

INFORMATION RECEIVED SINCE PREPARATION OF REPORT

Application number	TWC/2017/0643
Site address	Land to the North of Haygate Road, Wellington, Telford, Shropshire
Proposal	Reserved matters application for the erection of 289no. dwelling including details for appearance, landscaping, layout and scale pursuant to outline application TWC/2013/1033 **AMENDED PLANS RECEIVED**
Recommendation	Reserve Matters Grant

1.0 ADDITIONAL COMMENTS

1.1 Since the production of the committee report, further comments have been received and these are summarised below:

1.2 Town/Parish Council Comments:

1.2.1 Wrockwardine Parish Council: No comment

1.3 Public Comments:

1.3.1 Haygate Fields Group: Comment

HFG has been given only a very limited time to respond. Main comments relate to the Woodlands Avenue perimeter but wish to make some other comments.

1.3.2 *Woodlands Avenue Perimeter:*

a) In accordance with the wishes of the Committee, HFG support the substitution of bungalows so that all dwellings on this Woodlands Avenue perimeter are now bungalows.

b) HFG fundamentally oppose the removal of the landscape buffer between the perimeter of the development and Woodlands Avenue. This is not what the Councillors asked for.

1.3.3 HFG endorses the comments already made by Mr Mick Krupa on behalf of a resident in Woodlands Avenue. The provision of bungalows along the Woodlands Avenue perimeter significantly reduces the loss of light issue and to an extent reduces but does not remove the loss of privacy. The removal of the landscape buffer is unnecessary and not in accordance with the decision of the Planning Committee on 07/02/18. In this respect, it is alleged that the revised proposal fails to accord with Local Plan Policy BE1. There would still be some issues of privacy between the gardens of the new development and the adjoining houses and gardens in Woodlands Avenue.

1.3.4 It will become impossible to maintain the hedge from the Woodlands Avenue side of the boundary. The elderly age of the residents does not help in this respect. Owners of the new properties will have no interest in maintaining a hedge beyond the fence which marks the edge of their properties. The end result would be a most unsatisfactory interface between the new development and Woodlands Avenue. The inclusion of the land drains within the gardens of

the new properties also stores up problems in terms of future maintenance issues.

- 1.3.5 *Play Area Issues*: HFG is satisfied that the current proposals in respect of the siting of the play areas are appropriate and are supported by Wellington Cricket Club. HFG also support the Council's recommendation that these facilities will not be floodlit.
- 1.3.6 *Fencing*: HFG is satisfied that the post and rail fence around the SUDs area is appropriate.
- 1.3.7 *Temporary Access*: HFG remains concerned about the lack of transparency by the developers on this important issue and request their intentions are declared as soon as is possible. It is accepted that this cannot influence the decision on 28/02/18.
- 1.3.8 *Programme of Works*: HFG continues to raise concerns regarding the programme of works and the hours of working.
- 1.3.9 Mr G Mason: Objection
Raises concerns that amended landscaping plans show the provision of trees at the end of the Haygate Road. These trees will take away late summer evening sunlight from the front and side of 'Greenacres' and this addition is strongly opposed. Already concerned that proposed dwellings to the north will obstruct early morning sunlight. The building of Croft House already impacts upon late winter evening sunlight. Also, has not seen response to request to re-route the proposed footpath to the north side of the nearest tree.

2.0 OFFICER RESPONSE

- 2.1 It is noted that the interface with Woodlands Avenue along the north east side boundary continues to form the main source of concern from local residents. The provision of bungalows along the entire Woodlands Avenue boundary is welcomed by Haygate Fields Group (HFG) who consider this to be a positive move, however, the omission of the landscaped buffer along the boundary is now a major source of concern and HFG wish for this to be re-instated.
- 2.2 It is alleged that in removing the landscaped buffer, the revised proposal now fails to accord with the requirements of Telford & Wrekin Local Plan (T&WLP) Policy BE1. Such criteria include the requirement to respond positively to context, to enhance the local built and natural environment, to demonstrate an integrated design approach, to producing a safe, secure environment and to demonstrate that there is no significant adverse impact upon nearby properties by noise, dust, odour or light pollution. It is also suggested that the omission of the landscaped buffer fails to satisfactorily address privacy issues between gardens in the proposed development and Woodlands Avenue.
- 2.3 The applicant has explained that following the provision of the bungalows along the north east boundary, there has been a need to omit the landscaped buffer in order to provide appropriately sized gardens. As bungalows contain

a larger footprint, the amendments would have reduced the size of the gardens considerably if the landscaped buffer had also been provided.

