

TWC/2014/0998

Land adjacent Windermere House, Farm Lane, Horsehay, Telford, Shropshire
Erection of 13no. dwellings with associated parking, access and drainage *** Amended
plans received ***

APPLICANT

Eternity Developments Limited ,

RECEIVED

06/11/2014

PARISH

Dawley Hamlets

WARD

Horsehay and Lightmoor

OFFICER Vincent Maher

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: principle of developing site for housing; scale of development proposed; heritage and design considerations; impacts on living conditions of neighbouring residents; highways; drainage; impact on other infrastructure; other matters raised in the consultation process

PROPOSAL

This is a full application covering a site of 0.8ha towards the southern end of Farm Lane, Horsehay. The application is for 13 new houses comprising 10 detached houses providing four and five bedroom accommodation and a terrace of three houses.

Garage parking is provided for 20 vehicles with space in front gardens for additional off street parking including tandem parking provision.

The housing would be loosely grouped around a new communal open space area. Indicative landscaping details have been submitted with the application.

Local residents were consulted on revised layout plans on 2 February. An additional set of section drawings submitted on 10 February to clarify the relationship between the revised plans covering the application site and the houses at New Row. A more detailed set of drainage plans was submitted on 11 February to respond to a query from the council's drainage officer.

In addition to the submitted plans, the following documents have been provided as part of the application:

- Design and access statement;
- Highways and drainage report along with store sewer design and report showing the impact on the locality of 1 in 100 year "plus 30" storm event, that takes account of the theoretically possibility of more erratic and severe storms in time to come as a result of climate change;
- Ecological assessment;
- Planning assessment;
- Arboricultural assessment;
- Heritage impact statement; and a
- Geo-environmental report and coal mining risk assessment.

In response to local feedback, the developer has agreed to make one final and minor set of revisions to the submitted plans. This involves moving the houses on Plots 5 and 6 forward

by 1m and altering the orientation of the terrace at Plots 7 to 9 marginally to increase the distance between habitable rooms in the new houses and the existing houses on New Row. A supplementary report will be prepared which analyses this minor change.

SITE & SURROUNDINGS

Farm Lane is located in an urban location off Wellington Road in Horsehay, located west of local services in Dawley and to the south of the new Lawley village. Bus services linking the site to Telford Town centre can be found at Woodhouse Lane to the south.

The application site is a large, broadly rectangular field located in a residential area within the Horsehay Conservation Area (the CA) which extends eastwards and southwards of the site and in a locality where house forms vary somewhat. The housing on the opposite side of the road outside the CA is broadly characterised by large detached houses ranging from the Victorian to the modern era. To the east and south, the housing stock is generally older and smaller. There is a Grade II listed terrace of cottages at New Row immediately to the east of the site, built in the early 1830s.

Vehicular access to the south of the site is restricted because of the installation of bollards to prevent rat running through the neighbourhood. All vehicles leaving the site would have to drive onto Wellington Road.

Site levels in the area generally fall in a north west to south easterly direction towards Horsehay Pool. The site has been levelled but there is a noticeable drop in levels between the application site and the New Row terrace. There is a scattering of trees within the site around its boundaries as well as a small agricultural building that would appear to have been used one time as a stable.

PLANNING HISTORY

Farm Lane 7(1) approved by the Secretary of State in 1989. This area identified as site 2.

W96/0597 Residential development (10 dwellings) - Granted

W98/0741 Erection of 10 dwellings and formation of new accesses - Withdrawn

W2000/0214 Renewal of planning permission W96/0597 - Withdrawn

PLANNING POLICY CONTEXT

National Planning Policy Framework (the NPPF) – the NPPF is not the development plan for Telford and Wrekin but is a material consideration in this case because all of the borough's development plan policies have to be viewed in the light of this more recent guidance.

Saved Wrekin Local Plan policies

- UD2 Design Criteria
- UD3 Urban Design Assessments
- UD4 Landscape Design
- H6 Windfall sites in Telford and Wrekin
- H9 Location of new housing
- H23 Affordable housing
- HE3 New development in Conservation Areas
- HE4 Detailed applications
- HE25 Locally Listed Buildings
- T22 Planning Obligations
- OL12 Open land and landscape – contributions from new development
- OL13 Maintenance of Open Space
- LR4 Outdoor recreational Open Space

LR6 Developer contributions to outdoor recreation open space provision within new residential developments

LDF Core Strategy policies

CS1 Homes

CS3 Telford

CS12 Natural Environment

CS13 Environmental Resources

CS14 Cultural, Historic and Built Environment

CS15 Urban Design

SUMMARY OF CONSULTATION RESPONSES:

STANDARD CONSULTEES:

Dawley Hamlets Parish Council: Object

Development does not complement other houses on the lane. Scale (mini estate layout) is inappropriate. Should reflect existing houses on Farm Lane. Drainage problems with water runoff from higher Farm Lane affecting lower properties on New Row. New Row residents would need to be assured that development will not adversely affect their properties.

