

## PLANS BOARD

### Minutes of a meeting of the Plans Board held on Wednesday, 22 August 2012 at 6.00pm in the Reception Suite, Civic Offices, Telford, Shropshire

**PRESENT:** Councillor S A W Reynolds (Vice-Chair in the Chair), N A Dugmore, I T W Fletcher, J Loveridge, C P R Mollett (as substitute for Councillor R T Kiernan), G C W Reynolds, R J Sloan (as substitute for Councillor J C Minor), and C R Turley

**ALSO PRESENT:** Councillor T J Hope (for planning application TWC/2012/0419); V A Fletcher (for planning application TWC/2012/0423) and A D McClements (for planning application TWC/2012/0487).

#### **PB-025      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Plans Board held on 1 August 2012 be confirmed and signed by the Chairman.

#### **PB-026      APOLOGIES FOR ABSENCE**

Councillors J C Minor (Chairman) and R T Kiernan

#### **PB-027      DECLARATIONS OF INTEREST**

Councillor J Loveridge declared a personal and prejudicial interest in planning application TWC/2012/0565 and indicated that she would leave the room during determination thereof.

Councillor C P R Mollett declared a personal interest in planning application TWC/2012/0419 as the application site fell within his Ward boundary although he had not yet formed a firm view on the application.

Councillor R J Sloan declared a personal and prejudicial interest in planning application TWC/2012/0487 and indicated that he would leave the room during determination thereof.

Councillor C R Turley declared a personal interest in planning application TWC/2012/0565 as he was a Parish Councillor but did not sit on the Parish's Planning Committee.

#### **PB-028      DEFERRED/WITHDRAWN APPLICATIONS**

None.

#### **PB-029      SITE VISITS**

**RESOLVED** – that in accordance with the decision reached at the meeting of Plans Board on 7 March 2012 (minute number PB-091(d)) a site visit takes place at 3.45pm on Wednesday, 12 September 2012 at Kynnersley House Farm,

**Kynnersley, Telford, Shropshire, TF6 6DX in respect of application numbers TWC/2011/1027 and TWC/2012/0068.**

**PB-030      PLANNING APPLICATIONS FOR DETERMINATION**

Members had received a schedule of planning applications to be determined by the Board and fully considered each report and the supplementary information tabled at the meeting regarding planning applications TWC/2011/0749, TWC/2012/0419, TWC/2012/0423, TWC/2012/0487 and TWC/2012/0565.

(a)            TWC/2010/0828 Land at Ironstone, Lawley, Telford, Shropshire

Members received this report, read in conjunction with the report for application TWC/2012/0419, which sought the Plans Board's agreement to a variation of the existing S106 agreement for Lawley Sustainable Urban Extension (SUE) for the development of Phase 6 and Phase 2 of Lawley Square.

Councillor A Hussey, representing Lawley and Overdale Parish Council, addressed the Board to oppose the renegotiation of the Section 106 Agreement which he considered had not received initial Parish involvement or agreement. He expressed disappointed that the Agreement appeared to be regularly debated and altered without any dialogue with the Parish Council.

The Planning Officer advised that the proposed variation sought an alteration to the amount of affordable housing provision for Phase 6, with a reduction from 25% to 15% and to amend the mix from 13% to 10% shared ownership tenure and 12% to 5% social rented tenure. In addition, a request had been made to omit the affordable housing obligation for residential units above shops in the second phase of Lawley Square Local Centre, known as Buildings 1 and 2. The request had been supported by a viability appraisal which demonstrated that any provision would not make this element viable.

Councillor G C W Reynolds was alarmed at the reduction of affordable housing provision and sought reassurance that, should the economy improve there would be opportunity to review provision upwards. The Planning Officer confirmed that this was the case.

