

TWC/2015/0488

Site of Oakleigh, Lawley Village, Telford, Shropshire

Outline application for the demolition of existing dwelling and erection of 6no. dwellings with all matters reserved except for access ***AMENDED DESCRIPTION AND PLANS RECEIVED***

APPLICANT

Pam Mann

RECEIVED

04/06/2015

PARISH

Lawley and Overdale

WARD

Horsehay and Lightmoor

OFFICER Daniel Owen

This application was deferred by the Planning Committee on the 18th November so that the Committee could visit the site and to enable officers to speak with the applicant to see whether the number of proposed dwellings could be reduced.

Following the Committee meeting officers met with the applicant who, having heard the views of the Committee, agreed to reduce the number of proposed dwellings from 9 down to 6. A revised indicative plan has been prepared that shows how the site could potentially be developed that shows two pairs of semi-detached houses facing Glendale with two detached houses to the rear of the site.

It is considered that the indicative layout would better represent the density of the surrounding development and the character of development along Glendale which contains a number of semi-detached houses.

The amendment to the layout raises no other material planning considerations and the original officer's reports is included below.

A letter of objection was received from Lawley and Overdale Parish Council after the original committee report was written and was included as a pre-committee update. The objection made reference to the following matters:

- Highway safety including for children and parents using the new Primary School,
- Concerns regarding bus safety,
- Poor visibility due to vehicles being parked in the highway,
- Lack of footpath connectivity,
- Modified parking spaces will congest traffic more,
- Delivery vehicles will park on the road,
- Proposed crossing points will encourage pedestrians to cross,
- Nine dwellings is too many,
- No evidence of need for further housing,
- This is a garden, not a previously developed site, and
- The development will have a detrimental impact on the character of Lawley Village.

The application has been the subject of in depth discussions with the Council's Highways Officers who specifically requested a number of the amendments that have been made to the proposal. In particular the proposed footpath to the front of the site, the reconfiguration of the parking spaces outside the shop on the opposite side of the road and the introduction of areas of tactile paving were all requested following a detailed consideration of the proposal. These were requested to make the proposed development acceptable in terms of highway safety and they will also result in a benefit to the wider area in relation to the existing situation.

The Parish Council pointed out that following the recent revisions to the bus routes, passengers are currently being dropped off on the grass verge in front of Oakleigh. The proposed footpath and tactile crossing would therefore be a material benefit to passengers as they would have somewhere safe to stand clear of the highway and a focal point for crossing the road.

The alterations to the parking area on the opposite side of the road will significantly improve highway safety as at the present time vehicles do reverse directly from those spaces into the road. Following the changes vehicles would access the spaces adjacent to the entrance to the shop and would no longer reverse directly into Glendale.

Apart from the indicative layout changing and the number of dwellings being reduced to 6 dwellings, the issues discussed in the original report to Committee (attached below) remain the same as the application is in Outline and seeks to establish the principle of residential development on the site.

In light of the above the recommendation to the Planning Committee is still to approved.

RECOMMENDATION

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 OUTLINE PLANNING PERMISSION** subject to the following:

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

(i) A financial contribution of £43,090 to highway improvement works adjacent to the application site.

B.) The following conditions and informatives:

1. A01: Time Limit Outline
2. A03: Submission of reserved matters
3. B002: Reserved matters – delete “access”
4. B011: Samples of materials
5. B041: Visibility Splays – Insert “2.4 metres by 43 metres” and “0.6 metres”

6. B042: Parking/Turning/Loading
7. B049: Notwithstanding the submitted details, development shall not take place until details for the provision of a 2 metre wide footway along the site frontage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed in accordance with the approved details prior to first occupation of the consented development.
8. B061 Foul and surface water
9. Development shall not take place until a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall reduce the surface water discharge rate to as near to greenfield rates as possible or by a minimum of 50% of that existing. Any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change. The approved details shall be implemented in full prior to the first occupation of the development.
Reason: To reduce the impact of this development on the surrounding surface water infrastructure.
10. B050: Shallow Mineworking
11. B121: Landscape Design
12. B133: Trees – Replacements
13. B149: Prior to the first occupation of the buildings hereby permitted, a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.
The following artificial nesting/roosting boxes shall be provided:
 - A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A total of 1 woodcrete artificial nesting box suitable for swifts or house martins.
 - A total of 1 woodcrete artificial nesting box suitable for house sparrows.
 - A total of 1 woodcrete artificial nesting box suitable for bird species such as robins, blackbirds or tit species.
 Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with section 11 of the National Planning Policy Framework.
14. B149: Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Statement on the impact and design of artificial light on bats (May 2011).
Reason: To minimise disturbance to bats, European Protected Species.
15. B150: Site environmental management plan