Cllr Mollett: Object

Has asked for application to be determined by the Planning Committee.

Scheme not in keeping with design/ layout of existing buildings in Farm Lane; loss of amenity in views across open space; increase in drainage problems; impact on New Row cottages; increase traffic pressure because of additional vehicles accessing onto Wellington Road.

Highways: Comment

Asked for revisions on this earlier application to which developer has responded.

Highways officer has reviewed revised plans and is satisfied with them. Recommends conditions to confirm parking layouts, sightlines, surface water drainage, environmental site management during construction and adoption of "stub" of land at southern end of the site.

The officer has also considered comments from residents on highway safety and offered the following comments:

The junction between Farm Lane and Wellington Road has adequate visibility in both directions for the speed of the road and comfortably allows for the passage of two vehicles within the bellmouth. Farm Lane also has excellent forward visibility, is naturally traffic calmed by its informal lane design, has sufficient width for two vehicles to pass however also offers passing areas for more cautious drivers and serves a very small number of units. Existing vehicular activity at this junction and along Farm Lane within a peak hour is minimal and although the proposed development will double the number of dwellings served off Farm Lane the increase of vehicular movements as a result of the proposed development will still have a negligible effect on the safe operation of this junction and the Informal Lane. The proposed development layout also provides adequate on plot parking and turning areas therefore the over spill of parked vehicles onto Farm Lane is very unlikely.

Therefore I do not consider that the increased numbers of vehicle movements at the Wellington Road Junction and along Farm Lane as a result of the proposed development are severe Highway Safety considerations to warrant any Highway Refusal which could be defended at appeal.

I would however ask that the existing access stub to the site which currently provides an informal turning head for domestic vehicles and refuse/ delivery vehicles is retained within Farm Lane and is formally adopted by the highway authority to secure this turning facility for the public and servicing vehicles.

Advises that the vehicular access stub/ refuse vehicle turning area on Farm Lane will need to be adopted by the highway authority under the Highways Act 1980.

Confirms that the internal road layout will not be adopted by the highway authority.

Built Heritage: Objection to original plans

Overall scheme not entirely successful in seeking to reflect character and distinctiveness of CA.

Following detailed observations provided:

- Concerned about relationship between plots 10 and 11 and 12 and 13 and plots 5 to 9.
- Detailing acceptable but use of integrated garages in the terrace not a traditional form.
- French doors on front elevations of some houses not desirable.
- CA characteristically made up of walled boundary treatments and soft hedges. Lack of information submitted.
- Landscaping information poor.

The applicant has in part addressed these observations and comments on the revised scheme are set out below.

Drainage: Comment

Happy with principle but require drainage layouts to locate attenuation and control features in areas of shared space or public open space. Propose conditions to finalise such matters. Developer has submitted revised details on this matter.

Parks and Open Space: Comment

Development will contribute towards need for play/recreational facilities in the area. Suggest a £600 contribution per dwelling towards this. If council is to adopt open space within the site, will need to be subject to a legal agreement for maintenance or failing this a condition to ensure its ongoing maintenance.

Sports and Leisure Provision: Comment

Echo views of Parks and Open Space service.

Education: No objection

Will not be seeking a s106 contribution on this site on basis of scale of the development and the surplus at the catchment school.

Ecology: Comment

Site classified as semi improved grassland. Adjoining ponds have been assessed for greater crested newts. Recommend conditions covering following matters: development to be built in accordance with ecological assessment; artificial nesting/ roosting boxes; lighting plan. Also recommend informative around nesting wild birds; storage of materials; trenches and pipework; and bats and trees.

Arboriculture: No comments received at the time of writing.

Shropshire Fire Service: Comment
Standard informative proposed.

LOCAL REPRESENTATIONS:

First round of consultations:

At the time of writing, 30 residents have made submissions, the vast majority of which are objections. The council also received a “community response” purporting to be the collective view of 49 residents who attended a public meeting at Horsehay Village Hall. A number of residents have written in to confirm they support this “community response”.

