

TWC/2015/0566

Land adjacent 4 Tunnel Cottages, Aqueduct Lane, Stirchley, Telford, Shropshire
Erection of 3no. terraced dwellings with associated parking, landscaping and access

*****Amended red line and additional information received*****

APPLICANT

Wrekin Housing Trust , Matt Winn

RECEIVED

06/10/2015

PARISH

Stirchley and Brookside

WARD

The Nedge

OFFICER

Marie Smyth

OBJECTIONS RECEIVED: Yes

CLLR. FURNIVAL HAS REQUESTED THAT THIS APPLICATION IS DETERMINED BY THE PLANNING COMMITTEE

1. THE PROPOSAL

- 1.1 The application is for full planning permission for the erection of a terrace of three, two storey dwellings on land adjacent to 4 Tunnel Cottages, Aqueduct Lane, Stirchley.
- 1.2 The proposed dwellings would be a modern design, constructed with red brick and cream render with fibre cement roof tiles and UPVC windows. The dwellings would sit in line with the front of the adjacent cottages. A small area of hard and soft landscaping would sit to the front, bounded by 900mm hoop top railings. To the rear are gardens with a parking court beyond providing six spaces, accessed via a driveway running along the north east boundary from Aqueduct Lane. To the rear boundary treatments comprise 1.2m and 1.8m high fencing. The applicant and landowner is the Wrekin Housing Trust and the dwellings would be affordable rented units designed in accordance with Secured by Design, Code for Sustainable Homes Level 3 and Lifetime Homes standards.
- 1.3 The application originally proposed a parking court to the front of the site, with the dwellings positioned behind. Officers raised concerns regarding the relationship with the neighbouring no. 4 Tunnel Cottages, in respect of overlooking, loss of light and the creation of an overbearing structure. The application was accordingly revised to address this by proposing the dwellings to the front of the site, adjacent to no. 4, with parking to the rear. Neighbours and other parties were consulted upon this revision in September.
- 1.4 The agent has subsequently submitted a Great Crested Newt assessment, Land Stability Declaration form, revised site location plan to include the visibility splay to the north east and a copy of the Notice served upon the council's Estates department. These are all detailed later within the report. A further re-consultation exercise was undertaken on 9th October to advise of the receipt of this additional information. Re-consultation letters usually

include a deadline for responses to be submitted within two weeks. The letters were sent with a deadline of three weeks, resulting in a consultation expiry of 30th October, therefore after the date of the committee. However, it was determined that the application should be presented to committee with a recommendation for a delegated decision to be made after the 30th subject to no additional, material issues being raised by this date.

- 1.5 The application is accompanied by a Design and Access Statement, Aboricultural Appraisal and Assessment, Phase 1 & 2 Ground Investigation Reports and an Ecological Survey. During the process of the application a Great Crested Newt Assessment and a Stability Declaration form were also submitted.

2. SITE AND SURROUNDINGS

- 2.1 The application site is located to the west of Stirchley, approximately 2.5km to the south of Telford town centre. Brookside and Stirchley provide local facilities and services within approximately 1km and 1.3km respectively of the site. The Aviva 'Telford Town Centre to Madeley Circular' (no. 1) bus service provides public transport to the town centre but also nearby Madeley, Dawley and Little Dawley with a bus stop on the corner of Aqueduct Lane and Southall Road within approximately 350m to the south. There is good access to areas of green open space, including Telford Town Park, as well as the Silkin Way footpath/cycleway adjacent to the site.
- 2.2 The site is located on the north west of Aqueduct Lane with a playing field to the north east and an area of woodland and Silkin Way beyond to the north west. To the south west of the site is the side boundary with the neighbouring 4 Tunnel Cottages, the end of a terrace of three traditional cottages. Aqueduct Lane runs to the front, south east of the site with the junction to Knightsbridge Crescent sitting directly opposite. On the opposite side of the lane and beyond on Knightsbridge Crescent is housing, comprising mainly two storey detached dwellings with lawns and driveways to the front, some with garages.
- 2.3 The application site, measuring 0.09 hectares, is former garden land of 4 Tunnel Cottages. It comprises a number of trees with hedgerow to the front and further trees to the boundaries. It is worth noting that some site clearance and pruning works have recently been undertaken. The land level of the site inclines gradually from the north east to south west. The site sits adjacent, although does not fall within, the Green Network, Telford Town Park and the Local Nature Reserve allocation to the west and north west. The site is located with the Coal Authority's Low Risk Development Area.
- 2.4 The site has been subject to two previous planning applications. The first (W2004/1408) an outline application for 3-5 dwellings was refused due to insufficient information, the site being of an inadequate size to accommodate the number of dwelling proposed without adversely affecting the character of the area and neighbouring properties, and the access not being adequate. A later application (W2007/0990) was granted for a detached dwelling and the construction of a new vehicular access, although was never implemented.

