

TWC/2017/0916

Land adjacent to Bettisfield, Longford Road, Newport, Shropshire
Erection of 1no. dwelling and 1no. ancillary workshop with associated access and landscaping works

APPLICANT

Lee Smith

RECEIVED

10/11/2017

PARISH

Church Aston

WARD

Church Aston and Lilleshall

THIS REPORT IS PRESENTED TO PLANNING COMMITTEE DUE TO THE SUBMISSION OF AN APPEAL AGAINST NON-DETERMINATION.

- A) The purpose of this report is to advise the Planning Committee of the recently received 'non-determination' appeal in regards to this application, and to request guidance on the issues relating to the Council's case presented to the appeal.
- B) Whilst the appeal has not yet formally been validated by the Planning Inspectorate (PINS), the Local Planning Authority (LPA) has received formal notification of submission and accordingly the Local Planning Authority is required to prepare a formal Statement of Case to outline the position of the LPA (subject to the Planning Inspectorate registering the appeal). This Statement of Case will need to set out the decision that would have been made by Planning Committee should the application have come back to Committee without being the subject of an appeal.
- C) Consideration of the application was deferred from consideration at Planning Committee on the 24th October 2018 at the request of officers to allow for the preparation of a s106 to tie the occupancy of the annex to that of the main house; to allow Members to undertake a site visit and to allow the Local Ward Member to speak but was unable to attend that meeting.
- D) The application was subsequently presented to Members at Planning Committee on 14th November 2018. Officers recommended approval of the application subject to a Section 106 agreement regarding the occupancy of the workshop, Condition(s) and Informative(s). Members resolved to defer the application for the following reasons:
- a) To amend the scale and design of the proposed dwelling, and reduce the scale of accommodation provided across the site.**
 - b) To revisit the access arrangements for the site.**
- E) The applicant has chosen to lodge an appeal for non-determination and has chosen not to make any amendments to the scheme. Officers reiterate that the Local Highways Authority (LHA) have no objections to the access arrangements.

- F) Officers note that Policy HO10 of the Telford & Wrekin Local Plan 2011-2031 requires development outside of the named settlements to represent exceptional quality or innovate design; and as such, if Members would have been minded to recommend refusal of this application, a clear reason as to why the scheme is not considered to be exceptional or innovative will need to be provided.
- G) In respect of the appeal process, all persons notified or consulted regarding the application alongside all other interested persons who made representations regarding the Application will be notified regarding the appeal, once registered.
- H) Objectors are still afforded sufficient time to respond formally to the Inspectorate, and as such any comments received will form part of the Planning Inspectors deliberations. All existing objections will be sent to the Inspectorate.

RECOMMENDATION

Members are requested to confirm how they would have determined the application were it not the subject of an appeal against non-determination. If Members would have been minded to refuse the application reasons for refusal will be required with authority to be delegated to the Development Management Service Delivery Manager.

The reports to Plans Board on the 14th November 2018 and 24th October 2018 are presented below:

*******UPDATE TO COMMITTEE REPORT*******

THIS APPLICATION WAS DEFERRED AT PLANNING COMMITTEE 24 OCTOBER 2018 TO ALLOW THE WARD MEMBER TO SPEAK AT THE MEETING, TO ALLOW A SITE VISIT AND THE PREPARATION OF A S106 TO TIE THE OCCUPATION OF THE ANNEXE TO THAT OF THE MAIN DWELLING

1.0 UPDATE TO COMMITTEE MEMBERS

- 1.1 This application was heard at the previous planning committee meeting held on 24 October 2018, whereby it was agreed by Members that the application would be deferred in order to allow the Ward Member who has called this application in, wished to speak but unable to attend the meeting, for a site visit to take place, and to allow a Section 106 agreement to be drawn up in regards to the occupancy of the proposed workshop.
- 1.2 Since the previous committee report was written, a formal objection has been received from Cllr Andrew Eade. Cllr Eade had requested that the scheme be heard at planning committee if officers were minded to recommend approval however, no other formal comments were given at this stage. Cllr Eade has now confirmed the basis of his objections which are as follows:

- Longford is not a named settlement within the Telford & Wrekin Local Plan 2011-2031 and as such, does not comply with Policy HO10;
- The layout, density of design, visual appearance and the impact that the dwelling would have on the character of the area is unacceptable

2.0 CONCLUSIONS

- 2.1 Whilst these objections are noted, Officers are satisfied that they have been addressed within the original Committee Report and have not resulted in a change to the recommendation.

3.0 RECOMMENDATION

- 3.1 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 FULL PLANNING PERMISSION** subject to:

- a) The applicant/landowner entering into a Section 106 Legal Agreement with the Council, terms to be agreed by the Delivery Management Service Delivery Manager, relating to:
- b) The occupancy of the living accommodation located within the proposed workshop, being limited to the applicant's immediate family and that it shall not be let or sold as a separate unit of accommodation.
 - (i) The following Condition(s) and Informative(s) (with authority to finalise Conditions and Reasons for approval to be delegated to Development Management Service Delivery Manager.

