

TWC/2014/0888

Land adjacent to The Old Rectory, Waters Upton, Shropshire.

Application for approval of reserved matters following outline approval W2008/0619 for 7 no. residential dwellings, cemetery extension and car parking for cemetery visitors ***AMENDED PLANS RECEIVED***

APPLICANT

Mr L Hayward

RECEIVED

08/10/2014

PARISH

Waters Upton

WARD

Edgmond and Ercall Magna

OFFICER

Marie Smyth

OBJECTIONS RECEIVED: Yes

THIS APPLICATION IS TO BE DETERMINED BY THE PLANNING COMMITTEE AS IT IS ACCOMPANIED BY A SECTION 106 VARIATION

1. THE PROPOSAL

- 1.1 The proposal is a Reserved Matters application for the erection of seven dwellings, a cemetery extension and car parking for cemetery visitors on land adjacent to The Old Rectory, Waters Upton.
- 1.2 The original 2008 outline application was approved in 2011 for up to 12 dwellings, a cemetery extension, car parking for cemetery visitors and recycling area to serve the village community. The application included details of access with the remaining matters of layout, scale, appearance and landscaping reserved for later consideration. The application was approved with a S106 agreement (S106) which secured 50% of the dwellings on schemes of 10 or more dwellings for rented social housing, as well as contributions towards education and play facilities.
- 1.3 This Reserved Matters application seeks permission for the matters reserved as well as the revision in the number of dwellings to seven and the removal of the community recycling facilities. The application originally proposed 10 dwellings but this number was reduced during the application process, originally to eight, and now to the seven being considered due to issues with viability and building on the steeper part of the site to the east. The reduction in the number of dwellings below 10 means that the development is below the threshold for requiring affordable housing and education contributions. Accordingly this application also seeks approval for the variation of the S106 agreement to remove these, with the requirement for play facilities contribution retained.
- 1.4 The proposed dwellings are detached comprising three, four and five bedrooms accessed from a communal, private driveway off River Lane. The two storey dwellings will be constructed with red brick and pitched tile roofs incorporating traditional detailing of brick corbelling, curved brick arches a

pitched roof porch canopies, with chimneys to two of the plots. Pitched roof, detached garages are also proposed at three of the plots. The cemetery extension, to the west of the existing, will provide a new vehicular entrance with six visitor parking spaces.

- 1.5 The application is accompanied by a Design & Access Statement, Extended Phase 1 Habitat Survey and a Tree Condition and Impact Assessment.

1.6 **SITE AND SURROUNDINGS**

- 1.7 The application site is located to the west of Waters Upton, a village within the rural area of the borough, approximately 12km north of Telford and around 10km west of Newport.

- 1.8 The site is located to the north of River Lane, with the Old Rectory to the east and the Severn Trent Water Sewage Works to the west. Beyond the sewage works is the A442. To the north of the site is agricultural land. On the opposite side of River Lane is residential development, including a scheme currently under construction for five dwellings to the rear of the Swan, a former public house.

- 1.9 The application site is overgrown grazing land and wraps around the existing cemetery to the south. The land level inclines towards the south east, more steeply adjacent to the Old Rectory. There are a number of trees on site, predominantly to the perimeter, as well as four large specimens protected by a Tree Preservation Order (TPO) directly adjacent to the boundary to the east and north west.

2. **RELEVANT PLANNING HISTORY**

- 3.2 W2008/0619: Residential development including affordable housing provision, cemetery extension, car parking for cemetery visitors and recycling area to serve village community (Outline application). Outline granted 20/10/2011

3. **PLANNING POLICY CONTEXT**

- 3.1 National Guidance:
National Planning Policy Framework (NPPF)
- 3.2 Saved Wrekin Local Plan:
H9 Location of Housing
UD2 Urban Design
OL11 Woodland and Trees
- 3.3 Telford and Wrekin Core Strategy:
CS1 Homes
CS7 Rural Area
CS15 Urban Design