3. RELEVANT PLANNING HISTORY

- 3.1 W2004/1408: Residential Development (Outline). Refused 31/01/2005
- 3.2 W2007/0990: Erection Of Detached Dwelling With Construction Of A New Vehicular Access *Amended Description* Full Granted 17/09/2007

4. PLANNING POLICY CONTEXT

- 4.1 National Guidance:
National Planning Policy Framework (NPPF)
- 4.2 Saved Wrekin Local Plan:
H6 Windfall Sites in Telford and Newport
UD2 Design Criteria
OL6 Open Space
- 4.3 Telford and Wrekin Core Strategy:
CS1 Homes
CS9 Accessibility and Social Inclusion
CS11 Open Space
CS15 Urban Design

5. SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Stirchley & Brookside Parish Council: Object
- Overshadowing, loss of outlook, encroachment on the green open spaces.
 - Traffic will increase on the narrow lane. Concern regarding visibility, parking and increase in accidents.
 - Out of keeping in size and design.
 - Removal of B grade hedgerow
 - Loss of access to fields
 - No pedestrian walkway or street lighting along the narrow road. Tenants would be reliant on their vehicles to access shops, services and schools in the area.
 - Problems with drainage.
- 5.2 Cllr. Connor Furnival: Object
- Drainage
 - Highways
 - On green land close to Telford Town Park.
 - Housing development elsewhere within the Ward on brownfield land, this site will not benefit the community.
 - Environmental impact.
 - Objection maintained following the receipt of revised layout with additional comments that it will result in a loss of amenity for local residents and the loss of a potential community area.

- 5.3 Drainage: Support subject to conditions
Conditions requested relating to a scheme of foul and surface water drainage, with restricted water runoff to 5 litres per second per hectare and any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change. A condition also requested for written confirmation that any necessary off site drainage improvements have been completed by Severn Trent Water.
- 5.4 Contaminated land: Support subject to conditions
Agree with the findings of the Phase 1 & 2 ground investigation reports. The report indicates that there is a minimal amount of soil contamination which would present a low risk to any future residents of the proposed development. The standard land contamination condition is requested.
- 5.5 Highways: Comment
No objection in principle to the proposal as revised subject to conditions requiring the proposed car parking to be provided, properly laid out, hard surfaced and drained prior to the use of the development. A further condition is requested stating that visibility splays at a depth of 2.0 metres and a length of 40 metres from the centre point of the junction of the access road with the public highway shall be provided as shown on the submitted drawings. An informative is also requested to advise the applicant to apply for a Section 184 licence prior to constructing the new access.
- 5.6 Ecology: Comments
- Conditions requested relating to the erection of artificial nesting/roosting boxes and details of a lighting plan. Informatives have also been requested with advice regarding nesting wild birds, the storage of materials and the closing of trenches and pipework.
 - Further comments were made following the receipt of correspondence from neighbouring residents and Shropshire Wildlife Trust regarding the potential for Great Crested Newts on the site and in the area. It was considered that while there may be reptiles and amphibians present in the area, the distance between the ponds and the site, the small size of the site and the small scale of the development would not warrant any surveys. An additional informative was suggested relating to site clearance and Great Crested newts.
 - Following the submission of a photograph of a smooth newt from 2 Tunnel Cottages and being informed of the presence of two ponds within the garden, Habitat Suitability Index (HSI) assessments were carried out in September. Both ponds were calculated as having 'Poor' suitability to support great crested newts. Further conditions are requested relating the development to proceed in strict accordance with the ecological survey and details relating to landscape design.
 - The Ecologist also commented that Telford Town Park Local Nature Reserve lies adjacent to the site along the western boundary. The small scale of the development is unlikely to have any adverse impacts on the Local Nature Reserve.
- 5.7 Arboricultural: Support subject to conditions