Similarly, Councillor C R Turley expressed his unease with the proposals. However, he noted recent government concern that economically unrealistic agreements were subduing development and, taking a pragmatic approach, he considered that a reduction in affordable housing was better than halting development. He noted the difficulties posed by the economic climate and welcomed the Planning Officer's assurance that a review mechanism could be put in place.

Councillor I T W Fletcher had grave concerns regarding the proposals. He sought clarification regarding how many affordable dwellings had been lost throughout the whole development to date and sought reassurance regarding the integrity of the viability assessment. In response, the Planning Officer advised that full open book accounts had been received which had been reviewed in-house by officers skilled in this area.

Councillor C P R Mollett asked what proportion of the overall Lawley SUE this phase represented and what timescale was envisioned for completion. The Planning Officer advised that a number of phases were yet to come forward but the current two phases represented approximately 10% of the overall development. Approximately 400 dwellings had been built on site, and it was anticipated that there would be 3300 at completion which it had been envisioned would take 10-15 years but this had realistically been revised upwards to 20 years.

Councillor N A Dugmore was extremely unhappy at the reduction in affordable housing and expressed his bafflement at the economic logic to increase private housing in a poor economic climate when there was a ready demand for affordable housing across the whole of the Borough.

The Assistant Director: Planning Specialist shared in the Board's disappointment but reminded Members of the Authority's obligations and advised that it would be difficult to resist a proven viability case which had been endorsed by the Housing and Communities Agency. He advised that the affordable housing element of any development had to be provided at a subsidy which, when considered alongside other site issues such as the cost of remedying ground conditions, affected the viability of provision. Each site, therefore, had to be judged on its individual merits with the best possible outcome achieved at each phase.

Councillor Rob Sloan concluded the debate by noting that whilst all Members were disappointed with the proposed reduction in affordable housing, due to government guidelines, the Board was not in a position to refuse the variation. Upon voting, the majority of Members concurred with this view.

**RESOLVED – that with respect to planning application TWC/2010/0828 the Development Management Manager be authorised to agree a variation to the Section 106 Agreement by approval in writing and/or formal deed of variation as appropriate so that the affordable housing provision be reduced to 15% in relation to the 388 units at Phase 6 and no affordable housing be required for the 32 flats/apartments subject to appropriate review mechanisms.**

(b) TWC/2011/0749 Metal & Waste Ltd, Lightmoor, Telford, Shropshire, TF4 3QN

This was a retrospective application which sought retrospective consent for the installation of a baling machine and associated engine house. Due to issues highlighted on the acoustic report, the erection of an 8m high wall was recommended to enclose the baler. In addition, the proposals sought consent for the continuation of use of the site for car dismantling and scrap storage. The Local Authority requested the change of use application resolve planning concerns related to the history of use at the site and regularise the use of the site for car sales.

Councillor F M Bould, one of the Borough Ward Members for Dawley Magna, was unable to attend the meeting to speak and her written comments were, therefore, tabled.

Mr G Lewis, of the Lawley Waste Action Group, spoke regarding the proposals which he considered would cause increased activity at the site, noise disturbance and increased traffic danger. However, he welcomed the opportunity for the applicant to engage positively with local agencies and sought support for some conditions to be strengthened. These conditions included considering scrap and metal pressing as one entity, provision of a noise management plan prior to permission being issued, clarification on the time at which deliveries could occur, and the creation of a Liaison Group.

Mr J Rice, the applicant, stated that he had worked in collaboration with Planning Officers to bring this application before the Board and it was unfortunate that he had not been aware of some of the impacts that the site had upon neighbours prior to acquisition. The site had been chosen due to its locality to service users and could support industries in Telford which would generate employment and hopefully increase activity in the Borough. He embraced the opportunity to work with local residents and the Environment Agency.

The Planning Officer referred Members to the tabled update report and pointed out that stability issues, particularly following the submission of amended plans to site an acoustic wall on the edge of a spoil mound, were not yet resolved and an investigation report was awaited. In addition, it was possible, if Members were so minded, to enter into further discussions regarding the hours of operation and delivery.