16. C38: Approved plans
17. D01: Removal of all permitted development rights

Informatives

1. I40 Conditions
2. I41 Reason for grant of permission
3. Ecology: Bats
4. Ecology: Ecology – Nesting Wild Birds
5. Ecology: Storage of Materials
6. Ecology: Trenches and pipework
7. RANPPF1 Approval – National Planning Policy Framework
8. The planning permission does not authorise the applicant to construct any means of access over the publicly maintained highway (footway or verge). The applicant must apply to the Telford and Wrekin Highway department on 01952 384000 for a section 184 (Highways Act 1980) licence to construct a new access. Your planning reference should be included. Alternatively further information and application forms can be found by searching for 'dropped kerbs' on www.telford.gov.uk. There is a fee involved for a S184 licence which is dependent on whether this is a residential or commercial application. There is also a 30 day approval period plus a 15 day notice period required.

OBJECTIONS RECEIVED: Yes.

This application is before Committee following a request from Lawley and Overdale Parish Council and because of the requirement for a Section 106 agreement.

1. PROPOSAL

- 1.1 This is an outline planning application for the demolition of the existing detached house, Oakleigh, and for the erection of up to 9 houses. All matters of detail, apart from the means of access to the site, have been reserved for subsequent approval.
- 1.2 The existing site access would be used but it would be improved and widened as part of the proposal. The indicative layout plan demonstrates how 9 houses could be set out on the site. This shows a tandem form of development with 5 houses fronting the road with 4 houses located behind with a parking courtyard between the houses. All of the houses would have parking spaces and gardens.
- 1.3 The proposal has been amended to include off-site works to the adopted highway including crossing points and the remodelling of the island on the opposite side of the road in front of the shops.

2. SITE AND SURROUNDINGS

- 2.1 Lawley Village is located to the western edge of the built up area of Telford, to the south of Wellington, to the north of Dawley and to the west of Telford Town Centre. Glendale forms part of the more traditional part of Lawley Village with the wider ongoing Lawley Sustainable Urban Extension to the north and south.
- 2.2 There are houses to all sides of the site with those to the east sited on the opposite side of Glendale. There is a wide variety of house types and designs within the surrounding area. The house to the west is a relatively modern detached house and the properties to the north and south are more traditional houses. There is a range of detached, semi-detached and terraced houses within the area. There is also a flat roof local shop on the opposite side of the road that fronts onto a small island that contains 4 car parking spaces.
- 2.3 Oakleigh is a detached bungalow of limited architectural value that is set in a relatively generous plot. The house is set well back from the highway and there is a detached garage to the south western corner of the site.
- 2.4 The house to the rear of the site, Yew Tree House, is set away from the boundary and has a side elevation facing the application site. There is a ground floor window in the side elevation but there is a detached double garage between the house and the site. The house to the south, No.20 Lawley Village, is an end of terrace house that also sits side-on to the application site. There are no habitable room windows in the facing side elevation of that house. No.18 Lawley Village is located to the north of the site, on the opposite side of the access road that serves Yew Tree House, Ashmead and Holly Cottage. This house has been extended and there are windows within the side elevation that faces towards the application site.
- 2.5 The land level rises slightly from front to back. There are number of trees to the boundaries of the site, most notably a high conifer screen to the front.

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. PLANNING POLICY CONTEXT

- 4.1 National Planning Policy Framework (the NPPF) – the NPPF is not the development plan for Telford and Wrekin but it 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 national guidance.
- Section 6: Delivering a wide choice of high quality homes,
 - Section 7: Requiring good design,
- 4.2 Core Strategy policies
- CS1: Homes
 - CS3: Telford

- CS15: Urban Design
- 4.3 Saved Wrekin Local Plan policies
- UD2: Design Criteria
 - T22: Planning Obligations

5. SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Councillor Clive Mollett objects to the application as the density represents over-development and it is inappropriate in relation to the volume of traffic and access and egress to Glendale.
- 5.2 Lawley and Overdale Parish Council: Object to the proposal on the grounds of emerging local plan policy, residential amenity, highway issues, noise and disturbance, physical infrastructure, layout and density, visual appearance and the impact on the character of the area.
- 5.3 The Coal Authority: No objection subject to a condition to ensure that further site investigation works are undertaken prior to the commencement of development.
- 5.4 Shropshire Fire Service: No comment.
- 5.5 Environmental Services (Aboricultural): No comment subject to planting.
- 5.6 Environmental Services (Drainage): No objection subject to conditions relating to foul and surface water drainage.
- 5.7 Environmental Services (Highways): No objection subject to conditions relating to the details of the parking and turning areas, the provision of a visibility splay and a footpath along the site frontage. In addition a financial contribution is requested to remodel the island on the opposite side of the road.
- 5.8 Ecology: No objection subject to conditions requiring bat and bird boxes and a lighting plan and informative relating to bats, nesting birds, the storage of materials and trenches and pipework.
- 5.9 Neighbour consultation responses

A total of 34 letters were sent to the occupiers of neighbouring properties. In response 15 letters of objection have been received from 11 separate addresses. Amendments were made to the proposal to overcome the issues raised by the Council's Highways Officers. The consultation process was repeated and 11 objections were received from 10 addresses. The issues raised relate to:

- Highway safety;
- Existing parking and congestion issues will be exacerbated;

- Overdevelopment of the site and Lawley in general;
- The existing drainage system cannot cope;
- Impact on wildlife;
- Loss of light;
- Increase in noise;
- Loss of Oakleigh;
- The proposed crossings will cause more disruption;
- Impact on amenity

A letter of support has also been received raising the following points:

- The bungalow is out of place and the addition of new builds would enhance the area and bring both old and new Lawley together;
- I have never been aware of any issues with traffic flow.

6. PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policies and other material planning considerations, including comments received during the consultation process, the planning application raises the following main issues:

- The principle of the development;
- The design and layout of the proposal;
- The impact on neighbours;
- Highway matters;
- S106 contributions;
- Other matters

The principle of the development

- 6.2 The NPPF encourages the effective use of land by reusing land that has been previously developed. The application site consists of a residential garden and as set out in the NPPF it should not be regarded as previously developed land. However the NPPF does not state that development on land that is not previously developed should be resisted in principle and does state that local planning authorities should boost significantly the supply of housing. The NPPF also advises that housing applications should be considered in the context of the presumption in favour of sustainable development and encourages local planning authorities to deliver a wide choice of high quality homes.
- 6.3 The development would provide up to 9 additional houses and meet a key aim of the NPPF in increasing the supply of housing. The site would be reasonably sustainable and make effective use of the land in accordance with the aims of the NPPF.
- 6.4 Core Strategy Policy CS1 (Homes) sets out the number of new homes that will be delivered across the plan period (up to 2016) and seeks to provide every household in the Borough with an affordable, decent and appropriate home, to meet local need and be delivered in a way that creates locally inclusive sustainable communities. Policy CS3 (Telford) states that Telford

will be the focus for the Borough's development and that it will accommodate the majority of new homes, jobs and services. Policy CS9 aims to improve social inclusion and accessibility by making sure that everyone is afforded reasonable opportunity to access homes, work, schools, recreation and open space, sports facilities, healthcare, food shops and other key services. Development should promote sustainable forms of transport, be located in existing centres to minimise the distance people travel and include measures that minimise the negative environmental impacts of travel.

- 6.5 The application site is located within the defined Telford boundary and so the principle of the development of the site would accord with the broad aims of Policy CS3 and is therefore considered to be acceptable.

The design and layout of the proposals

- 6.6 This is an outline planning application with all matters of detail reserved for subsequent consideration, apart from the means of access. The precise siting, design and appearance of the houses are therefore not known at this stage and the application seeks consent for the principle of erecting up to 9 houses on the site. Should this application be approved a subsequent reserved matters application setting out those details would need to be submitted to the local planning authority.
- 6.7 An indicative layout plan has been submitted to demonstrate how 9 houses could be laid out on the site. This shows a row of 5 houses (a pair of semi-detached houses and a terrace of 3) fronting Glendale and 4 houses (two pairs of semi-detached houses) in a parallel line behind. A single point of access would be provided with parking for the houses at the front of the site being located to the rear of those houses and parking for the houses to the rear being provided to the side of each house.
- 6.8 The character of the wider area is mixed with a number of houses fronting directly onto Glendale and the properties immediately to the south of the site being set well back. The majority of houses are formed in pairs of semi-detached houses or small terraces but there are a number of detached houses in backland positions (including the properties to the rear of the site). The houses shown at the front of the site would be set back from the highway by a similar distance as other houses along Glendale and the houses to the rear of the site would be set on the same building line as the terrace to the south. Whilst the layout of the site is indicative it is considered that the site could accommodate up to 9 dwellings.
- 6.9 The site measures approximately 0.2 hectares and the proposal equates to a density of development of 45 dwellings per hectare. Whilst this is in excess of the density of some of the other houses adjacent to the site it is not considered that this would result in a form of development that is harmful to the character of the area given the variation in the built form of the housing in the area.