Details for the protection of trees on the adjacent land should be conditioned.

5.8 Shropshire Wildlife Trust: Comment

Attention needs to be given to the potential for great crested newts to be present in the area. This is especially relevant given the historical records of GCNs within 500m of the site. It might be expected that work to trap and relocate reptiles on the site may also uncover any amphibian interest on the site. It would therefore be appropriate to include a suitable 'informative' to cover the chance of GCNs being discovered during the course of clearance and construction work. Unless additional waterbodies are discovered in closer proximity to the site we do not feel that further survey is required.

5.9 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

5.10 Following consultation with neighbouring residents 19 letters of objection have been received with the comments summarised as follows:

- Access not suitable, poor visibility onto a narrow lane and opposite an existing junction. Conflict with cars parked on the street adjacent to Tunnel Cottages. The presence of obstructions mean the visibility splays cannot be achieved.
- Highway safety for road users and pedestrians, there is no footpath or lighting.
- Insufficient parking, increase in traffic and on-street parking.
- Encroaches on the boundary of Telford Town Park and green space to the rear. Loss of green land.
- Access to playing field, Silkin Way and the stile would be affected.
- Out of keeping with scale and appearance of surrounding properties.
- Loss of privacy and light, and overbearing impact due to size and scale.
- Noise and disturbance.
- Drainage issues
- Loss of hedgerow and trees.
- Ecological and wildlife impact, including great crested newts.
- Not in a convenient location for schools and shopping. No bus service.
- No benefit to community.
- Housing land supply.
- Previous consents have been refused.
- Ground stability

5.11 The following non-material planning matters were also raised:

- Loss of view
- Issues during construction
- Effect on house prices

- 5.12 Further consultation was undertaken following the receipt of the revised layout. This resulted in an additional four letters of objection being received, raising the following, additional matter:
- The Local Nature Reserve Boundary was amended in February, and now abuts the rear boundary of the application site.
- 5.13 A further consultation exercise was undertaken following the receipt of a Great Crested Newt Assessment, Stability Declaration Form and a revised site location plan including the visibility splay to the north east. A copy of Notice under Article 11 was also received at this time, which was sent to the Council's Estate's department to formally notify ourselves, as owners of the land forming the visibility splay, that this is now included within the site boundary. At the time of writing 15 additional letters have been received raising the following, additional comment:
- The access road is only wide enough for a single vehicle; vehicles will have to reverse out onto Aqueduct Lane if a car is already leaving the development.

6 PLANNING CONSIDERATIONS

- 6.1 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:

- Principle of development
- Highways, access and parking
- Character and appearance
- Impact on living conditions of neighbouring properties
- Ecology
- Ground conditions and land stability
- Trees
- Drainage

Principle of development

- 6.2 Policy H6 of the Local Plan states that housing development will be permitted within the built up area of Telford provided the site can be adequately accessed and drained, and officers are satisfied that matters relating to land stability, contamination, design and the impact on adjacent uses are satisfied. These will each be considered in more detail within the report although the principle of the development of the site in this location would be in accordance with this policy. Policy CS1 of the Core Strategy also states that Telford will be the location for the overwhelming majority of new homes, which are not restricted by the housing land supply announcement . The principle of the development would furthermore be supported by the National Planning Policy Framework (NPPF) which advises that there will be a presumption in favour of sustainable development.
- 6.3 The Parish Council and neighbours have both raised concerns that the site is not in a convenient location for schools and shopping. Officers consider that

the site is adjacent to existing residential development and has access to services and facilities within Brookside, Stirchley and other neighbouring areas. There is a bus stop to the south of the lane providing public transport to these and the town centre, in accordance with the accessibility and social inclusion objectives of Policy CS9 of the Core Strategy. Officers are therefore satisfied that, in principle, housing in this location, which would provide three affordable rented units, would not be inappropriate.