A04 Time Limit
 B010 Details of Materials
 B037 Access drive bound material
 B061 Foul and surface water drainage
 B130 Trees - Protective Fencing
 B133 Trees - Replacements
 B149 Erection of artificial nesting/roosting boxes
 B149 Lighting Plan
 B089 Noise Assessment
 B150 Site Environmental Management Plan
 C013 Parking, Loading, Unloading and Turning
 C014 Visibility Splays
 C38 Development in accordance with approved plans
 D11 Hours of work (Workshop)
 D21 Restriction on separate use
 I11 Highways
 I24a Great Crested Newts
 I25m Nesting Wild Birds
 I32 Fire Authority

I36 Street Naming and Numbering
I40 Conditions
I41 Reasons for grant of approval
RANPPF1

*****ORIGINAL COMMITTEE REPORT*****

THIS APPLICATION HAS BEEN CALLED TO COMMITTEE AT THE REQUEST OF CLLR ANDREW EADE

1. SUMMARY RECOMMENDATION

1.1 Full Grant subject to Conditions and Informative(s).

2. APPLICATION SITE

2.1 The site subject to this application is located within the Town of Newport, a market town within Telford, located approximately 9 miles North of Telford Town Centre. Newport is a sustainable settlement, offering residents a series of facilities including schools, Doctor's Surgeries and Convenience Retail Shops.

2.2 Bettisfield is a detached, two-storey property, constructed in red brick. The roof of the property is a mix of gabled and single pitch, which are covered in plain tiles. The property itself has a large garden area to the rear of the property and the boundary treatments on the site largely consist of soft landscaping, post and rail fencing and dwarf stone walls.

2.3 To the West of the existing dwelling, there is a large parcel of land, which has historically been used as private garden land associated with Bettisfield, permission having previously been obtained for a Change-of-Use in 2001. The piece of land is currently covered with trees, shrubs and hedgerows and it is this parcel of land that the dwelling is proposed to be constructed on.

3. APPLICATION DETAILS

3.1 This application seeks permission for the erection of 1No. dwelling and 1No. ancillary workshop with associated access and landscaping works on land which has been historically used as private garden land for the property known as 'Bettisfield.'

3.2 The dwelling itself is proposed to be two-storey, with a total of 5No. bedrooms. The associated workshop will be used by the applicant to allow their current artisan metalwork business to continue. The workshop will also contain a self-contained unit which will be occupied by the applicant's son, facilitating a pair of bedrooms, a bathroom, kitchen and modest living area.

3.3 The proposal includes a sustainable heating and cooling system installed, connecting a solar panel array with a battery pack, providing the electricity required to power the ground source heat pump. The pump providing 100% of

the hot water requirements for the main house and the mezzanine level of the workshop. The proposal will therefore result in a carbon neutral scheme.

4. PLANNING HISTORY

- 4.1 W2001/0746 - Change-of-Use from agricultural land to private garden area to include trees, lawn, meadow and pond - Full Granted 03 October 2001

5. RELEVANT POLICY DOCUMENTS

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Telford & Wrekin Local Plan 2011-2031

6. NEIGHBOUR REPRESENTATIONS

- 6.1 Six neighbouring properties have been formally consulted on the proposal and the Local Planning Authority have received one letter in Support and one letter in Objection.
- 6.2 The representation in support notes that the applicant has proposed a very sympathetic design which recognises the agricultural history of the site.
- 6.3 The representation in objection raises the following comments/concerns:
- The existing access is narrow and increasingly busy, with no pavement, used by schoolchildren and not considered to be sensible or safe to use this access if commercial vehicles will need to access the workshop;
 - The proposed workshop is not in keeping with the other properties in the immediate vicinity;
 - The size of the proposed workshop is out of proportion to other buildings within the area.

7. STATUTORY REPRESENTATIONS

- 7.1 Church Aston Parish Council: **Object**.
- Consider the proposal to not in keeping with the design features of the dwelling/buildings within the locality, represents and over-development of the site and that the design will impact on the visual amenity of existing residents and is like to be viewed as detrimental visual amenity.
- 7.2 Highways, Arboricultural, Ecology and Environmental Health: **Support** subject to safeguarding Conditions.
- 7.3 Shropshire Fire Service: **Comment** noting that consideration should be given to the information contained within Shropshire Fire and Rescue Service's 'Fire

Safety Guidance for Commercial and Domestic Planning Applications' document.