- 6.10 There are trees within the site including a high conifer screen adjacent to the highway. None of the trees, either individually or as part of a group, are considered to be of such significant value that they would prevent the development of the site and replacement planting should be provided within the garden areas of the proposed houses.
- 6.11 It is considered that the proposals would be in accordance with Core Strategy Policy CS15, saved Wrekin Local Plan policy UD2 and the NPPF.

The impact on neighbours

- 6.12 There are a number of existing houses around the site that could be affected by the proposal. Yew Tree House is located adjacent to the rear boundary of the site. That house sits side on to the site and is set at a slightly higher ground level. There are no first floor windows in the facing side elevation of that house and there is a detached double garage between the house and the site boundary. The indicative layout shows that a distance of 11.5 metres could be provided between the rear of the closest proposed house and the boundary with Yew Tree House and approximately 22 metres between the houses. This would be sufficient to ensure that there is no detrimental impact on the living conditions of the occupiers of Yew Tree House. The houses on the opposite side of Glendale would be approximately 23 metres from the proposed houses which would be sufficient to ensure that there is no loss of privacy.
- 6.13 No.20 Glendale is an end of terrace property that is located to the south of the site. That property is set back from Glendale by approximately 40 metres and has a deep front and rear garden. The indicative layout demonstrates that the site could be developed without resulting in any direct overlooking of the garden areas of that house. The distance between the front of No.20 and the rear of the closest house towards the front of the site would be approximately 25 metres which would be sufficient to prevent any loss of privacy. No.18 Glendale is located to the north of the site on the opposite side of an access road that serves the houses to the rear. No.18 has recently been extended to the rear and there are ground and first floor windows in the facing side elevation. However given the orientation of the house to the application site, the separation distances involved (the closest dwelling on the indicative plan would be 16 metres away from No.18), and the presence of some vegetation along the boundary, would ensure that the proposed development would not result in a detrimental impact on the living conditions of the occupiers of that property.
- 6.14 As stated the precise siting and design of the houses is reserved for subsequent consideration and further assessment of the separation distances between houses and the location of habitable room windows will be undertaken at that time. The indicative layout demonstrates that 9 houses could be provided on the site without resulting in a detrimental impact on the living conditions of the occupiers of neighbouring houses and as such the application is acceptable in this regard.

Highway matters

- 6.15 A number of the objections that have been received relate to matters of highway safety. The Council's Highways Officers initially raised concerns due to the close proximity of the site access to the junction on the opposite side of Glendale and the small island to the front of the shop used for parking. Vehicles currently enter the spaces directly from Glendale and reverse out directly into the highway. The proposal has now been revised so that the island will be remodelled so that access to the spaces is moved to the opposite side in order to keep the highway clear.
- 6.16 The proposal would utilise the existing access but it would be widened and a 2 metre wide footpath would be provided across the frontage of the site. Visibility splays of 2.4 by 43 metres would be achieved and crossing areas would also be incorporated into the footpath.
- 6.17 It is acknowledged that a number of objections have been received stating that a high volume of traffic utilises Glendale and that cars often park within the highway impacting on visibility. However the proposal has been considered by the Council's Highways Officers who have concluded that subject to the works referred to above then there would be no detrimental impact from the development on highway safety. The works to remodel the island on the opposite side of the road would also help to improve the existing situation as well as to mitigate any impact from the proposed development.
- 6.18 Subject to the highway improvement works identified being implemented then there are no objections to the proposal with regard to highway safety.

