

TWC/2015/0928

Land East of 21A St Michaels Close, Madeley, Telford, Shropshire,
Outline application for the erection of 1no. dwelling with associated double garage
and access with all other matters reserved ****Amended plans received****

APPLICANT

Mr Coats

RECEIVED

16/11/2015

PARISH

Madeley

WARD

Madeley and Sutton Hill

OFFICER Ian Lowe

OBJECTIONS RECEIVED: Yes

CLLR JANICE JONES HAS REQUESTED THAT THIS APPLICATION BE DETERMINED AT PLANNING COMMITTEE

1. THE PROPOSAL

- 1.1 This planning application seeks Outline Consent for the erection of 1no. dwelling on land adjacent to No.21a St Michael's Close in Madeley. This application also seeks the creation of vehicular access off St Michael's Close however all other matters including appearance, layout, scale and landscaping are reserved for later approval.
- 1.2 The application is accompanied by a design and access statement, a slope stability report (prepared by Telford Mining & Geological Services) which includes a Mining Report from the Coal Authority and a Slope Stability Declaration Form, an Ecological Assessment (prepared by Churton Ecology) and details of trees. Indicative elevations and floor plans also accompany the application however these are for demonstrative purposes only and final details will be determined at a later stage.

BACKGROUND

- 1.3 An application (**TWC/2014/0178**) for the erection of two dwellings on this site was originally presented to members of planning committee on the 18/03/2015 with an officer recommendation to approve. It was at this Planning Committee that it was announced that new information had come to light which confirmed the council had a five year housing land supply; accordingly this application along with others were duly deferred to consider the material policy implications. The application was represented on the 8/04/2015 with an officer recommendation to approve, and Planning Committee Members benefited from a site visit the day prior to considering the application. Following discussions members unanimously resolved to refuse the application on grounds of:

- Overdevelopment of the site, constrained by the sites boundaries, topography and parking arrangements;

- Inappropriate development within the Green Network on a sensitive location as an approach into the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area; and
 - Insufficient information to establish the adequate drainage of the site.
- 1.4 The application was duly refused on the 17/04/2015; and on the 21/12/2015, an appeal was registered with the Planning Inspectorate.
- 1.5 This application however was submitted on the 16/11/2015 prior to the appeal and its decision, it effectively twin tracked the appeal and seeks to overcome members reasons for refusal by reducing the development to a single dwellinghouse.
- 1.6 It is important to note that since the submission of this current application, the Planning Inspectorate has allowed the two dwellings, issuing the decision on the 03/03/2016. The Inspector considered that the land did not contribute to the Green Network Designation, as it was inaccessible to the public being residential curtilage, and its policies dated giving little weight to Green Network policy. The Inspector also considered that adequate parking could be provided on the site and that the site could be adequately drained.. As such, the application site now has Outline Planning Consent for the erection of two dwellings. The applicant has asked for a decision still to be made on this application which if approved, would also give them the option of a single dwelling.

2. SITE AND SURROUNDINGS

- 2.1 The application site is situated adjacent to No.21a St Michael's Close, an established residential cul-de-sac in Madeley, and comprises existing garden land to this dwelling. The site lies to the east of the main dwelling and measures approximately 0.1 hectares. The site slopes considerably west to east falling away from St Michael's Close to Coalport Road. The site itself is mostly laid to lawn however there are a number of mature trees along the eastern and southern boundaries.
- 2.2 Coalport Road to the east and south of the site forms part of the boundaries of the Severn Gorge Conservation Area and the Ironbridge Gorge World Heritage Site, albeit the site itself falls outside of these designations. The site does however fall within the Borough's Green Network designation, including the existing property. This Green Network designation remains in the emerging Local Plan.
- 2.3 The existing dwelling was built approximately 25-30 years ago and sits at the head of St Michael's Close on a considerably large plot. The cul-de-sac is predominantly made up of late 1980's style detached two storey properties and bungalows. This is a sustainable location, within close walking distance to Madeley town centre where there are a range of facilities and there are a number of primary and secondary schools nearby.

3. RELEVANT PLANNING HISTORY

- 3.1 TWC/2014/0178 - Outline application for the erection of 2no. dwellings with associated access (All other matters reserved) – Outline refused and subsequent appeal allowed on 03/03/2016
- 3.2 W85/0934 – Erection of a dwelling house and construction of a new access – Outline Refused (11/03/86)
- 3.3 W87/0751 – Erection of a split-level bungalow with integral double garage and construction of new access – Outline Granted (01/03/89)

4. PLANNING POLICY CONTEXT

- 4.1 National Planning Guidance:
National Planning Policy Framework
- 4.2 Core Strategy:
CS1 Homes
CS3 Telford
CS12 Natural Environment
CS15 Cultural, Historic & Built Environment
CS15 Urban Design
- 4.3 Wrekin Local Plan:
EH14 Land Stability
UD2 Design Criteria
H6 Windfall Sites in Telford & Newport
OL3 Green Network
OL4 Development in the Green Network
OL5 Extensions & Redevelopment in the Green Network
- 4.4 Madeley Neighbourhood Development Plan:
H7 Windfall and Infill Housing Development
GS1 Local Green Spaces
GS3 Trees and Woodlands
LC4 Coalport Road
- 4.5 Telford and Wrekin Local Plan (2011-2031 – Publication Version January 2016)
BE1 Design Criteria
BE3 Ironbridge Gorge World Heritage Site
BE9 Land Stability
SP1 Telford
SP4 Sustainable Development
HO1 Housing Requirement
NE3 Existing public open space
NE6 Green Network

