

TWC/2017/0847

6-14 Horsehay Court, Horsehay, Telford, Shropshire, TF4 3PU
Conversion of buildings to form 8no. dwellings

APPLICANT

Horsehay Estates Ltd

RECEIVED

17/10/2017

PARISH

Dawley Hamlets

WARD

Horsehay and Lightmoor

OFFICER Daniel Owen

THIS APPLICATION IS BEFORE THE PLANNING COMMITTEE FOLLOWING A CALL-IN REQUEST FROM COUNCILLOR GREENAWAY.

1. PROPOSAL

- 1.1 This is a full application seeking permission for the refurbishment and conversion of a currently vacant building (formerly used for office and industrial purposes) into 8no dwellings. Each dwelling would have a balcony and further amenity space is proposed through the provision of a communal garden extending to approximately 0.13ha within the western portion of the site.
- 1.2 Planning permission has previously been given for the redevelopment of this building, for an almost identical development (reference TWC/2013/0106) but the consent wasn't implemented and has now time expired. The building is attached to the original works buildings which are listed (Grade II) and fronts on to Bridge Road which have been converted into residential accommodation (reference TWC/2012/0293 & 0292).
- 1.3 Vehicular access is sought from the existing entrance to the site off Bridge Road to the east of the existing buildings. A total of 18 car parking spaces are proposed to the east of the building.

2. SITE AND SURROUNDINGS

- 2.1 The site extends to 0.2 ha lying within the Horsehay and Spring Village Conservation Area. The building is set back from the road positioned behind the Listed Building that has been converted to residential accommodation, forming part of the larger Horsehay Estate (previously known as Horsehay Works). The existing building is an irregular rectangle comprising an unlisted red brick, 5 bay 'North Lights' arrangement, with a part corrugated sheet and part glass roof, together with a mix of metal and timber windows and doors.
- 2.2 The Communal Garden forming part of this application is positioned on the opposite side of the track that runs between Bridge Road to the north and Frame Lane to the south and is designated as Green Network. It is set at a much lower ground level than the building and it is presently vacant scrub land.

- 2.3 The access and car parking are bound by a low brick wall and metal railings. The access is shared by Adamson House, a further brick office building to the south. To the east of the application site is an established Business Park, with brick and pre-fabricated units comprising light industrial uses. Planning permission has been granted for the removal of the building immediately adjacent to the proposed car park as part of the redevelopment of that area of the site (reference TWC/2015/0255).
- 2.4 The application site is located in a predominantly residential area, with both traditional and modern properties in the vicinity. To the southwest of the site, the traditional properties are located on a much lower ground level than the building, and are separated by the track. The nearest property, 14b Bridge Road is built into the substantial retaining wall, and is located only 6 metres from the application site at the closest point. No.13 Bridge Road has a blank gable with one small window close to the eaves facing the application site with its garden land to the front. Stanley House, No.14 has its front elevation facing the application site and is approx. 17m from the existing building. The boundary treatment between the application site and the buildings to the southwest consists of metal railings on top of a retaining wall and self-seeded plants, part of the wall has been subject to collapse since this application has been submitted. No's 13 and 14 Bridge Road are both classified as Buildings of Local Interest.
- 2.5 The track referred to above that runs adjacent to the south west elevation of the building is currently the subject of a Definitive Map Modification Order that would establish whether the Right of Way subsists. The Order has been supported by the local community but it has been challenged by the applicant. This matter will be determined at a Public Inquiry that is likely to be held later this year.

3. RELEVANT HISTORY

- 3.1 TWC/2013/0106: Conversion of existing office building into 8no. town houses. Granted: 30/01/2014.
- 3.2 TWC/2016/1144: Erection of 2.6m high steel gates (retrospective). Refused: 24/03/2017.
- 3.3 TWC/2010/0292 and TWC/2012/0293 (Listed Building) Conversion of existing office building into 7no. dwellings. Granted 28/08/2012. (This related to Horsehay House, the attached building).
- 3.4 TWC/2015/0255: Erection of 4no. terraced dwellings and erection of 6no. apartments following demolition of Adamson House with associated parking and landscaping. Granted 28/10/2015.
- 3.5 W2008/0911 Erection of 4no. Dwellings (Outline), Refused. The application related to a much larger site adjacent to Horsehay Works. It was refused on Green Network and insufficient information regarding siting, design and form.

