by 6.7 metres at its farthest point.

Foreseeable problems include branches damaged or broken by delivery vehicles or bin lorries, future disruption to the road surface by roots of the tree or tree decline followed by tree death caused by constructing a road within the root protection area of the tree. The garages for Plots 6 & 7 are still encroaching into the RPA of T5 and will need to be moved eastward out of the RPA. Given the available size of development land the current proposal is unacceptable and therefore I object.

Contaminated Land: no comment

Urban Design: This revised proposal does not satisfy Policy UD2, because it is not considered to be of sufficient design quality, nor does it relate positively to its context, proposing dwellings that are not of an appropriate form, massing, orientation and layout. If 10 units is the required number to make this scheme viable, then it is suggested that the following options are considered;

- The 6 detached units are made smaller, changing the current form and massing to fit comfortably on the site to minimise the problems of overlooking and privacy to existing and new neighbouring units and create good appropriately sized gardens.
- Look to reduce the level of affordable housing provided, thereby facilitating option 1.
- Consider fully rather than part demolishing Orchard House to create one or two new units that could create additional breathing space within the remainder of the site.
- Potentially creating a turning head further towards the point of access to reduce the space currently allocated to the highway within the scheme.

Education: Given the number and type of dwellings education seek a contribution of £26,944 towards primary education facilities in the vicinity of the development.

Drainage: Whilst the drainage layout and calculations that have been submitted are acceptable in principal, details on the future ownership of the proposed drainage system along with microdrainage calculations in electronic format should be submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied. Reason: To ensure satisfactory drainage of the site and to avoid flooding.

West Mercia Constabulary: no objections subject to a Secured by Design Condition

## NEIGHBOUR CONSULTATIONS

10 direct neighbour letters and two site notices have publicised the application. 14 raised objections and 3 have written in support.

Letters of objection refer to the following:-

- There isn't a demand for a development of this scale
- No street lighting
- Very little local employment
- Very few community facilities or services
- Noise and disturbance from construction works
- Increase in traffic
- Drainage and flooding
- Loss of community service
- School is oversubscribed
- High density development
- The layout is out of character with surrounding area
- Loss of open space
- Site is tight and cramped

Letters of support refer to the following:-

- Benefits to the local community
- Support local economy
- Village needs more diverse age demographic to benefit the village
- Affordable housing will allow younger people to stay in the village

## ADDITIONAL RE-CONSULTATION:

Consultees have been re-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.

Highways: With receipt of the amended Proposed Site Layout, Drg. PL001A Rev. D, it seems the majority of my concerns have been mitigated however I would ask for the following conditions:

-C13 – Parking/Loading/Unloading and Turning

-Prior to commencement of development details shall be submitted to and approved in writing by the Local Planning Authority indicating Full Road Construction including Longitudinal Cross Sections, Details of 'No Dig' zones, Details of Blocked Paved Areas and a satisfactory means of Highway Drainage. Works shall thereafter be implemented in accordance with the approved details.

-The Development shall not take place until full access details to include the layout, construction, transitional access feature and visibility splays, have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the buildings occupied.

-Informative I11

Ecology: With receipt of the habitat suitability assessment it can be confirmed that great crested newts are unlikely to be affected by the development. The pond closest to the site and two further away were calculated as moderately suitable to support great crested newts. However, if they are present, they are unlikely to use the development site as terrestrial foraging habitat as there is much greater quality habitat in the fields around the ponds. The development is not considered likely to present a risk to the viability of any local population.

Therefore no further survey is required, and a precautionary approach should be sufficient to remove any remnant risk. This can be covered by an informative.

No objections subject to a nest boxes condition and the following informatives:-

Great Crested Newts

Bats

Nesting Birds (Vegetation)

Trenches

Replacement Planting

## PLANNING CONSIDERATIONS

-Principle of development

-Amenity

-Highways

-Design

-Drainage

-Ecology, Biodiversity and Trees

-Other Matters

-Section 106 Contributions

## PRINCIPLE OF DEVELOPMENT

The proposal is for 10 new houses with garages and a new access road. National and local planning policy outlines new development should be focussed in sustainable locations which have the benefit of a range of services and facilities. 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. Tibberton constitutes a sustainable location and is one of the three key rural settlements in the Borough where development will be focussed to meet local needs, as set out

in policy CS7 of the Council's Core Strategy. New housing is therefore considered acceptable in Tibberton.

Core Strategy policy CS1 requires that the spatial distribution of new homes be consistent with the spatial development strategy stating that housing needs in the rural area will be met by approximately 170 new dwellings. This figure is derived from evidence provided by the Telford & Wrekin Housing Needs Study, with its inclusion in local policy also reflecting national planning policy framework requirements to assist in safeguarding the countryside from encroachment and limit the number of new dwellings in rural areas. This threshold has already been met from dwellings already built or having received planning permission.