5. SUMMARY OF CONSULTATION RESPONSES

Standard Consultee Responses

- 5.1 Shropshire Council: No Comment
- 5.2 Madeley Town Council: No Comment
- 5.3 Cllr Janice Jones: Object:
Has requested that the application is considered by planning committee and raises concerns regarding drainage and access and impact upon the character of the area.
- 5.4 Highways: Support subject to conditions:
Condition suggested for a scheme of parking, turning, loading and unloading of vehicles to be submitted to and approved in writing by the Local Planning Authority.
- 5.5 Drainage: Support subject to conditions:
The Drainage Officer seeks to ensure through conditions that no development takes place until a scheme for the ongoing management of spring water across the site has been submitted to, and approved in writing by the Local Planning Authority. It should also be demonstrated that should this system need to be replaced in the future that these works would not impact on the structural stability of the proposed dwelling. Also requests conditions for the submission of foul and surface water drainage.
- 5.6 Ecology: Support subject to conditions:
Ecology survey is noted and it is suggested that recommend conditions and informatives are attached to the decision notice to protect wildlife. These include artificial nesting and/or roosting boxes that shall be erected on the site and the submission of a lighting plan.
- 5.7 Arboriculture: Support subject to conditions:
Condition required for protective fencing.
- 5.8 Shropshire Fire Service: Standard Informative

Neighbours and local groups

- 5.9 Neighbouring occupiers have been consulted and a total of 7 Neighbouring Occupiers object to the outline development on grounds of:
- Loss/harm of Green Network
 - Highways/Access
 - Impact upon Trees/Wildlife
 - Impact upon Character of Area including World Heritage Site
 - Drainage
 - Impact upon Neighbouring Amenity
 - Lack of need for new dwelling

- Does not overcome previous refusal

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:
- The principle a dwelling on this site.
 - Impact upon Green Network and adjacent World Heritage Site and Conservation Area
 - Drainage
 - Parking and highways
 - Impact upon neighbouring occupiers

Principle of the dwelling

- 6.2 Significant weight must be attached to the Inspectors decision to allow the Outline Consent for the erection of two dwellings on this site in March 2016. Whilst the Local Planning Authorities previous reasons for refusal are noted, the applicant has now been granted, through the appeal process, consent for a more significant development than is now proposed. This is a material consideration that has significant weight; it has been taken in light of the NPPF, the Core Strategy, saved policies within the Wrekin Local Plan and the Made Neighbourhood Plan. The only material change in policy since this date is the recognition to the emerging Telford & Wrekin Local which publication version was published in February 2016; and had since undergone a period of consultation. Policy HO1 of the emerging plan identifies the borough wide plan target of 15,555 net new dwellings within the plan period up to 2031. The site remains within the built up area of Telford & Wrekin, and retains its Green Network Status. The application site is situated within the built up residential area of Madeley within close walking distance to the Town Centre where there is a range of shops, services and employment opportunities, and a number of schools are located nearby. On this basis, the LPA is satisfied that this is a sustainable location suitable for residential development subject to acceptable layout and design which would be considered in more detail at reserve matters stage.

Impact upon Green network and adjacent World Heritage Site and Conservation Area

- 6.3 One of the key considerations on the previous application was the principle of development within the Green Network of which the application site forms part. Policies OL3 and OL4 of the Wrekin Local Plan relate to the intrinsic value of the Borough's Green Network as well as providing guidance to development within this designation. Policy OL3 sets out the 6 principle aims of the Green Network which include maintaining Telford's image as an attractive place to live and work, the separation of the built up areas with green wedges, to provide informal recreation and open space and to protect the Borough's ecological and archaeological heritage. Policy OL4 suggests that development may be supported within Green Network where there are

exceptional circumstances, where it contributes to the aims of the Green Network or where there are environmental and community benefits. Emerging Policy NE6 also seeks to protect the Green Network unless development demonstrates that the benefits of the development outweigh any adverse impacts on the network and its functions.