7.4 West Mercia Police: **Comment** providing general design guidance.

8. APPRAISAL

Principle of Development

- 8.1 The site subject to this application is located outside of the Urban Boundary of Newport, set within the Telford & Wrekin Local Plan 2011-2031, and as such, is considered to be located within the Rural Area.
- 8.2 Policy HO10 of the Telford & Wrekin Local Plan 2011-2031 (Residential Development in the Rural Area) outlines that the Council will support a limited amount of infill housing in the settlements of Edgmond, High Ercall, Lilleshall, Tibberton and Waters Upton. Outside of these settlements development will be strictly controlled. The Council will only support applications for housing outside of these areas, if one of the following exceptions is met:
- The proposal is compliant with the exceptions set out in Policy HO11;
 - The proposal would result in the optimal use in a heritage asset;
 - The proposal would represent exceptional quality or innovative design;
 - The proposal would meet the need for a rural workers dwelling.
- 8.3 The applicant has submitted a scheme which they consider achieves the 'exceptional quality and innovative design' exception. With all applications which seek to achieve this exception, the scheme has undergone an independent design review by MADE.
- 8.4 MADE is an independent design review panel, which comprises design professionals who review schemes for NPPF para. 79 (formerly para. 55) housing and exceptional design builds within the West Midlands. The Local Planning Authority ask for any scheme seeking to achieve this HO10 exception for a design review by MADE so that an independent assessment can be given, as the Local Planning Authority do not currently have any guidance on what elements of design can be considered to be of exceptional quality.
- 8.5 The applicants have undertaken this design review exercise and MADE have confirmed that the proposed scheme is considered to be of an exceptional design quality by virtue of the following:
- The influence of energy strategy on layout and design both as proposed and in its adaptability for future change;
 - Arboricultural surveys influencing at a detailed level siting and design;
 - It's mixed use, combining living and work spaces;
 - The application of an agricultural aesthetic in contemporary architecture;

- It's response to and respect for setting, including both built form and the layout of external spaces, and the creation of an enhanced edge to a settlement boundary;
- Enhancement of biodiversity;
- The process of scoring against the Housing Quality Index and independent review panel.

8.6 As a result of the conclusions provided by the MADE Review it is considered that the proposal is compliant with Policy HO10 of the Telford & Wrekin Local Plan 2011-2031 and meets the 'exceptional design' criteria. As such, the design and scale of the proposal is considered to meet the criteria outlined within Policy BE1 of the Telford & Wrekin Local Plan and the national guidance contained within the NPPF.

Other Matters

8.7 Following a full consultation exercise, there are no objections from statutory Consultees. Conditions have been recommended from the Council's Highways, Arboricultural, Ecology and Environmental Health teams which will be attached to any approval. As such, there are no technical reasons to warrant the refusal of the application.

8.8 In respect of the impact that the proposal will have on the amenity of neighbouring properties; the applicants have proposed a robust landscaping scheme and have set the dwelling significantly back into the plot, to ensure that there will be no issues of overlooking, loss of privacy or any overbearing impact. In respect of the proposed Workshop, Officers propose Conditions in respect of the hours of operation and the ancillary use of the building and also in respect of the occupancy of the proposed mezzanine floor which is to be used as a self-contained residential unit for the Applicant's son.

8.9 The proposal as a whole is therefore considered to be compliant with the Telford & Wrekin Local Plan 2011-2031 and the guidance contained within the NPPF.

9. CONCLUSION

9.1 On balance, it is considered that the proposal is compliant with Policy HO10 of the Telford & Wrekin Local Plan 2011-2031, representing exceptional quality and innovative design. The proposed dwelling will respect and respond positively to the site and the wider area. As a result of the boundary treatments on site and landscaping scheme proposed, the dwelling will be well screened from the adjacent highway and will not cause a detrimental impact upon the amenity of neighbouring properties. The proposal is therefore deemed to be compliant with the Telford & Wrekin Local Plan 2011-2031 and the guidance contained within the NPPF.

10. DETAILED RECOMMENDATION

10.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is to **FULL GRANT PLANNING PERMISSION** subject to the following Condition(s) and Informative(s):

- A04 Time Limit
- B010 Details of Materials
- B037 Access Drive - Bound Material
- B061 Foul and Surface Water Drainage
- B130 Trees - Protective Fencing
- B133 Trees - Replacements
- B149 Erection of Artificial Nesting/Roosting Boxes
- B149 Lighting Plan
- B089 Noise Assessment
- B150 Site Environmental Management Plan
- C013 Parking, Loading, Unloading and Turning
- C014 Visibility Splays
- C38 Development in Accordance with Approved Plans
- D11 Hours of Work
- D21 Restriction on Separate Use
- I11 Highways
- I24a Great Crested Newts
- I25m Nesting Wild Birds
- I32 Fire Authority
- I36 Street Naming and Numbering
- I40 Conditions
- I41 Reasons for Grant of Approval

RANPPF1