Councillor N A Dugmore sought clarification on the planning history of the site set out in the report and was advised that planning permission for a residential development had been refused in 2002 on the basis that the location was isolated with unstable ground conditions (policy H7) and that little information had been received to justify residential development on green network land (policy OL4); the 2009 application had been withdrawn and the 2010 application, whilst technically still live, was in abeyance due to slope stability issues which the applicant did not wish to invest against. Councillor Dugmore also asked how the throughput of material would be monitored and was advised this would be through returns to the Environment Agency and, on request, to the Local Authority. Councillor Dugmore expressed concern regarding the hours of operation and delivery which he considered coincided with the "school run".

Councillor G C W Reynolds empathised with the objections made by residents but welcomed the co-operative approach taken by the applicant. She expressed disappointment that the applicant had not more fully researched the site prior to purchase. However, she welcomed the employment opportunities that could be generated by the proposals and overall she considered that the proposed conditions would improve the quality of local residents' lives.

Councillor R J Sloan also expressed disappointment that the applicant had not been more diligent regarding the needs of local people prior to his acquisition of the site which he noted had a long history of enforcement. Councillor Sloan expressed some concern at the long hours of site operation but he considered that this was mitigated by the positive approach to working with local people which the applicant had exhibited and which he welcomed.

Councillor C R Turley noted that a noise management plan was required prior to the use of the baler and that environmental permits were in place. He considered that the proposal would generate employment in the area and, subject to the recommended conditions, together with liaison between the applicant and local residents and agencies, he felt that the proposals could be supported.

**RESOLVED – that with respect to planning application TWC/2011/0749 the Development Management Manager be authorised to grant Planning Permission subject to a suitably worded condition with regard to stability and further subject to the conditions as set out in the update report.**

(c) TWC/2012/0419 Lawley Phase 6, Dawley Road, Lawley, Telford, Shropshire

This application sought reserved matters consent for 388 dwellings including details of access, scale, mass and design of buildings and landscaping. The proposal also included off site highways works to alter the design and layout of Dawley Road and included traffic calming measures. The proposal was for two access points into the site off Dawley Road and Lawley Road, the creation of 388 two to three storey dwellings with a mix of 1, 2, 3, 4 and 5 beds, with associated gardens and parking.

Councillor A Hussey, representing Lawley and Overdale Parish Council addressed the Board to oppose the proposals. He informed the Board that the Parish Council had undertaken extensive archive research with regard to the ownership of the playing fields and confirmed that unfortunately local perception of ownership and any existence of previous covenants was unfounded. Whilst he expressed sympathy for the views of local residents he acknowledged that representations had to be based upon material planning considerations and therefore focussed his objections on ecological issues relating to local wildlife and adequate assessment thereof and road safety pertaining to the removal of the traffic Island adjacent to the Church of Latter Day Saints together with ongoing safety issues on the Dawley Road in general.

Councillor T J Hope, Borough Ward Member, spoke to express local concerns regarding the development on the grounds that there had been a lack of consultation, removal of existing playing field, the impact upon wildlife and loss of boundary buffer, potential damage and lack of public access to the existing memorial tree and overlooking. Councillor Hope concluded by suggesting that Members defer determination of this application so that a site visit could take place.

Ms E Gorse, a local resident, also spoke to oppose the proposals on the grounds that public consultation had not taken place since 2003, the impact on the character of Lawley Village, loss of the woodland corridor, overlooking, loss of light and privacy, the distance from homes to the proposed NEAP, rear access and increasing traffic requiring improved infrastructure and loss of the playing field. She sought consultation with the local community and an alternative layout which moved the position of the 3 storey houses, retained the playing field, protected the boundary and provided adequate traffic monitoring. She urged members to undertake a site visit.