4. RELEVANT POLICIES

4.1 National Planning Policy Framework (NPPF)

4.2 Telford & Wrekin Local Plan (2011 to 2031)

- SP1: Telford
- SP4: Presumption in favour of sustainable development
- NE1: Biodiversity and Geodiversity
- NE2: Trees, hedgerows and woodlands
- NE6: Green Network
- C3: Impact of development on highways
- BE1: Design criteria
- BE4: Listed buildings
- BE5: Conservation areas

5. SUMMARISED CONSULTATIONS

5.1 Councillor Jayne Greenaway: Objects to the proposal. The application does not acknowledge that there is a Definitive Map Modification Order (DMMO) application awaiting publication. Retrospective planning permission was refused for a gate across the path that is still in place.

5.2 Councillor David Hopkins: Objects to the proposal. Initial objection that related to the lack of a site notice to advertise the proposal (this was subsequently done). A further objection was received relating to the DMMO and the lack of reference to it in the planning application. The metal gate is still in place across the path. Supportive of the principle of the proposal to convert the empty Horsehay works into dwellings. Also concerned about the viability of the communal gardens.

5.3 Dawley Hamlets Parish Council: Object to the proposal. DHPC has supported the application for a DMMO for the Right of Way adjacent to the building. The Right of Way would pass through the middle of the proposed development and the Council is concerned that this has not been anticipated or incorporated into the application. Concern that a gate that has been constructed on the route of the RoW is still in situ and has not been removed despite the refusal of planning permission.

5.4 Built Conservation Heritage: An initial objection to the scheme was raised as it sought to dilute the quality of the previously approved scheme. Following the submission of amended plans no objections are raised.

5.5 Environmental Services (Drainage): Support this application subject to inclusion of conditions requiring the submission of a scheme for foul and surface water drainage and the restriction of water runoff to Greenfield rates.

5.6 Environmental Services (Highways): No objection subject to conditions.

5.7 Contaminated Land (Environmental Health): Support this application subject to inclusion of a condition to address potential land contamination.

- 5.8 Ecology: No objections subject to conditions relating to a lighting plan and the erection of artificial nesting/roosting boxes and informatives relating to birds and bats.
- 5.9 Healthy Spaces: A long term landscape management plan is required to cover the ongoing management of the proposed open space.
- 5.10 Shropshire Fire Service: Comment on this application recommending inclusion of informatives relating to Access for Emergency Fire Service Vehicles, Water Supplies for Firefighting,
- 5.11 West Mercia Constabulary: No objection received. Detailed comments provided in relation to Secure by Design.
- 5.12 Neighbour consultation responses
- Direct notification letters were sent to the occupiers of eleven neighbouring properties. In addition the application as also advertised within the local press and with a site notice. As a result no objections have been received.

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
 - Impact on heritage assets
 - Impact on the adjacent track/footpath
 - Impact on residential amenity
 - Trees, landscaping and ecology
 - Other Matters

Principle of development

- 6.2 The principle of residential development in this location is supported by the recently adopted Telford & Wrekin Local Plan (T&WLP). The site is within the built up area of Telford which is identified as being the principal focus for growth. The presumption of the T&WLP is to support development in Telford, unless it is contrary to the Local Plan or national planning policy. The fact that planning permission has also been granted for an almost identical proposal is also a material planning consideration that should be given weight. The principle of the proposed development is considered to be acceptable, subject to the acceptability of the scheme when assessed against the detailed T&WLP policies set out below.