The submissions received collectively raise the following issues:

- Development design and layout does not respect the existing houses on Farm Lane with long gardens, should be limited to six houses. 13 dwellings not consistent with recent decisions. Density does not reflect surrounds. Scheme looks like a “Legoland special”.
- Terrace adjacent to New Row not supported, would result in loss of views of the listed terrace, harming the setting of the listed buildings and CA.
- Loss of privacy/ loss of light to residents of New Row because of change in levels.
- Local drainage problems could/ would be worsened. Properties on New Row have cellars which could be affected. Drainage concerns were reported to the council for planning application W96/0597. Flood prevention system needs to be put in place before any house building takes place. If a scheme is approved, there should be restrictions on this land to prevent an increase in surface water flowing towards New Row terrace. Developer should indemnify local residents for damage to houses.
- Traffic impacts on Farm Lane and A5223. Access from Wellington Road a sharp bend and area with several road traffic accidents. Access from Plots 11 and 12 onto Farm Lane will cause a safety problem. Junction can't cope with extra traffic.
- Traffic problems on Farm Lane - vehicles have to reverse up Farm Lane. Not acceptable. Lane not wide enough for two vehicles to pass one another. Road speeds should be restricted to 20mph with children playing sign.
- Environment report does not recognise the importance of the open land and wildlife in the area – residents have reported sightings of or suggest evidence of lizards, owls, toads, badgers, snakes, pheasants, bats and a wide variety of birds. Report not thorough enough. An independent report should be prepared.
- Should be a restriction in working hours during construction to restrict noise and pollution.
- Should be a restriction in new street lighting.
- Ask Farm Lane residents to suggest names for the new estate.

Comments on revised application:

A further consultation took place in connection with the revised estate layout and elevations on 2 February. At the time of writing, officers have received a further “community response” and 3 letters of objection. These raise the following matters in connection with the revised plans.

- Some housing is expected but revised plans still turn the area into a housing estate harming a heritage asset and blighting lives of residents of Farm Lane and New Row.
- Restricting development to six homes would only have a negligible impact on the council's housing growth plans.
- Increase in water table in recent years and ingress into properties. Need to reduce possibility of new development increasing risk of water ingress especially that brought about by climate change.
- Minor modifications to the row of terrace are a cynical attempt to address incorrect assertion that double rows of terrace cottages appropriate. Still a loss of light and overshadowing.
- Impact on junction from Farm Lane onto A5223 – development would cause congestion.
- Bus stop on Bridge Road adjacent to the village hall has moved and the nearest stop is some distance away.
- The modified plans do not recognise the access to the rear of New Row cottages is across the application site.
- Previous schemes approved on the site have had significantly more accessible open space.
- Environmental report biased – an independent report is needed.
- Planning permission TWC/2013/0020 restricted extension to single storey so as not to alter listed cottages when viewed from Farm Lane. New row of housing inappropriate and would dominate terrace.

One resident has also written in, stating that the amendments to the layout have improved the look of the site. This resident supports the changes to the vehicular access onto Farm Lane.

The Committee will receive a further update in the event that other submissions are received in a supplementary report.

PLANNING CONSIDERATIONS

The main issues in this case are:

- The principle of developing the site for housing;
- The scale and mix of development proposed;
- Heritage and design considerations;
- Impacts on living conditions of neighbouring residents;
- Highways impacts;
- Drainage;
- Impact on other infrastructure; and
- Other matters raised in the consultation process

Principle of developing the site for housing:

The site is surrounded by housing and is located in the urban area of Telford where Core Strategy Policy CS1 seeks to locate the overwhelming majority of the borough's new homes. An ecological report has been submitted and its findings broadly accepted by the council's ecological expert. Permission has been granted for new housing on the site in the past in addition to the extant consent from the Section 7(1) approval that gives outline consent for 6 houses in this location. Plainly, the site should therefore be considered positively for housing

development provided it respects other features in the area, most notably its drainage challenges and its location within a CA close to a row of listed cottages.

Scale and mix of development proposed:

The NPPF directs councils to boost significantly the supply of housing. The PHES document suggests the site might potentially accommodate up to 28 dwellings, typically of a suburban or inner urban estate. The current proposal would give a much lower yield than that suggested in PHES, resulting in a net housing density of only 16 dwellings per hectare.