The Applicant's Agent, Mr C Danks, then addressed the Board to support the application which he claimed was in accordance with the Master Plan and government guidelines on open space, exceeded buffer guidelines with regard to the NEAP and met buffer guidelines for the location of the LEAP. He stated that provision of 3-storey properties accorded with design codes and work with the Council's Highways Officers had resulted in traffic calming measures at an appropriate level. Furthermore, the Memorial Tree had been retained and an additional tree was planned at a more accessible location.

Referring to the tabled update, the Planning Officer noted local discord regarding the use of the mowed land to the south of the designated Village Green and advised Members that public use of this land had thus far been at the discretion of the landowner. She further explained that amended plans relocated 3 dwellings to ensure that an appropriate buffer zone between the NEAP and LEAP was in place. The proposed development did not incorporate as many three storey dwellings as indicated in the design codes. As the economic climate had changed since the outline was granted, the developers had requested a relaxation of some of the design and materials criteria and use of standard house types to continue to deliver new homes and maintain a viable scheme. The Planning Officer considered that building at this site was of strategic importance in order to deliver growth in the Borough and supported this request. She pointed out that planting on the site included a new Elm tree, which could be rededicated to Jack Turner and, therefore, provide a publicly accessible alternative memorial tree to compensate for the existing protected tree being retained within the private amenity space of a dwelling. She noted Shropshire Wildlife Trust's comments on the survey work and advised the Board that the Council's Ecologist did not concur with their view. Issues relating to ground conditions and drainage were addressed in the report. Overall the scheme was in accordance with the Outline Planning Permission, offering high quality housing which integrated with and respected adjacent existing development.

Councillor C P R Mollett considered that the Lawley SUE was a complicated scheme and noted that the main issues appeared to be integration between new and existing development. He, therefore, considered that a site visit would assist determination of this application.

Councillor R J Sloan noted the Planning Officer's advice in the report regarding the loss of park or village green land and, whilst he was sympathetic to the local community's concerns, he noted that the extent of land use had been set at the outline stage.

Councillor C R Turley welcomed the retention of the Memorial Tree and traffic calming measures. He noted that application W2004/0981 included permission for a new school and sought clarification as to when this aspect would come forward to Board. The Planning Officer indicated that pre-application discussions for this stage was likely within the next 12 months.

Councillor N A Dugmore expressed concern at the lack of ongoing consultation and he suggested that determination of this application should be deferred for a site visit, which would give time for the mineshaft investigation report to be received and for further consultation to take place regarding the siting of the garage and parking at

plot 377 which was subject to an objection from the Highways Engineer. He also sought clarification of the parking ratio for this development.

The Planning Officer expressed apologies that she had not updated the Board that the Mineshaft Investigation Report had been received and that sufficient information had been received to prove that standoffs were workable. In accordance with the National Planning Policy Framework, once planning permission had been granted, responsibility for this aspect of development lay with the developer. The Planning Officer advised that it was the opinion of Officers that the scenario leading to the Highway Engineer's concerns with regard to Plot 377 would rarely occur and demonstrated this on the displayed plans. She further stated that Officers conceded that the ratio of 1.5 car parking spaces per dwelling used in previous phases had not been workable in practice and that this phase would see a ratio of at least 2 spaces per dwelling. She also offered clarification on terminology used in the report.

The Assistant Director: Planning Specialist advised Members that the principle of development at this site had been established some time ago and outline planning permission had been granted following extensive public engagement. The reserved matters proposals before the Board were consistent with the development framework and outline consent and also with national and local planning policies.

Councillor G C W Reynolds expressed the opinion that as the area for development had already been decided, a site visit was not necessary, and instead, Members should focus attention on the detail before them. She welcomed the increased parking ratio and design of the properties and, further, considered that residents new to the area would have been aware of the proposals at the time of purchase.

Councillor C P R Mollett proposed, seconded by Councillor N A Dugmore that a site visit should take place but, on being put to the vote, this was not agreed.