Impact on heritage assets

- 6.3 As the application affects a listed building (Horsehay Works to the north) there is a statutory requirement (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to have special regard to the desirability of preserving the building, its setting and any features of special interest. There is also a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
- 6.4 Whilst the building proposed for conversion as part of this application isn't listed in its own right (either nationally or on the local list) it is considered to be of some historic merit. T&WLP policies BE4 (Listed Buildings) and BE5 (Conservation Areas) are of particular importance in relation to this application.
- 6.5 Policy BE4 states that the Council will have special regard to the desirability of preserving listed buildings and their setting that that proposals that would detract from or damage the setting of a listed building will not be supported. Policy BE5 sets out the criteria against which proposals for development within Conservation Areas will be assessed. This seeks to ensure that the special features of Conservation Areas and the relationships between buildings, open spaces and heritage features are not prejudiced. The policy also seeks to ensure that the design of buildings respects the character of the area and that there are no detrimental impacts on the setting and appearance of the Conservation Area.
- 6.6 The Horsehay Works was formed in the mid-18th Century by Abraham Darby II and contributed to the industrial revolution through large scale production of iron. The site continued to be a significant local industrial employer until the mid-1980s when it closed. The proposal would result in the positive re-use of this vacant building whilst contributing to the need for new homes within the Borough. The alterations to the building will be limited and the applicant states that the building would remain relatively unaffected by the conversion works. The proposed materials, with the inclusion of cedar cladding and render are considered to relieve the rather monotonous modern brickwork currently present. Following initial concerns raised by Officers the North Light style roof has been retained within the design, as previously approved in 2013.
- 6.7 The need to suitably control the appearance of the external areas of the site is required in accordance with Policies BE1, BE4 and BE5. Essentially, a balance needs to be achieved softening the existing dominance of hard surfaces whilst ensuring the historic industrial nature of the site is appropriately retained. The details of materials and the landscaping of the site will be controlled by the use of conditions.
- 6.8 It is considered that the proposed development would result in a positive impact on the character and appearance of the Conservation Area, and on the

setting of the adjacent Listed Building. The proposal is therefore in accordance with T&WLP policies BE4 and BE5. In order to ensure no inappropriate changes are made to the building in future the removal of Permitted Development rights is considered to be necessary.

Impact on the adjacent track/footpath

- 6.9 The impact of the proposed development on the track that runs along the south west elevation of the building, linking Bridge Road and Frame Lane, has been raised as a significant concern by Ward and Parish Councillors.
- 6.10 The track is owned by the applicant and is not currently recorded on the Definitive Map as a Public Right of Way (PRoW). However, as stated above, an application for a Definitive Map Modification Order (DMMO) has been submitted, which, if successful, will result in the track being added to the Map as a PRoW having the status of Restricted Byway. The application for the DMMO has been submitted by the Parish Council and supported by the Ward Councillor and is subject to a subsequent order published by Telford & Wrekin Council, but, it has been challenged by the applicant. This being the case, the matter is likely to be resolved by the Secretary of State by holding a Public Inquiry that will probably take place later this year.
- 6.11 It should be noted that the outcome of this planning application would not have any bearing on the outcome of the DMMO application, and if Members are minded to approve this proposal, it would not undermine that process, which will be determined on whether there is sufficient evidence to show that the track is a right of way that should be recorded on the Definitive Map.
- 6.12 The proposed development would not result in a detrimental impact on, or obstruction of the track, although it is possible that the applicant may wish to reconsider the detail of the proposed development if the DMMO is successful as it may impact on the saleability/viability of the scheme. If the DMMO is successful, and the track is recognised as a PRoW then it would also be open to the applicant to seek to divert the track through a different part of their site that would not be in such close proximity to the proposed dwellings.
- 6.13 A condition was imposed on the previously approved application to ensure that no fences, walls or gates were installed along the stretch of track within the application site boundary (this did not relate to the entirety of the track within the applicant's ownership). A metal gate, approximately 2.6m in height was erected across the track at the northern edge of the building that is the subject of this application. As the previously approved development was not implemented the conditions attached to that consent were not applicable to the erection of that gate, however planning permission was required as the gate exceeded 2m in height (the height allowable under permitted development rights). The applicant submitted a planning application (reference TWC/2016/1144) that was subsequently refused by the Council.
- 6.14 Following the refusal of the application, the applicant undertook works to the gate to reduce its height so that it did not exceed 2m in height. As a result of

those works the gate is permitted development and the Council cannot enforce its removal. If the DMMO is successful, then the gate could then be regarded as an obstruction to a defined PRoW, and it could be removed despite the fact that it is Permitted Development.