- 6.4 The site does not form part of the Green Network, Telford Town Park or the Local Nature Reserve, all of which abut the rear boundary of the site. This is a concern raised by both Cllr. Furnival and neighbours that the development would be an encroachment onto the green land within the Town Park. The land also does not constitute open land, as protected by Policy OL6 of the Local Plan, given its former use as a garden.
- 6.5 Objections have also been raised stating that the development will not be of benefit to the community, resulting in the loss of amenity for local residents and the loss of a potential community area. There is the suggestion that the land could be used as a community garden, however, officers can only consider the acceptability of the application before them, and not alternative, speculative uses. Objectors have also drawn attention to the previous refused application in 2004. It is worth noting that a more recent application for a dwelling on the site was approved in 2007 although, in any case, the principle of the development and the detail of the proposal will be considered against current policy, taking account of current on-site circumstance.
- 6.6 Officers are therefore satisfied that the principle of the development on former garden land in this location is acceptable, which would not encroach upon the adjacent Green Network, Local Nature Reserve or Town Park. This consideration would be in accordance with the NPPF and local policies CS1, CS9 and H6.

Highways, access and parking

- 6.7 Neighbours, the Parish Council as Cllr. Furnival have all raised objections on the grounds of highways. The specific concerns include that there will be an increase in traffic, the access is located directly adjacent to the existing junction with Knightsbridge Crescent, there is poor visibility on the narrow lane, conflict with vehicles parked on-street to the front of Tunnel Cottages, the access road inside the site is not suitable and that there is no footpath or streetlights. A more recent objection states that vehicles will need to reverse out onto Aqueduct Lane if a car is already leaving the development as the access is single width.
- 6.8 The Highways officers have carefully considered the proposal along with the concerns raised. It is considered that the proposed access, parking and turning arrangements within the site are acceptable, and will be conditioned that they are provided prior to the occupation of the development. In terms of the access point on Aqueduct Lane, Highways officers have acknowledged this is opposite the existing junction of Knightsbridge Crescent. However, it has been concluded that, due to the scale of the development and the 30mph speed limit, this does not raise any significant issues. There is also no

objection to the use of Aqueduct Lane as the access to the site or the increased traffic.

- 6.9 Highways officers are satisfied that the necessary visibility splays have been provided. To the north east this includes an area of land within the council's ownership, and during the application process the site boundary was amended to include this and a copy of the relevant notice sent to the council's Estates department as formal notification of the application. There is an existing agreement that this can be provided and kept clear of vegetation to maintain the visibility splay, which will be conditioned. To the south west the visibility splay is within the highway, to the front of the existing Tunnel Cottages properties. In response to comments that cars are regularly parked on-street within this visibility splay Highways officers have considered that this would result in cars coming along Aqueduct Lane being on the opposite side of the road, and so more visible. There is also a footway on the other side of the road for pedestrians to use, to be away from traffic. Finally, the Manual for Streets design guide which Highways officers refer to assumes a car to be 2m wide. The access shown is wide enough for two cars to pass, therefore ensuring that vehicles will not need to reverse out onto Aqueduct Lane if another vehicle is already exiting the development as they enter. Highways officers are therefore satisfied that the development is acceptable.
- 6.10 Concern has also been raised by objectors regarding the access to playing field and Silkin Way via the footpath to the north west of the site, as well as the stile. However, the development will not encroach upon this and the access will therefore be maintained.