The recommendation to grant reserved matters approval was therefore proposed and seconded and it was, by a majority:

**RESOLVED – that with respect to planning application TWC/2012/0419 reserved matters planning permission be granted subject to the conditions as set out in the report.**

(d) TWC/2012/0423 9 Bayswater Close, Priorslee, Telford, Shropshire, TF2 9GY

This was a full planning application for the erection of a two storey front extension and the conversion of the attic to habitable space by creating a dormer in the west facing roof pitch. Councillor V A Fletcher had asked for this application to be determined by the Plans Board and the application had been deferred at the meeting on 1 August 2012 to enable Members to undertake a site visit.

Councillor V A Fletcher, one of the Borough Ward Members for Priorslee, addressed the Board to speak against the application on the grounds that there were numerous inaccuracies in the application particularly with regard to the boundary and shared access to the driveway. Councillor Fletcher suggested that planning permission

should be refused on the grounds of parking and access, traffic generation, privacy and overlook, and also that the proposals were out of character with the area, would have a detrimental impact on local amenity and represented overdevelopment of the site.

Mr S Hampshire, spoke on behalf of local residents, to express opposition to the proposals. He stated that the proposals were out of character with the street scene, represented over-development of the site, would exacerbate traffic and parking problems and would impact upon the residential amenity and privacy of neighbouring properties. He referred to the deed plans which had been circulated prior to the meeting which identified the boundary and area of shared access with No8 Bayswater Close.

The Planning Officer referred members to the tabled update report which addressed the concerns raised in additional correspondence received from the owners of No.8 Bayswater Close in connection with shared driveway access and the boundary between the properties. Officers did not consider that the proposals would have a significant impact on existing access or parking provisions. Similarly, it was not considered that the proposals would be detrimental to the street scene or amenity and that the extension's oblique position and separation distances would not intrude upon privacy. The Planning Officer went on to explain that a much larger extension could be built under permitted development rights.

Referring to that afternoon's site visit, Councillor C R Turley did not consider the proposals to be problematic, although he acknowledged there were discrepancies between the application plans and copy sealed plans provided. He noted that parking would be a civil issue and was not the remit of the Board.

Councillor G C W Reynolds noted that emergency services had not objected on the grounds of access and she considered that the plot was large enough to accommodate the proposals.

Drawing on his local knowledge, Councillor I T W Fletcher disagreed with the Planning Officer's conclusions and further considered that the plans would protrude from the building line and, despite the presence of a modest tree partially obscuring views, the proposals would result in overlook that would be detrimental to Nos 7 and 8 Bayswater Close..

Councillor J Loveridge recalled from the site visit that whilst there was potential for overlook into No7 Bayswater Close, the property was otherwise somewhat sheltered by trees.

Councillor N A Dugmore sought clarification on the rules regarding privacy and the Planning Officer confirmed that the 20 metre privacy line was a guideline only and that each case should be considered on individual merits including any mitigation to reduce overlook when the guideline 20m was not fully met. Councillor Dugmore considered that a cautious approach should be taken as the trees which currently provided some screening could be removed in future. Councillor Dugmore also noted that planning permission (W2003/1380) had previously been refused and was

advised that the permitted development rights had since increased so no direct comparison could be drawn.

Upon receiving advice, Councillor S A W Reynolds clarified that if planning permission was not granted in this case, permitted development rights would allow a larger extension to be built and the authority would have lost the ability to condition the development. On balance, therefore, Councillor S A W Reynolds considered that it would be preferable in this case to grant planning permission, but with an additional condition to protect the privacy of neighbouring properties. She was also mindful of construction noise and the potential for access to be hindered by construction vehicles and suggested that negotiation of construction hours would be appropriate to limit any infringement on access at peak hours. The majority of Members concurred with this view.