4. **SUMMARY OF CONSULTATION RESPONSES**

Standard consultation responses

- 4.1 **Waters Upton Parish Council: Support subject to conditions**
- River Lane must be made one-way
 - The cemetery extension should have suitable vehicular access and a car park for use by visitors to the cemetery
 - Agree that there is no longer a requirement for a recycling centre due to the provision of the kerbside collection in the village.
 - As many trees as possible should be retained.
 - Following the submission of the revised proposal the Parish Council remain in support of the scheme and accept the reduction of properties, with no affordable provision. Additional comments raised state that there is no support for a bin area near to the entrance of the site, which detracts from the appearance and could open up an area subject to fly-tipping. There is also a question regarding the lack of garages to some of the plots.
- 4.2 **Drainage: Support subject to conditions**
No objection in principle subject to conditions requiring the results of soakaways tests to be submitted for approval, including details of the location of any soakaway no less than 5m from any building or boundary and 10m from the cemetery. Details of the future ownership of the private drive and all associated drainage systems and soakaways is also requested to be conditioned.
- 4.3 **Ecology: Comment**
The Extended Phase 1 Habitat Survey has been considered and conditions are recommended requiring details of artificial nesting/roosting boxes and a lighting plan. Informatives are also suggested relating to nesting wild birds, site clearance, storage of materials, trenches and pipework, retention of refuges and bats and trees.
- 4.4 **Affordable Housing: Comment**
Response received regarding the original submission for ten dwellings where one affordable unit was proposed, with comments relating to the tenure of the affordable unit and the viability report. No further comments have been received following the revisions as affordable housing is no longer required or proposed for a scheme of seven dwellings.
- 4.5 **Parks and Open Spaces: Comment**
Requested clarification of the management of the open space to the north of the access road, the cemetery car park and the area around the bins. Confirmed that a £660 per dwelling play facilities contribution is required.
- 4.6 **Arboricultural: Comment**
Request conditions relating to details of protective fencing and tree replacements, as well as a stipulation that soil levels to the rear gardens of plots 4, 5 and 6 within the root protection areas of the Veteran Oak and the Sweet chestnut are not to be raised or lowered within these areas.

- 4.7 Education: Comment
As the application is now for less than 10 dwellings, a S106 contribution towards education is not required.
- 4.8 Pollution Control: No comment
- 4.9 Highways: Support subject to conditions
No objection in principle to the proposal subject to conditions stating that the development shall not be brought into use until the visibility splays and the areas for parking loading, unloading and turning have been provided. An informative is also requested advising the developer to apply for S184 licence to construct the new access. There is no change in the advice following the consideration of the revised layouts.
- 4.10 Environment Agency: No comment
- 4.11 Shropshire Fire Service: Comment
As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications'.

Neighbour consultation responses

- 4.12 Following consultation one letter of support subject to conditions and three letters of objection have been received. The concerns raised are summarised as follows:
- Overdevelopment of the site.
 - The small lane cannot accommodate additional traffic.
 - River Lane should be one way.
 - Proximity, overlooking and loss of privacy to neighbouring dwellings.
 - No requirement for additional or affordable housing in the village.
 - Drainage and flooding issues.
- 4.13 Further consultation has been undertaken following the receipt of revised layouts. This has resulted in the receipt of four letters raising the following, additional comments:
- Impact on character of the village.
 - Working hours should be conditioned.
 - Noise pollution.
- 4.14 The following, non-material comments have also been raised:
- Loss of view

5. PLANNING CONSIDERATIONS

- 5.1 The principle of residential development for up to 12 dwellings and a cemetery extension on the site has already been established through the granting of Outline consent. Some objections have stated that the village does not need any additional housing, however, as the principle of this has been approved this cannot be re-considered as part of this application. The application

therefore seeks approval of the Reserved Matters only; including appearance, landscaping, layout and scale. Having regard to the development plan policy and other material considerations, including comments received during the consultation process, the planning application raises the following main issues:

- Impact on the character and appearance of the area
- Impact on the living conditions of neighbours
- Access, parking and highways
- Drainage
- Ecology
- Trees
- Refuse
- Section 106 contributions