The proposed development would therefore exceed the need identified for the rural area contrary to CS1 in terms of the scale of development proposed. . Although the number of dwellings has exceeded the provision of 170 dwellings over the plan period 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 Tibberton and Cherrington Parish Housing Needs Survey Report published in March 2011 identifies a current affordable housing need and in addition to this the Housing Officer supports this type of development at this site. The proposal would incorporate 40% affordable housing provision, which is line with the Core Strategy advice, and is considered by officers sufficient to outweigh the issue of exceeding the rural housing numbers.

Policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to 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 CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment.

In addition to the above it must be noted that from 28<sup>th</sup> March 2013 the National Planning Policy Framework will be one year old. This means Council's without an up-to-date Local Plan will have applications judged by their degree of conformity with the NPPF, and a presumption in favour of sustainability should be applied. The Wrekin Local Plan saved policies therefore have to be given less weight when considering planning applications.

Officers acknowledge that the proposed development does not constitute an infill plot and therefore fails to accord with policy H10 of the Wrekin Local Plan. Policy H10 resists new development unless special circumstances can demonstrate an exception to this policy objection. Therefore the principle issue for consideration is whether sufficient weight can be given to the material matters which would outweigh planning policy and therefore justify a departure from Local Plan Saved Policies.

Although the site would not comply with criteria set out in policy H10 of the Wrekin Local Plan the site would reflect the character of established development within the village. The development would somewhat reflect residential cul-de-sacs located northwards and would sit in line with the existing north easterly building line. Furthermore, the proposed development would be located within a suitable settlement and would provide 40% affordable dwellings, in accordance with both the NPPF and policy CS7 of the Core Strategy. The site in which the development is proposed was the former garden/paddock to Orchard House and is not agricultural land therefore it is considered any new development would not encroach into the open countryside or extends the rural boundary. The development would be located to the west of an existing agricultural field which Officers considers to act as a divide between the existing paddock and the rural open countryside land to the east.

In addition to the above changes in policy it should be noted that the site was identified as suitable site for residential development in the 2010 Strategic Housing Land Availability Assessment. Officers therefore consider some weight should be attached to these findings in assessing this application. Further to this the council carried out a housing needs survey in 2011 that identified a further need for 3no 3 bedroom homes in Tibberton either rented or shared ownership. Although this document was not published some weight should be given to its findings.

Officers therefore conclude that there is sufficient other material considerations and benefits to the scheme which outweigh the non conformity to policy H10 and consider that this site is suitable for residential development.

#### AMENITY

The proposed development would provide adequate parking provision as well as sufficient rear garden space. Adequate separation distance would remain between the proposed houses and those existing properties adjacent to the site to ensure neighbouring amenity is protected., with properties with shorter separation distances set at oblique angles to avoid impacts to amenity.

In regards to neighbouring amenity the Council accept that the adjacent properties would be subject to a loss of view. However these impacts would not be significant. Clearly the views across the open countryside which are currently enjoyed from these habitable room windows will be affected. However, there is no 'right to a view' under planning legislation. The distance between plots are considered adequate and it should be noted that utility rooms, garages and conservatories are not habitable rooms and thus this distance is not considered relevant. Thus, officers consider that they could not refuse this application on the grounds of adverse impact upon the amenity of the adjacent dwelling.

#### HIGHWAYS

The proposed development would provide access off the main lane and along the side of number 67 and Orchard House. The site would provide parking in

the form of garages and parking spaces. With the receipt of an amended plan highways support the application subject to conditions relating to parking, loading and turning and access and full road construction details.

## DESIGN

It is considered that the design and appearance of the proposed properties would relate positively to its context, and would incorporate many architectural details which are present on some of the more traditional Duke of Sutherland the neighbouring dwellings, such as brick eaves and verge detailing, and brick arches above doors and windows and sympathetic facing materials. Officers consider the proposed design to be acceptable and in keeping with the surrounding area.

Officers acknowledge neighbouring concerns as well as objections made by the Councils Urban Design Officer and whilst officers do consider the site to be somewhat cramped, do not consider the layout is a sole reason to warrant a refusal when considering the overall benefits the scheme would bring to the area. The proposed development will provide 4 affordable homes in a suitable settlement in accordance with CS7 and conform with the National Planning Policy aims to boost the supply of housing in a sustainable location.

## DRAINAGE

Concerns have been raised with regard to flooding and the proposed drainage methods. However officers can confirm that the development falls within the Environment Agency's criteria for Standing Advice and the Drainage supports the application subject to a condition requesting electronic calculations.