**RESOLVED – that with respect to planning application TWC/2012/0423 the Development Management Manager be authorised to grant Planning Permission after discussion with the applicant regarding the imposition of a condition to limit construction and delivery hours and amend the first floor side bedroom window to reduce overlooking and further subject to the conditions as set out in the update report.**

(e) TWC/2012/0487 Land adjacent, 55 Manor Rise, Arleston, Telford, Shropshire

*(In accordance with his previous declaration of interest Councillor R J Sloan left the room during determination of this application.)*

This application sought permission to erect a three bedroom dwelling at land to the side of number 55 Manor Rise. Full details of the proposals were detailed in the report. Councillor A D McClements had requested that this application be determined by the Plans Board.

Councillor A D McClements, the Borough Ward Member for Arleston, addressed the Board to speak on behalf of local residents against the application on the grounds of access, traffic flow, drainage and disruption to the quality of life of residents at 53 Manor Rise.

The Applicant, Mr S Bebbington, spoke in support of his application, advising that the Land Registry Title Plan showed that access was not shared. Operators had visited the site and advised that there was sufficient access for the piling machine. He advised that flooding rarely occurred and, when it did, his experience was that blockage was due to a build up of non-flushable waste.

Referring to the tabled update report, the Planning Officer advised that the neighbour objection had not reached the Planning Office until after the expiry of the consultation period but, nevertheless, issues raised were covered by the report and officers were satisfied that the development would not impact upon the street scene and was in a sustainable location.

Members were satisfied that the main issues had been addressed in the report and unanimously supported the recommendation therein.

**RESOLVED** – that with respect to planning application TWC/2012/0487 planning permission be granted subject to the conditions as set out in the report.

(f) TWC/2012/0512 Land between Coach Central and Southwater Way, Town Centre, Telford, Shropshire

This application sought permission for the demolition of existing buildings and redevelopment of the site to provide a multi-storey car park, replacement surface car park, public realm improvements and associated works including highway works. Full details were set out in the report.

Councillor G C W Reynolds was delighted by the modern and innovative design of the multi-storey car park which complimented the contemporary image projected by the Southwater development. She also welcomed the lighting strategy. Councillor C R Turley similarly embraced the ongoing regeneration of the area. Councillor N A Dugmore was pleased to see proposals for a large car park which would reduce the likelihood of an application to extend in the future.

**RESOLVED** – that with respect to planning application TWC/2012/0512 subject to the Council as landowner agreeing that the land will be bound by the obligations in respect of the provision of a sum of monies comprising a contribution of £8,702 for highway works and £3,500 for planning/financial monitoring planning permission be granted subject to the conditions as set out in the report.

(g) TWC/2012/0549 Land at Southwater, Telford, Shropshire

This application was for full planning permission for the development of new access pathways and a “pocket park” development around the southern edge of the proposed new Southwater Lake and embankment together with landscaping works and recladding of existing retaining wall in relation to the wider Southwater public realm improvements.

Councillor C R Turley welcomed the proposed development which would enhance the community hub and encourage visitors and residents alike to explore the town park and Stirchley Chimney. He welcomed the economic investment that regeneration of this area would bring. Councillor G C W Reynolds expressed her excitement for this project, particularly by the creation of a pocket park for adults. Councillor N A Dugmore was assured that lighting formed a central part of the strategy for the area. Members were unanimously supportive of the proposals.

**RESOLVED** – that with respect to planning application TWC/2012/0549 planning permission be granted subject to the conditions as set out in the report.

(h) TWC/2012/0565 Windmill Primary School, Beaconsfield, Brookside, Telford, Shropshire, TF3 1LG

*(In accordance with her previous declaration of interest Councillor J Loveridge left the room during determination of this application.)*

This was a proposal for the erection of a 0.3kw wind turbine on a 10.2m high pole.