Character and appearance

- 6.11 The application proposes a terrace of three, two storey dwellings fronting Aqueduct Lane with a small area of hard and soft landscaping in between, with the front boundaries defined by 900mm hoop top railings. The front elevation would sit in line with the adjacent Tunnel Cottages and the proposed street scene illustrates that both the ridge and eaves height would sit lower than the existing properties. There is a slight incline in the land level of the site from the north east to south west. This is reflected in a stagger in the land level of plot 3, resulting in the height of the dwelling being lower than plots 1 and 2.
- 6.12 Neighbours and the Parish Council consider that the development is out of keeping with the area, specifically in terms of the scale and appearance of surrounding properties.
- 6.13 The character of the wider area is predominantly defined by large, detached two storey dwellings. However, the development has been designed to reflect the layout, scale and proportions of the adjacent terrace of cottages. Officers consider this to be an appropriate design approach, and are satisfied that the site can accommodate three dwellings, with reasonable sized gardens and appropriate parking arrangements. Officers also have no objection to the position, scale and arrangement of the development. Details of the existing

and proposed land and floor levels will be conditioned to ensure that the proposals maintains this acceptable relationship.

- 6.14 The dwellings would be constructed with red brick to the ground floor and cream render to the first floor, with fibre cement roof tiles and PVC windows. Samples of the materials and details of the windows and doors will be conditioned for approval allowing officers to negotiate the most appropriate and high quality materials and details. Notwithstanding this, officers are satisfied that the proposed modern design and choice of materials is appropriate when viewed in the context of the rendered cottages adjacent. It is therefore considered that the development would respect the context and appearance of the local environment, as required by Policies H6 and UD2 of the Local Plan and CS15 of the Core Strategy.

Impact on living conditions of neighbouring properties

- 6.15 The application originally proposed the dwellings set back from the frontage of the site, behind the access and parking area. Officers raised concerns that this would provide the opportunity for overlooking towards the rear elevation and garden of the neighbouring no. 4 Tunnel Cottages. At this stage objectors and the Parish Council also raised concerns regarding loss of privacy, light and an overbearing impact. To address this the agent submitted a revised layout with the dwellings set forward, in line with the front elevation of the adjacent cottages. Objectors, including the occupant of no. 4, maintain that there will be loss of privacy and an overbearing impact.
- 6.16 In the revised position the proposal will only result in a projection beyond the rear of no. 4 of 2.8m, which is considered by officers to be acceptable and would not appear unduly overbearing or result in an unacceptable degree of loss of light. The side elevation of plot 1 would be located 5.1m from the side elevation of no. 4, and 2.3m from the neighbour's single storey side extension. There is no objection to this relationship from officers in terms of overlooking or overbearing, particularly as the facing elevation of no. 4 is blank and the proposal only includes a bathroom and toilet window, which will be conditioned to be obscure glazed.
- 6.17 Parking is proposed to the rear of the application site, with the access running along the north east boundary, on the opposite side away from no. 4. This is, on balance, considered to be a more appropriate relationship than the previous parking arrangement to the front. In this revised layout any noise and disturbance associated with vehicle movements from this small development, a concern raised by objectors, will be adjacent and limited to the bottom of no. 4's garden rather than adjacent to the house itself.
- 6.18 It is therefore considered by officers that the development would not have an adverse impact on the adjacent property, in accordance with the requirements of Policy H6 of the Local Plan. It is also not considered that the development would have an unacceptable impact on the amenities of other properties in the vicinity.