Officers have considered whether a higher density development should be promoted to secure locally needed affordable housing consistent with Local Plan Policy H23 which applies to all sites of 0.5 ha and above and Policy H6 which seeks higher than average densities on windfall sites with access to a bus route. A higher density of development would theoretically reduce pressure for development in the rural areas of the borough in the absence of a five year-plus housing land supply. However, officers conclude this is a sensitive site and its siting in a CA close to a row of listed dwellings justifies a lower residential yield. Promoting an even lower density scheme on this site as some residents have suggested would fail to optimise the potential of this urban site and would be inconsistent with government policy that requires councils to boost significantly the supply of housing.

The proposal is to be supported also in that it provides a mix of house types including ranging from three to five bedroom homes and would provide housing options for different households including those wishing to downsize from larger houses and stay in the area. This mix of provision, rather than the provision of one form of housing that copies and extends the existing new build houses on Farm Lane to the north of the site, is more consistent with national policy and should be promoted on a site which is a “major” in terms of area and potential housing yield.

Heritage and design considerations

There are two legal heritage considerations in this case. These are: (a) whether the development would preserve or enhance the character or appearance of the CA; and (b) the impact of the development on the setting of the Grade II listed buildings at New Row. Consideration also needs to be given to the impact of the development on locally listed buildings at 1 and 2 Farm Lane, the Coach House and Horsehay Cottage consistent with Local Plan Policy H25.

The development broadly respects the CA as well as its frontage along Farm Lane outside. The scale and amount of new development respects and takes visual cues from the surrounding generally larger detached houses on Farm Lane with larger and taller houses to the west and a much reduced terrace that also acknowledges the presence of the listed row of cottages at New Row and affords some (albeit limited) views of it from the public domain.

The development would be built in a uniform traditional 19th century style with some contemporary features. It acknowledges traditional forms locally through the use of brick, roof type, chimneys and ironmongery for details such as drains and gutters.

Minor changes have been introduced to change the spacing between Plots 1 and 2 and 12 and 13. The proposal also introduces contemporary elements onto Farm Lane, most notably, French doors for Plots 1, 2 and 12. The heritage adviser has suggested that these are not authentic features but it is suggested that such an objection could not be reasonably sustained as a reason for refusal. Rather, this modern form, provided it is built in traditional materials, would maximise natural light into the habitable rooms they serve.

Landscape and boundary details are still schematic at this stage. A landscaping condition consistent with Local Plan Policy UD4 seeking to specify boundary treatment and a condition seeking to protect the existing trees on the site would ensure that the completed scheme would preserve the appearance of the CA. A standard condition has been proposed that seeks to clarify management arrangements for communal space on the site that will not be adopted by the council.

The relationship between the development and the listed terrace at New Row is more sensitive. A terrace of three houses and two detached houses is proposed. At their closest point, the new houses would be between 21m and up to 30m apart. A supplementary report will consider the further minor revisions proposed by the applicant to the houses on Plots 5 to 9 and will provide an updated assessment of the relationship between the existing houses and the proposed houses.

The applicant's heritage impact assessment has identified that the application site does not have a direct or historic relationship with the listed row to the east and a modest scaled grouping of houses set well back from the terrace at New Row would not adversely affect their setting.

This development is distinguished from other forms of housing in that it has a number of houses sited around a communal area of open space. The site is sufficiently large to accommodate this and it is suggested that the location of this communal provision with direct surveillance from nearby houses would provide informal opportunities for residents to interact, promoting chances for local supervised play.

The foregoing analysis reveals that the development represents a sensitive scheme which broadly respects the CA and listed buildings and responds satisfactorily to the surrounding context. Accordingly, it accords with Local Plan Policies UD2, UD3, HE3, HE4 and HE25 and Core Strategy Policies CS14 and CS15.

Impacts on living conditions

The most sensitive issue to consider is the relationship between the development and the houses on New Row. The foregoing heritage assessment has demonstrated why this layout works out in heritage terms.

The relationship between significantly exceeds the widely accepted 21m (or 70 foot) distance between habitable rooms such there would be no direct overlooking. The section plans submitted with the application show that there would not have any significantly adverse impact, to use the test in the NPPF, that would justify a refusal. A number of garages would be used for storage and have been designed with upper level storage areas above the parking taking advantage of a pitched roof. Some garages have windows which would serve to provide natural light to such storage space. To ensure that there is no overlooking at closer distance into New Row, a condition is proposed to restrict their use and to require the windows to be obscurely glazed and non-opening.