- 2.4 As explained in the updated committee report, the revised proposal now shows a 1.8 metre high boundary fence to be erected alongside the existing boundary hedge. The fence would be erected at the top of the embankment and behind the existing hedgerow as viewed from the rear of Woodlands Avenue. Officers consider that such a form of boundary treatment would be sufficient to prevent direct views between windows in the proposed properties and those existing properties and their gardens along Woodlands Avenue, particularly taking into account the relatively shallow gardens along Woodlands Avenue and the change in levels. Members were able to see this relationship when they visited the site before the previous Planning Committee meeting and stood in the garden of 8 Woodlands Avenue. Whilst HFG concerns that there would still be privacy issues between gardens are noted, officers consider that the erection of a 1.8 metre high fence erected at ground level within the new development would provide a satisfactory degree of screening and privacy between the gardens and would protect the privacy of residents along Woodlands Avenue to an acceptable level.
- 2.5 With regard to Policy BE1, officers do not agree that the proposal fails to meet the criteria listed. The erection of the boundary fence alongside the existing hedgerow will provide a safe, secure form of development by preventing public access between the hedgerow and fence, will satisfactorily protect privacy and light along Woodlands Avenue and the retention, plugging and boosting of the existing hedgerow will provide a natural screen, softening views of the boundary fence from the Woodlands Avenue side. In this respect, officers are satisfied that the requirements of Policy BE1 are met.
- 2.6 Whilst the reasons for requesting the re-instatement of the landscaped buffer by HFG are noted, the provision of such a feature could also generate potential problems. Whilst the planting of trees along this strip would provide an enhanced buffer, there is the danger that a line of mature trees could take away light to the rear of Woodlands Avenue. It also creates a potential security risk if accessed by members of the public and could become a potential dumping ground for rubbish. Maintenance responsibilities would also need to be finalised with the developer. Whilst these issues were previously considered acceptable as a means of preventing the overlooking of properties along Woodlands Avenue, following the provision of bungalows along the boundary, they are no longer considered necessary.
- 2.7 HFG also highlight the potential difficulties the siting of the boundary fence would have in terms of the future maintenance of the boundary hedge. It is suggested that maintaining the hedgerow from the Woodlands Avenue side would be tricky given difficulties in terms of levels and the elderly age of residents of those properties. However, the applicant understands that the boundary falls along the centre of the hedgerow with maintenance responsibilities being shared by both sides. It is understood that the top of the hedgerow has previously been maintained by the farmer from the field side and such an arrangement would still be possible above the top of the

proposed fencing. The future occupants of the development or a management company could continue to maintain the top of the hedge e.g. to the height of the proposed fence and their side of the hedgerow will only be able to grow up to the proposed fence. The Woodlands Avenue residents could still undertake the maintenance of their side of the hedgerow in the future as is presumed to be the present arrangement and whilst the level change would make access to the hedgerow difficult, it is not considered to be 'impossible' as suggested by HFG

- 2.8 Having regard to the above considerations, officers consider that the amended layout and boundary treatment arrangements are the most appropriate solution to the issues raised along the Woodlands Avenue boundary and do not consider that there is sufficient justification on planning grounds to request the reinstatement of a five metre wide landscaped buffer as requested by HFG.
- 2.9 It is noted that HFG also suggest that the proposed land drains along the boundary should be located within a landscaped buffer as opposed to individual plots to avoid potential future maintenance responsibility issues. Members will recall that the Council's Drainage Officer had recommended at the previous Planning Committee meeting that land drains were kept out of the landscaped buffer to avoid damage through root growth and blockages from leaves and fruit. The proposal therefore continues to show land drains in individual plots, however, a planning condition will need to be added removing permitted development rights to erect buildings, sheds or structures in those gardens.
- 2.10 Conclusion: In summary, the provision of bungalows along the Woodlands Avenue boundary is welcomed as a positive step and now, together with the provision of a 1.8 metre high boundary fence and enhanced hedgerow, provides an acceptable relationship between the proposed development and existing properties along Woodlands Avenue. The amenities of nearby residents will be satisfactorily preserved and the proposal complies with the requirements of T&WLP Policy BE1.