Ecology

- 6.19 The submitted ecological survey has been considered by the Council's Ecologist, along with specific comments from neighbours relating to the ecological and wildlife impact from the development of the site and the loss of trees and hedgerow. The Ecologist has raised no objection in principle to the development subject to conditions relating to the erection of artificial nesting/roosting boxes and details of a lighting plan. Informatives are also requested with advice regarding site clearance, Great Crested Newts, nesting wild birds, the storage of materials and the closing of trenches and pipework. Comments from Shropshire Wildlife Trust regarding the potential for Great Crested Newts on the site and in the area were also considered. At this stage it was considered by the Ecologist that while there may be reptiles and amphibians present in the area, the 175m distance between the ponds and the site, the small size of the site and the small scale of the development would not warrant any surveys.
- 6.20 During the application process a photograph of a smooth newt within the garden of 2 Tunnel cottages was received, along with information that there are two ponds within the garden. An assessment was requested by the Ecologist and the agent submitted a Habitat Suitability Index (HSI) assessment. Both ponds were calculated as having 'Poor' suitability to support great crested newts. The Ecologist was satisfied with the conclusions of the report and has requested that a condition requires the development to proceed in strict accordance with the ecological survey, and also requests details relating to landscape design.
- 6.21 It has also been highlighted by an objector that the boundary of the Telford Town Park Local Nature Reserve was been extended in February, and now abuts the rear boundary of the application site. The Ecologist has considered this but concludes that the small scale of the development is unlikely to have any adverse impacts on the Local Nature Reserve.

Ground conditions and land stability

- 6.22 The application is accompanied by Phase 1 & 2 Ground Investigation Reports. These have been considered by the Council's Contaminated Land officers, who support the application subject to the standard land contamination condition being applied.
- 6.23 Objectors have raised concerns regarding land stability, specifically in relation to the difference in land level of Silkin Way to the rear. In addition to the submitted ground investigation reports Officers requested that the agent complete a Stability Report declaration form. This has accordingly been completed and submitted.

Trees

- 6.24 The Arboricultural Appraisal and Assessment has been considered by the Council's Arboricultural officer, who is in support of the application subject to conditions requiring details of tree protection measures for the trees on the adjacent land. No objection has been raised to the loss of trees and hedgerow.

Drainage

- 6.25 There has been concern raised by neighbours, the Parish Council and Cllr. Furnival regarding drainage. However, Drainage officers support the application subject to conditions. These will require a scheme of foul and surface water drainage, with restricted water runoff, and written confirmation that any necessary off site drainage improvements have been completed by Severn Trent Water.

Other matters

- 6.26 Objectors have also raised loss of view and the effect on house prices as a concern, however, these are not material planning matters. Concern has also been raised regarding noise and disturbance during the construction of the development. While this is also not a material objection conditions will require a construction management plan, to control parking and deliveries associated with the development, measures to reduce mud on the road and hours of work. 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.

7 CONCLUSIONS

- 7.1 The principle of the development of this former garden with three, social rented residential units in this sustainable urban location is considered to be acceptable. The layout, scale and appearance of the development as amended is appropriate, 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 ecology, ground conditions, land stability, trees and drainage have also been resolved to the satisfaction of officers. The application is therefore considered to be in accordance with Policies CS1, CS9 and CS15 of the Core Strategy, Policies H6 and UD2 of the Local Plan and national policy guidance.

8 RECOMMENDATION

- 8.1 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 PLANNING PERMISSION** subject to the following:
- A.) No additional, material issues being raised by consultees by the time of the consultation period expiry of 30th October which have not been previously been considered; and
- B.) The following conditions and informatives (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):
1. A04 Time limit
 2. B009 Land levels and finished floor levels

3. B011 Samples of materials
4. B012 Sample brick panel
5. B019 Details of windows and doors
6. B046 On-site construction
7. B047 Mud on road
8. B057 Land contamination
9. B061 Foul and surface water drainage
10. B079 Off-site drainage improvements
11. B121 Landscaping design
12. B130 Trees- protective fencing
13. B145 Lighting plan
14. B149 Erection of artificial nesting/roosting boxes
15. C013 Parking, loading, unloading and turning
16. C014 Visibility splays
17. C38 Development in accordance with plans
18. C091 Ecological survey- working in accordance
19. D08 Windows obscure glazing
20. D11 Hours of work

Informatives

1. I11 Highways
2. I17b Coal Authority- Development low risk area
3. I25e Trenches and pipework
4. I25m Nesting wild birds
5. I35 Great Crested Newts
6. I35 Site clearance
7. I35 Storage of materials
8. I32 Fire Authority
9. I40 Conditions
10. I41 Reasons for grant of permission
11. RANPPF2 Approval following amendments NPPF