This remains a sensitive interface and it will be important to ensure that it is protected in time to come. It is proposed to do this through three means. First, it is proposed exceptionally that permitted development rights be removed to prevent any outbuildings or sheds being built. This would prevent residents on New Row having large structures on the shared boundary and to ensure no additional water runoff affects their properties. Secondly, a detailed landscaping condition for the shared boundary is proposed that will require the developer to plant a vegetated screen along the shared boundary. One of the functions of this screen will be to ensure over the long term no large structures would be constructed on the shared boundary and to ensure there would not be any overlooking between houses.

Thirdly, the design of the revised drainage layout shown on drawing no HH-GA-400 Rev B will ensure that no buildings are constructed close to the communal boundary

Highways impacts

The council's highways officer does not object to the proposal on highway safety grounds. Some residents have referred to the difficulties of manoeuvring on Farm Lane. The revised plans alter the layout for Plot 11 such that it will now be accessed through the main estate road. As a result a "stub" at the southern end of the site will be retained that will guarantee marginally improved manoeuvrability in the area in time to come. The highways officer has advised that the council should adopt this land as highways land.

Drainage

It is clear from the submissions received that many residents on New Row are concerned about the potentially increased risk of flooding caused by extra water run off as a result of the new development.

The drainage study has shown that the development can be designed without affecting nearby houses and that a drainage system can be designed that is future proofed against more severe rainfall events anticipated as a result of climate change. A revised scheme has been submitted that would involve the installation of "French drains", a technique that would involve the construction of a trench filled with gravel or rock that serves to redirect surface water away from adjacent land. The council's drainage expert is satisfied with the scheme in principle.

One resident has stated that New Row residents should be indemnified in the event of extra runoff flooding nearby houses. It is not a council responsibility to do this.

Impact on other infrastructure

This family orientated development is likely to have a number of impacts on local infrastructure, most notably on the demand for play provision. The developer has agreed to heads of terms for a s106 agreement that would provide for the following contributions:

- £7,800 towards the enhancement of local play and recreational space locally; and
- £500 payment for financial management and monitoring of the legal agreement.

The heads of terms of this agreement are consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010. The contribution towards enhancing off site play and recreation is justified because of the paucity of playspace on the site and its negotiation is consistent with the NPPF and Local Plan Policies OL13, LR4 and LR6. The monitoring sum is proportionate to the size of the overall development. In all respects, the sums sought are fairly and reasonably related to the scheme.

Other matters raised and conclusions

Officers have carefully reviewed all submissions received. A number of residents have made assertions about the wildlife value of the site. The council's expert has reviewed the documentation submitted and finds no reason to resist the development on this ground. One resident proposes that local residents be invited to suggest names for the estate. Officers have passed this suggestion on to the developer.

The scheme will make a modest contribution towards meeting future housing land supply and would provide an attractive mix of houses with an overall uniform design but with some individuality too. The developer has demonstrated that the scheme can be drained without

increasing the risk to local residents and would not affect the local highway network. It is recommended for approval.

RECOMMENDATIONS

Based on the conclusions above, two recommendations are proposed.

- (a) That DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to GRANT PLANNING PERMISSION subject to the following:

The applicant entering into a section 106 legal agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relation to:

- £7,800 towards the enhancement of local play and recreational space locally; and
- £500 payment for financial management and monitoring of the legal agreement.

- (b) and the following conditions to be attached:

1. A04 Time Limit – Full
2. B011 Samples of Materials
3. B061 Foul & Surface Water Drainage
4. B075 – Drainage run off rates
5. B079 Custom drainage – microdrainage simulations to be provided.
6. B Custom – full design and construction detail of amended vehicular access stub/ refuse vehicle turning area
7. B121 Landscaping Design
8. B130 Tree Protection
9. B145 Lighting strategy
10. B149 Custom Ecology – bird boxes
11. B150 Site Environmental Management Plan
12. C013 Parking & Turning
13. C014 Visibility Splays (2.4m x 33m)
14. C Custom – Gradient of access from highway carriageway shall not exceed 1:24 for a distance of 5m and any gates provided to be set back 5m from adopted carriageway edge
15. C Custom Restriction in use of garages and requirement that windows are obscurely glazed and fixed.
16. D01 Removal of Permitted Development Rights
17. C38 custom – Submitted plans and in accordance with other documents including environmental survey and drainage plans

Informatives:

I106 – Section 106 agreements

I32 – Fire Authority

ICustom – Ecology informatives (nesting wild birds, storage of materials, trenches, bats and trees)

ICustom – Highways on adoption of public highway

ICustom – landscape design condition to cover shared boundary with houses on New Row

I40 – Conditions

I41 – Reason for grant of permission

RANPPF - Approval – National Planning Policy Framework