The Planning Officer referred Members to the tabled update report and also advised that late objections had been received from the Parish Council and a Parish Councillor regarding the presence of trees on the site, the site being a nature reserve, the impact upon views due to the substantial height of the turbine, efficiency, limited educational value, the potential for additional applications to increase the number of turbines on site and the reliance on old local policies. The Planning Officer informed Members that the Council's Tree Officer did not raise objection to the application. She stated that the height of the proposed turbine was approximately that of a lamp-post and it would be located 100 metres from the nearest property. Efficiency issues were for the applicant to resolve but she did not believe that the application represented a precedent. The policies referred to were saved policies which were still of relevance.

Councillor G C W Reynolds welcomed the benefits posed by this application in educating young people about sustainability. Councillor C R Turley fully supported the use of renewable energies and the low carbon future promoted by the NPPF. Whilst he acknowledged the limited power generation from this turbine, he welcomed the long-term educational benefits. Councillor I T W Fletcher was similarly supportive of renewable energies but considered that an alternative form of energy, such as photovoltaic solar cells, would have been preferable and more informative in this location since the proposed wind turbine would provide only negligible efficiencies. However, the Board recognised the importance of the proposals as part of a wider educational objective and were unanimously supportive.

**RESOLVED – that with respect to planning application TWC/2012/0565 planning permission be granted subject to the conditions as set out in the report.**

The meeting ended at 8.38pm

**Chairman:** .....

**Date:** .....

**TELFORD & WREKIN COUNCIL**

**PLANS BOARD**

**12<sup>th</sup> September 2012**

Schedule 1 - Planning applications for determination by Board

<b>TWC/2011/0702 Chetwynd Deer Park, Edgmond Road, Newport, Shropshire, TF10 8AA</b>	
Change of use of agricultural land to a mixed use of events and agricultural..	<b>2</b>
<b>TWC/2011/1027 Kynnersley House Farm, Kynnersley, Telford, Shropshire, TF6 6DX</b>	
Application for the removal of Condition 4 of W2006/0128 to allow additional local horse owners to use the stables *****Amended plans received***** ...	<b>10</b>
<b>TWC/2012/0068 Kynnersley House Farm, Kynnersley, Telford, Shropshire, TF6 6DY</b>	
The erection of two timber stables with concrete base and the creation of a stoned hard standing to park one horse lorry.....	<b>20</b>
<b>TWC/2012/0109 The Swan, A442, Waters Upton, Shropshire, TF6 6NP</b>	
Outline application for residential development (up to 5 houses) on part of pub car park and beer garden, with amended access off River Lane.....	<b>26</b>
<b>TWC/2012/0402 Granville Arms, Granville Terrace, Church Street, Hadley, Telford, Shropshire, TF1 5RT</b>	
Change of use from Public House (Use Class A4) to part hot food takeaway (Use Class A5) and part residential (Use Class C3) and external alterations including the insertion of new front door and the erection of a disabled access ramp and single storey rear extension with extraction equipment.****Amended description and amended plans received**** .....	<b>36</b>
<b>TWC/2012/0403 Granville Arms, Granville Terrace, Church Street, Hadley, Telford, Shropshire, TF1 5RT</b>	
Erection of 1no. externally illuminated fascia sign and 1no. externally illuminated hanging sign *** AMENDED DESCRIPTION AND AMENDED PLANS *** .....	<b>41</b>
<b>TWC/2012/0595 5 Ainsdale Drive, Priorslee, Telford, Shropshire, TF2 9QJ</b>	
Extension of a two-storey side extension to link house and garage. ....	<b>44</b>

TWC/2011/0702 Chetwynd Deer Park, Edgmond Road, Newport, Shropshire, TF10 8AA

Change of use of agricultural land to a mixed use of events and agricultural

**APPLICANT**

Trustees – Newport & District Agricultural Society

**RECEIVED**

19/08/2011

**PARISH**

Chetwynd, Edgmond

**WARD**

Edgmond

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Impact on residential amenity, impact on Chetwynd Deer Park (a Grade II Registered Park and Garden of Special Historic Interest) and impact on immediate surroundings.