3.0 OTHER MATTERS

3.1 Hedgerow Removal:

Members may have been made aware that the applicants have commenced hedgerow removal in some areas of the development site, including three sections of hedgerow along the Haygate Road frontage. This work has been carried out to avoid the bird nesting season which begins on 1st March. Failure to meet this target would have resulted in significant delays for the developer.

- 3.2 The applicants are aware that the removal of the sections of hedgerow are carried out at their own risk. The Hedgerows Regulations 1997 advise that it is an offence to remove a hedgerow unless (amongst other things) it is required in connection with a development for which has been granted planning permission. Whilst this work is clearly premature, following confirmation by the applicants, officers are satisfied that the areas of

hedgerow removed are required in connection with works proposed by the proposed development. In addition to the section removed to facilitate the access road, this has included a 6 metre stretch to facilitate a sewer connection into Haygate Road and a 1 metre wide section alongside the existing field access to allow entry for plant required to carry out ground investigation works and to start the construction of the access road.

3.3 As part of the application, the applicants have confirmed that the hedgerow along the Haygate Road frontage is to be retained at a height of 1.8 metres and a condition has been added controlling this. Consequently, this condition will now need to be expanded to require any areas of hedgerow which have been removed but are shown as being retained to be replanted at the earliest opportunity once the relevant works have ceased.

3.4 Whilst the hedgerow removal works have clearly been carried out prematurely, the applicant has carried out the necessary ecological surveys prior to the removal of the hedge and no objection has been raised by the Council's Trees or Ecology Officers during the course of the application. As such, the removal of the hedge would have been permitted as part of any permission granted and Members are advised that the early removal of the sections of hedgerows are not in themselves a reason to refuse this application.

3.5 Amended Planting Plans at end of Haygate Road 'spur':

In response to concerns raised by owners of the two properties at the end of the Haygate Road 'spur', 'Croft House' and 'Greenacres', planting plans have been updated to provide an additional native screen along the western boundary. These works will involve the provision of an enhanced native hedgerow and scrub planting alongside the boundary and to block off the existing field gate. Fruit trees will be planted in the areas of open space between the development and the two neighbouring properties. Finally the public footpath has been re-routed to pass the western side of the existing tree, in order to sit further away from the neighbouring properties. Such changes will ensure there are no significantly adverse impacts upon the amenities of those nearby properties and are an acceptable design response, in accordance with T&WLP Policy BE1.

4.0 CONCLUSION

4.1 Officers have addressed the matters for which the application was deferred in the updated committee report. Having regard to the above additional considerations, officers are satisfied that the proposal continues to accord with the relevant policies contained within the local development plan and National Planning Policy Framework. Accordingly, the recommendation to the Planning Committee on this application remains that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following conditions and informatives (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager)

Conditions

1. A02 Reserved Matters Time limit
2. B079 Land drainage scheme for western boundary
3. B076 SUDS Management Plan
4. B139 Arboricultural Method Statement
5. C002 Materials as per Materials Matrix
6. C059 In accordance with Noise Report Mitigation recommendations
7. Ccust Installation of Cricket Club Car Park Fence
8. C089 Haygate Road Hedgerow
10. C109 Felling of Tree with Bat Roost Potential
11. C38 Approved Plans
12. D08 No additional windows restriction
13. D11 Construction Hours Restriction
14. D11 Piling hours restrictions
15. D01 Removal of PD rights along NE boundary

Informatives

- I08 Highways Licence
- I23 Bats
- I34 Discharge of Condition
- I40 Conditions
- I43 Reason for Grant of Reserved Matters
- RANPPF2 Approval - National Planning Policy Framework.