Section 106 contributions

- 6.19 As stated highway improvement works are required to facilitate the development including the remodelling of the small island outside of the site and the installation of tactile crossings. It is proposed to ensure that these works are secured through a S106 agreement and that they are undertaken by the Council at the expense of the developer.
- 6.20 The works have been calculated to cost £43,090 and the applicant has agreed to enter into a legal agreement to ensure that this is provided.
- 6.21 In identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied (in addition to saved Wrekin Local Plan Policy T22) to ensure that the application is treated on its own merits and that the obligations are:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

Other matters

- 6.22 Reference has been made within the representations to the presence of bats within the vicinity of the site. The Council's Ecology officer has considered the proposal and has requested that a condition is attached to ensure that bat and bird boxes are provided and that any lighting is designed to take account of bats. There is no objection to the proposal with regard to the potential impact on ecology.
- 6.23 Drainage issues within the area have also been raised and as such the proposal has been considered by the Council's Drainage Officers. They have not raised any objections subject to the submission of a detailed scheme of foul and surface water drainage that reduces the surface water discharge rate of the site by a minimum of 50% compared to the existing levels.
- 6.24 The site falls within the defined coal mining Development High Risk Area. A Coal Mining Risk Assessment has been submitted that has been considered by the Coal Authority. No objection is raised to the proposal by the Coal Authority subject to a condition requiring intrusive site investigations and the implementation of any necessary remedial works.

7. CONCLUSIONS

- 7.1 The proposal would be acceptable in principle and subject to off-site highway improvement works the proposal would be acceptable in terms of highways safety. Although this is an Outline application an indicative layout plan has been submitted that demonstrates that up to 9 dwellings could be accommodated on the site without having a detrimental impact on the character of the area, the streetscene or the living conditions of the occupiers of neighbouring properties. Subject to conditions the proposal is also acceptable in terms of ecology and drainage.

8. RECOMMENDATION

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that **OUTLINE PLANNING PERMISSION IS GRANTED** subject to the following:
- A.) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority relating to:
- (i) A financial contribution of £43,090 to highway improvement works adjacent to the application site.
- B.) The following conditions and informatives:
1. A01: Time Limit Outline
 2. A03: Submission of reserved matters
 3. B002: Reserved matters – delete "access"
 4. B011: Samples of materials

5. B041: Visibility Splays – Insert “2.4 metres by 43 metres” and “0.6 metres”
6. B042: Parking/Turning/Loading
7. B049: Notwithstanding the submitted details, development shall not take place until details for the provision of a 2 metre wide footway along the site frontage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed in accordance with the approved details prior to first occupation of the consented development.
8. B061 Foul and surface water
9. Development shall not take place until a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall reduce the surface water discharge rate to as near to greenfield rates as possible or by a minimum of 50% of that existing. Any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change. The approved details shall be implemented in full prior to the first occupation of the development.
Reason: To reduce the impact of this development on the surrounding surface water infrastructure.
10. B050: Shallow Mineworking
11. B121: Landscape Design
12. B133: Trees – Replacements
13. B149: Prior to the first occupation of the buildings hereby permitted, a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.
The following artificial nesting/roosting boxes shall be provided:
 - A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A total of 1 woodcrete artificial nesting box suitable for swifts or house martins.
 - A total of 1 woodcrete artificial nesting box suitable for house sparrows.
 - A total of 1 woodcrete artificial nesting box suitable for bird species such as robins, blackbirds or tit species.
 Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with section 11 of the National Planning Policy Framework.
14. B149: Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust’s Statement on the impact and design of artificial light on bats (May 2011).

Reason: To minimise disturbance to bats, European Protected Species.

15. B150: Site environmental management plan
16. C38: Approved plans
17. D01: Removal of all permitted development rights

Informatives

1. I40 Conditions
2. I41 Reason for grant of permission
3. Ecology: Bats
4. Ecology: Ecology – Nesting Wild Birds
5. Ecology: Storage of Materials
6. Ecology: Trenches and pipework
7. RANPPF1 Approval – National Planning Policy Framework
8. The planning permission does not authorise the applicant to construct any means of access over the publicly maintained highway (footway or verge). The applicant must apply to the Telford and Wrekin Highway department on 01952 384000 for a section 184 (Highways Act 1980) licence to construct a new access. Your planning reference should be included. Alternatively further information and application forms can be found by searching for 'dropped kerbs' on www.telford.gov.uk. There is a fee involved for a S184 licence which is dependent on whether this is a residential or commercial application. There is also a 30 day approval period plus a 15 day notice period required.