Impact on residential amenity

- 6.15 The building is positioned at a significantly higher level than the adjoining dwellings to the west. The windows in the west facing elevation would be subject to reconfiguration and additional openings would be made. The closest dwelling, No.14b Bridge Road essentially forms part of the retaining wall and its principal elevation is on the opposite side with the garden located to the side. Due to the close proximity and significant height difference there should not be any overlooking of No.14b. Stanley House (No.14) is positioned some distance from the application site (approx. 19m at the closest point building to building). Whilst it is orientated with its front elevation facing the application site, the significant difference in ground levels should ensure that there are no direct overlooking issues or impacts on privacy. It already appears that the properties in this area face each other (the distance between Stanley House and No.14b is approximately 11m) and the amenity area of Stanley House is open at the front and would have been overlooked to a degree from people using the track (before the gate was installed). Issues relating to loss of light and outlook are not considered to be of concern as the building is already in situ and is not being brought closer to the existing dwellings.
- 6.16 A mix of private and communal amenity is afforded to the proposed units, with each of the dwellings having a private balcony, and a communal garden is proposed within the western portion of the site. The proposed communal garden falls within Green Network and it is considered that the new function of the land would continue to function in accordance with the aims of the network. The applicant has advised that the land will be controlled through a management company with residents contributing to maintenance costs. A Landscape Management and Maintenance Plan has been submitted, which was a requirement of the previously approved application. The Council's Healthy Spaces Officer has requested additional information and this can be dealt with through the imposition of a suitably worded planning condition.
- 6.17 The site is adjacent to the existing Business Park and office/light industrial uses; however the area is in a mixed residential and commercial area. It is considered that the adjoining uses will not have a detrimental impact on the residential amenities of the new occupants. The proposal would be acceptable with regard to the residential amenity of both existing and proposed residents and that the proposal accords with Policy BE1 in this regard.

Trees, landscaping and ecology

- 6.18 As stated above the area of the site that is proposed for private amenity space is designated as Green Network within the T&WLP. Policy E6 states that the

Council will protect, maintain, enhance and, where possible, extend the Green Network. The change of use of the land to amenity space will not prejudice the functions of the Green Network as it will maintain the visual amenity of the land, it will continue to provide separation between built up areas and will contribute to the recreational needs of the population. The Council's Ecology & Green Infrastructure Specialist has been consulted on the proposal and has confirmed that, subject to the imposition of conditions relating to the design of any external lighting and the erection of artificial nesting/roosting boxes on the site, they have no objection to the application. It is considered that the proposal is acceptable in terms of Policy NE6.

Other matters

- 6.19 As stated above the development would utilise an existing vehicular access on Bridge Road and that 18 car parking spaces would be provided. The Council's Highways Officer is satisfied that the application is acceptable in this regard subject to a condition requiring provision of the parking spaces before the dwellings are first brought into use. A pedestrian access to the south side of the building would ensure that the units that would be directly accessed on the western side of the building, would have a direct link to the car park. The detail of the new footpath will be controlled by condition. A condition is also proposed in relation to the provision of cycle parking. The proposal is therefore acceptable in relation to Policy C3.
- 6.20 The applicant has stated that the site would be drained to an existing sewer and watercourse. The Council's Drainage Engineers have considered the proposed development and have, subject to a condition requiring the submission of a detailed scheme for surface water drainage, not raised any objections to the proposal.
- 6.21 Planning conditions were attached to the previously approved application to ensure that additional details were submitted to the Local Planning Authority, prior to the commencement of the development, in relation to any retaining structures and land contamination. It is considered necessary to attach those conditions again.

7. CONCLUSIONS

- 7.1 The proposed development is acceptable in principle as it will enhance and preserve a building that whilst not being listed holds historic merit. The alterations to the building will be limited and will maintain its essential character and fabric. The applicant has shown that the site can be adequately accessed with parking and amenity space, and will not unduly affect adjoining residential amenities. The proposal accords with national and local planning policy.

8. RECOMMENDATION

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

authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

Conditions

1. A04 Time limit
2. B011 Sample of materials
3. B057 Land Contamination
4. B061 Foul and Surface Water
5. B121 Landscaping Design - including footpaths
6. B127 Landscape Management Plan
7. C012 Car Parking
8. Cycle Parking
9. C028b Geotechs – Retaining Structures
10. C38 Development in accordance with plan Nos.
11. C109 Ecology – bat and bird boxes
12. D01 Removal of all permitted development
13. D10 Open plan frontages

Informatives

- | | |
|--------|---------------------------------|
| I25g | Enhancement Planting |
| I25m | Nesting Birds (Vegetation) |
| I25n | Lighting |
| I32 | Fire Authority – amended |
| I33b | Broadband |
| I35 | Materials – cedar and windows |
| I40 | Conditions |
| I41 | Reasons for Grant of Permission |
| RANPPF | Approval - NPPF |