## ECOLOGY, BIODIVERSITY AND TREES

Objections have been received concerning the loss of Wildlife and potential harm that will be caused. The applicant has recently submitted a Habitat Suitability Assessment which has been attached to the file. The Council's ecologist has reviewed the assessment and concludes that great crested newts are unlikely to be affected by the development and therefore supports the application subject to a condition and informatives.

To the east of the site positions a tree that is protected by a Tree Preservation Order, the proposed site plan shows the retentions of this tree as well as a no dig zone to ensure that no harm is caused during development.

## SECTION 106 CONTRIBUTIONS

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. A contribution towards off site leisure and play facilities (£4,800) and primary education (£26,944) is required due to the number of units proposed. These contributions amount to a total of £31,744.

## OTHER MATTERS

Concerns have been raised in reference to Orchard House and the loss of the Child Minding Service. Officers acknowledge that if approval is granted the

service will have to re-locate. Whilst officers sympathise it should be noted that the owner of Orchard House could at any time serve notice on the existing tenants and sell the property. Therefore officers do not consider this loss to be a significant material consideration in this case.

Furthermore neighbour's have stated that the application fails to comply with Policy CS11 of the Core Strategy. Officers acknowledge these comments however should note that this particular site does not constitute as open space. The site is privately owned and not available for use by the public.

## CONCLUSION

Overall, on balance, officers consider that the proposed development is acceptable sustainable development that conforms to guidance in the National Planning Policy Framework, as it is located in one of the three identified villages for development as set out in the core strategy; the plot is an acceptable form of development and is not an encroachment into the open countryside. Officers consider that this latest guidance for the presumption in favour of sustainable development is sufficient to outweigh any saved policy objections. Although the layout is somewhat cramped the design of the proposed dwellings is of a good standard and will be in-keeping with the character of the area and will not detract from the architectural merits of existing properties in this part of Tibberton. The development will provide a 4no.affordable homes and a number of different sized dwellings without having an adverse impact on neighbouring properties due to the adequate separation distances and boundary treatment. Sufficient outdoor amenity space is retained for the adjoining dwelling and adequate private garden will be provided for the proposed dwelling. A safe and appropriate access to the site can be achieved as well as suitable provision of on site parking.

**RECOMMENDATION:** Based on the conclusions above, the recommendation to Plans Board on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the applicant entering into a s106 agreement for £26,944 towards primary and education provision, £4,800 to Parks and Open Spaces, 40% affordable homes and subject to the conditions (to be agreed and determined as appropriate).

The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

A04 Time Limit

B10 Details/Samples of Materials

B012 Brick Panel Sample

B120 Details of Enclosure

BCUSTOM – Drainage Condition Electronic calculations

B150 Site Environmental Management Plan

C007 Windows set 75mm

C13 Parking/Loading/Unloading and Turning

C017 On site Construction  
C38 Development in accordance  
CCUSTOM Full Road Construction Details  
CCUSTOM Access details  
D01 Removal of PD to properties with limited garden depth.  
D08 Windows Obscure Glazed  
DCUSTOM Erection of Nest Boxes

Informatives;

I11

Fire Service Access for Emergency Service, Water Supplies for Fire Fighting, Recommended Minimum Flow Rates and Location of Fire Hydrants and Sprinkler Systems.

I23Bats

I24aGreat Crested Newts

I25aNesting Birds (Vegetation)

I25eTrenches

I25g Replacement/ Enhancement Planting

I32 Fire Authority

Proactive Statement

I40 Conditions

I41 Reason for Permission

As a result of re-consultation it should be noted that additional comments may be added to the list above and presented to members in the form of an update.

The proposed development is acceptable sustainable development that conforms to guidance in the National Planning Policy Framework, as it is located in one of the three identified villages for development as set out in the core strategy; the plot is an acceptable form of development and is not an encroachment into the open countryside. Officers consider that this latest guidance for the presumption in favour of sustainable development is sufficient to outweigh any saved policy objections. Furthermore, although the layout is somewhat cramped the design of the proposed dwellings is of a good standard and will be in-keeping with the character of the area and will not detract from the architectural merits of existing properties in this part of Tibberton. The development will provide a number of different sized dwellings, without having an adverse impact on neighbouring properties due to the decent separation distances and boundary treatment. Sufficient outdoor amenity space is retained for the adjoining dwelling and adequate private garden will be provided for the proposed dwelling. A safe and appropriate access to the site can be achieved as well as suitable provision of on site parking. In addition the development will provide 40% affordable homes as well as a contribution towards off site leisure and play facilities and primary education.