- 6.4 As noted within the previous application report, Officers consider that the purpose of the Green Network is not reflected within this site given that the site is enclosed and relates to a residential curtilage where permitted development rights exist; this site is also inaccessible to the public and is generally featureless other than the mature trees along the southern and eastern boundaries. The Ecological Assessment which accompanies the application states that the site 'predominantly comprises sparsely vegetated ground with some amenity grassland and small trees; scrub and trees and/or hedgerow run along three boundaries. None of these habitats are priority ones and are of negligible ecological value'. The Council's Ecologist again supports the findings of this assessment and has raised no objection to the application subject to the inclusion of appropriate conditions including further details regarding the erection of bird boxes and a lighting plan. Furthermore, conditions are attached to ensure the protection of all retained trees on the site as advised by the Council's Arboricultural Officer.
- 6.5 The Inspectors appeal decision is also a material consideration; this concurs with this view and it is noted that he does 'not consider that this site currently contributes to the Green Network designation'. He also considered that the local plan was dated and does not comply with guidance contained within the NPPF, which does not specifically support the establishments of green networks, but more so protect and enhance valued landscapes; as such he gave the policies in the local plan relating to Green Network little weight. Further he also considered that the site was not part of a valued landscape. Consequently, Officers are unable to give weight to the Green Network designation on this site.
- 6.6 The previous application was also refused on grounds that it would visually impact upon the approach into the Severn Gorge Conservation Area and the World Heritage Site. Policy CS14 of the Core Strategy seeks to protect and enhance the historic environment to maintain and improve the quality of life whilst policy SG1 of the Wrekin Local Plan accords with NPPF paragraph 132 in attaching significant weight to the protection of this heritage asset, albeit only for development within it. Emerging policy BE3 adds that the Council will not support proposals that are adjacent to the World Heritage Site and which would adversely affect the character and appearance of the heritage asset.
- 6.7 Again, significant weight has to be attached to the inspectors comments who noted that whilst the 'site would be visible from Coalport Road due to its sloping nature, this visibility would be reduced by the mature landscape boundary which fronts the roadside'. Furthermore, as this development would effectively appear as an extension to No's 13-21 St Michaels Close, he did not consider that the effect of this development on the setting of the Conservation Area and World Heritage Site would be significant. Officers concur with this

view and argue that any impact upon the special character and appearance of the heritage asset would be limited and would not warrant refusing the application on these grounds.

Drainage

- 6.8 Since the submission of this application, the applicant has been in protracted discussions with the Council's Drainage Engineers to ensure that the site can be suitably drained. Following the submission of an amended layout that takes into account a spring on the site, the Drainage Officer is now satisfied that the site can be suitably drained and supports the application subject to a number of conditions which include the submission of full details for foul and surface water drainage and a scheme that takes into account the ongoing management of a spring that runs through the site.
- 6.9 In assessment of the appeal application, the appeal Inspector noted the work that had since taken place to assess the ground conditions of the site and to prove that the site can be suitably drained without detriment to the proposed dwelling or to neighbouring occupiers. He concluded that the application could therefore not be refused on drainage grounds. It is therefore considered that the proposed development accords with Local Plan Policy H6 which requires development sites to be adequately drained, or Policy CS13 of the Core Strategy which seeks to avoid flood risk in new development.

Parking and Highways

- 6.10 Officers consider that the site provides adequate parking space for the proposed development and would utilise an existing acceptable access used by No.21. Highways Officers support this view and do not object to the application on highways grounds. The application is a reduction to the previously allowed scheme and as such, it is not considered that the traffic associated with one dwelling would cause a significant increase in traffic generation at this site.
- 6.11 Concerns relating to construction traffic are noted, however this would be for a limited amount of time and a condition relating to the management of construction traffic can be attached to the approval.

Impact upon Neighbouring Occupiers

- 6.12 The application is supported by indicative site and elevation plans only, however, these show that a single property can be positioned on the site without adverse impact upon privacy or light to neighbouring occupiers. Whilst Officers note neighbours' concerns relating to a loss of outlook, there is no right of a view over private land. The development therefore accords with local plan policy UD2 and emerging policy BE1 which seek to protect the amenities of neighbouring occupiers from development which may cause harmful impact.

7. CONCLUSIONS

- 7.1 The proposed outline application for a single dwelling is therefore considered acceptable. A recent appeal decision has allowed outline consent for two dwellings on this site and as such, this proposed development for a single dwelling would have less impact than what has already been allowed. It is considered that the development is in a sustainable location and that the site does not reflect the values associated with the Boroughs Green Network due to being enclosed garden space, inaccessible by the public. Furthermore, the site can be suitably accessed and drained subject to appropriate conditions. The proposed application therefore complies with the policies outlined above including national guidance contained within the NPPF. Conditions are consistent with those issued by the appeal inspector

8. RECOMMENDATION

- 8.1 Based on the conclusions above, it is recommended that the Committee GRANT PLANNING PERMISSION subject to the following conditions:

1. A02 Time Limit – Reserved Matters
2. B002 All Matters Reserved except Access
3. B0? Reserved matters details
4. B046 On-Site Construction
5. B079 Scheme of Foul and Surface Water Discharge (Greenfield Run-Off Rates)
6. B079 Scheme for Management of Spring Water
7. B130 Trees Protective Fencing
8. C109 Ecology Bird and Bat Boxes
9. C109 Scheme of External Lighting
10. C38 Development in accordance with deposited plans
11. D01 Removal of Permitted Development rights for extension, free standing buildings, boundary treatments and dormer windows

Informatives

1. I32 Fire Authority
2. I35 Ecology Informatives
3. I40 Conditions
4. I44 Reasons for Outline Grant
RANPPF1 Approval