Impact on the character and appearance of the area

- 5.2 The application proposes seven detached dwellings accessed from a private road. The dwellings will front the road with small gardens and driveways adjacent, with larger gardens to the rear and/or side. Three of the plots also have detached garages. Objections to the application from neighbours consider that the application represents an overdevelopment of the site and would have a harmful impact on the character of the village. The Parish Council also raise objection to the location of the bin storage area at the entrance of the site, and the potential visual impact.
- 5.3 The seven dwellings proposed is far less than the 12 approved in principle at the outline stage. In any case the number of dwellings and the layout of the site is considered by officers to be acceptable; with reasonable sized gardens and space for adequate separation distances within the development itself and in relation to surrounding properties. The majority of the development will be set back from River Lane towards the north east of the site, or behind the existing cemetery. Plot 1 is located adjacent to the access with the side elevation 6m from the road. The rear elevation of plot 4 to the north east, where the land level is higher, is located over 10m from the road.
- 5.4 The two storey dwellings will be constructed with red brick and pitched tile roofs incorporating traditional detailing including chimneys, brick corbelling, curved brick aches and pitched roof porch canopies. Each of the plots are individually designed house types, although all follow the same design theme. The application includes an assessment of the character of the village and wider area, including the scale of existing properties, materials, windows and detailing. It is clear that this work has informed the design process. Accordingly there is no objection from officers to the scale, proportions or appearance of the dwellings, which are considered to be appropriate within the rural setting, and are also sympathetic to The Old Rectory adjacent. Samples of materials, including hard surfacing, details of windows and doors and landscaping will be conditioned for approval. A planting plan illustrates hedges to front of properties and around the cemetery extension, although further details of boundary treatments will be required by a condition of the Outline consent.

5.5 There is no objection to the extension to the cemetery in terms of the effect on the character of the area. The application also proposes an area of open space to the north of the access road, to be privately managed by the owners of adjacent plots, as well as six parking spaces and a bin storage area. The bin storage area is not proposed to be a built structure, instead an area of hardstanding for use on bin collection days. There have been discussions regarding alternative locations for this, which are detailed later within the report, but given that this will not be a fixed structure with the area being used on collection days only it is not considered by officers that this would have an unacceptable visual impact on area.

5.6 It is therefore considered that the development would respect the context and appearance of the local environment, as required by Policy UD2 of the Local Plan and CS15 of the Core Strategy.

Impact on the living conditions of neighbours

5.7 The closest relationship to adjacent dwellings would be 14m between the side elevation of Plot 1 and Plot 1 of the new development to the rear of The Swan, and 25m between Plot 4 and Oakham House to the south. Objections have been raised by neighbours on the grounds of proximity, overlooking and loss of privacy. Given the separation distances, the boundary treatments and the position of River Lane in between it is not considered by officers that the proposal would have a detrimental effect on the residential amenities of neighbouring properties.

5.8 A neighbour has also commented that hours of working should be conditioned. This was not considered necessary at the outline stage and therefore was not conditioned. This cannot in turn be applied to this Reserved Matters consent but in any case could be controlled by Environmental Health if there were future issues. The outline did, however, condition a construction management plan and measures to prevent mud on the road which will help to limit the impact on the immediate area during construction.

Access, parking and highways

5.9 The Parish Council and neighbours have commented that River Lane should be one way, with objectors stating that the small lane cannot accommodate more traffic. The principle of the development and the access arrangements have already been approved by the Outline consent, and at this stage was considered for a development of up to 12 dwellings. This included the consideration of River Lane with two-way traffic so this matter cannot be revisited under this application. Highways officers have considered this detailed proposal and have confirmed that there is no objection in principle subject to conditions relating to the provision of visibility splays and the areas for parking loading, unloading and turning being provided. These are already on the outline consent which therefore remain relevant and will require discharging.

5.10 The Parish Council has commented that the cemetery extension should have suitable vehicular access. This is provided as well as a car park with six

spaces for use by visitors to the cemetery. Finally, the Parish Council has also questioned why garages are no longer proposed to all of the plots. Officers can only consider the scheme that is before them, and as Highways Officers have raised no objections to this revision, accordingly this is not considered to be an issue.

Drainage

- 5.11 Objectors have raised issues with flooding and drainage. The application has been subject to ongoing discussions with Drainage officers to finalise an acceptable scheme taking account of the location of the private drive, the adjacent cemetery and the root protection areas of the adjacent trees. Drainage officers have raised no objection in principle to the revised scheme subject to conditions outlining the requirements for soakaways and requesting a scheme to be submitted for approval.
- 5.12 A public sewer crosses the site, adjacent to plot 1. A condition on the outline consent specifies that no development shall take place within 2.5 metres either side. The dwelling within plot 1 has been located to maintain this separation, and Drainage officers have raised no objection to this aspect of the proposal. A condition will, however, be applied to any permission to remove permitted development rights for extensions and outbuildings to plot 1 to ensure that any future additions can be controlled.

Ecology

- 5.13 The Council's Ecologist has considered the Extended Phase 1 Habitat Survey and has raised no objections to the development subject to conditions requiring details of artificial nesting/roosting boxes and a lighting plan. Informatives are also suggested relating to nesting wild birds, site clearance, storage of materials, trenches and pipework, retention of refuges and bats and trees.

Trees

- 5.14 A Tree Condition and Impact Assessment report has been submitted as part of the application. A tree plan also identifies the existing trees on site, those to be removed, proposed hedgerows as well as defining tree protection areas for the four trees adjacent to the site which are protected by a TPO. The Parish Council has requested that as many trees as possible should be retained.
- 5.15 The Council's Arboricultural officer has considered the application and has raised no objection in principle to the loss of a small number of trees on the site, subject to a condition requiring replacements. Conditions have also been requested in the interests of protecting the four TPO trees adjacent to the site, namely protective fencing and not raising or lowering the soil levels within the root protection areas. With these conditions in place it is therefore considered by officers that the TPO trees will be protected to ensure their retention, maintaining the contribution to the area in accordance with Policy OL11 of the Local Plan.

Refuse

- 5.16 The application no longer proposes a recycling centre, a revision that is supported by the Parish Council as residents now have the benefit of kerbside recycling facilities. The Parish Council do, however, raise objection to the location of the bin storage area adjacent to the entrance of the site as this detracts from the appearance and could open up an area subject to fly-tipping. As previously discussed this is to be an area of hard standing only for use by residents on bin collection days, as opposed to a built structure or fenced area for the permanent storage of bins.
- 5.17 Officers have discussed options for alternative locations for this area within the site with Waste Contract Officers, to avoid residents having to bring the bins to the entrance of the site and to enable this piece of land to be landscaped or incorporated within plot 1. However, as the road is to be private, bins will only be collected if they are presented at the edge of the highway. Furthermore the internal road within the site is not of a sufficient size to enable refuse vehicles to service the site. Therefore, on balance, it is considered that the proposed location is an acceptable solution.

Section 106 contributions

- 5.18 The Section 106 agreement which accompanied the Outline consent required:
- £600 x the number of dwellings for the provision of play facilities in the villages of Waters Upton and Crudgington,
 - £14,770 towards education facilities at Crudgington Primary School, and
 - 50% of the total number of dwellings on any scheme of more than 10 dwellings to be Rented Social Housing Units.
- 5.19 The reduction in the number of dwellings on site to seven means that the development falls below the threshold for the affordable housing contribution. Education officers have also confirmed that, for this number of dwellings, the development is also no longer required to provide education contributions. The requirement to provide £600 per dwelling play facilities will still be required.
- 5.20 Accordingly an amended S106 agreement is currently being drawn up to reflect these changes, and any decision will be subject to the signing of this agreement.

Other matters

- 5.21 Objectors have also raised loss of view as a concern, however, this is not a material planning matter. All other objections raised in the consultation process have been considered but do not raise any issues that would warrant a review of the analysis of this proposal.

6. CONCLUSIONS

- 6.1 The layout, scale and appearance of the development is considered to be acceptable, and would respect the context and character of the wider area. The proposal would also have an acceptable relationship with neighbouring

properties and have sufficient access and parking arrangements. Matters relating to drainage, ecology, trees and refuse have also been resolved to the satisfaction of officers. The application is therefore considered to be in accordance with Policies CS1, CS7 and CS15 of the Core Strategy, Policies H9 and UD2 of the Local Plan and national policy guidance.

7. RECOMMENDATION

7.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to **GRANT RESERVED MATTERS CONSENT** subject to the following:

A.) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority relating to:

(i) Financial contribution to play facilities in the villages of Waters Upton and Crudgington

B.) The following conditions and informatives:

1. A02 Time limit – Reserved Matters List them
2. B011 Samples of materials
3. B012 Sample brick panel
4. B019 Details of windows and doors
5. B064 Soakaway tests
6. B121 Landscape design
7. B133 Tree replacements
8. B145 Lighting plan
9. B149 Erection of artificial nesting/roosting boxes
10. C38 Development in accordance with plans
11. C071 Soil levels
12. C089 Protective tree fencing
13. D01 Removal of permitted development for plot

Informatives:

1. I06 Section 106 agreement
2. I11 Highways
3. I23 Bats and trees
4. I25e Trenches and pipework
5. I25l Retention of refuges
6. I25m Nesting wild birds
7. I32 Fire Authority
8. I35 Site clearance
9. I35 Storage of materials
10. I40 Conditions
11. I43 Reasons for Reserved Matters approval
12. RANPPF2 Approval Following Amendments- NPPF