**THE PROPOSAL:**

This full planning application relates to the change of use of agricultural land to mixed leisure and agricultural use for a period of 150 days per year at Chetwynd Deer Park, Edgmond Road, Newport, to allow a variety and range of events and activities to take place beyond the 28 days currently allowed under Permitted Development.

The Park extends to approximately 86.5 hectares in total. The site, the subject of this planning application is approximately 59 hectares, comprising the south west and north west elements of the Park. It excludes the Park Pool, woodland/Deer Park and dwelling and agricultural unit.

**SITE AND SURROUNDINGS:**

Chetwynd Deer Park is identified as a Grade II Registered Park and Garden of Special Historic Interest and 'Pool Lodge' which is located within Chetwynd Park is identified as a Grade II Listed Building. The application site is located to the north of Newport and is bounded to the south by the B5062 Edgmond Road and to the east by the Chester Road.

The topography of the Park rises gradually from the west to the centre of the Park, falling steeply to the east at the Scour. The central Park extending to the northern point of the site, comprising the highest point and the Scour, is woodland. This wooded area is fenced off from the rest of the Park and used as the Deer Park. The large Park Pool is located on the eastern boundary of the Park. The rest of the Park is grassland currently used for grazing sheep. To the south east corner is an agricultural building which houses the agricultural machinery required for the maintenance of the Park. In the same corner and located adjacent Chester Road is Pool Lodge which provides accommodation for the ground staff and his family.

There are a number of vehicular and pedestrian access points to Chetwynd Deer Park. However, the main entrance which is normally used by vehicles accessing the Park is off the Edgmond Road. This access is gated with a tarmac road leading in to the Park. Parking is made available as and when

required for events on the available field land with the main car park being situated off Edgmond Road and an overflow car park to the north of the site which is accessed off Chetwynd Road.

Residential development is situated to the south east of the Park, east of Chester Road, forming part of the wider built up area on the outskirts of Newport Town Centre.

#### PLANNING HISTORY:

Chetwynd Deer Park hosts the Newport Show and other smaller scale activities such as a game fair under the Town & Country Planning (General Permitted Development) Order 1995 for a maximum period of 28 days per year.

There is no other planning history pertinent to this planning application.

#### PLANNING POLICY CONTEXT:

Wrekin Local Plan:

HE24 Historic Parks & Gardens

OL11 Woodland & Trees

Core Strategy:

CS12 Natural Environment

National planning guidance:

National Planning Policy Framework

#### CONSULTATION RESPONSES:

Newport Town Council: Comment

*Members acknowledged the need for the Agricultural Society to generate income to sustain the Park, and the loss of some of the former regular events. However, felt the increase in the number of days would have a massive detrimental impact on the environmental area and the residents of the Deer Park Estate. They questioned, why the 6 fold increase and considered this disproportionate to the existing 28 days.*

*Members felt that the venue should provide free parking for all events and activities, using only the access through the main entrance on the B5062 Edgmond Road. Consideration should be given, to restrict when, and if possible, the pedestrian access from the Chetwynd Road, Pool Lodge entrance.*

*Members recognise that events using firework have legal restrictions and require a licence, however consideration to the noise levels, number of event using this feature, and the timings of these events, along with any music events should not be allowed after 11.00 p.m. for the preservation and enjoyment of the residential housing estate in close proximity.*

*The Application has received mixed reaction, with a number of positive aspects. Members welcomed the opportunity for the Park to be more available to the public, as it is considered to be a wonderful asset to the Town. More events would provide an opportunity for economic growth, tourism, educational and recreational facilities, and could provide an excellent location for such groups as Scouts and Guides in their camping pursuits.*

Edgmond Parish Council: Support subject to conditions  
*Edgmond Parish Council supports the use of the Chetwynd Deer Park for community events and as an important venue in Newport. However, there were concerns regarding the affects on neighbours. Consequently, the Parish Council would look for a compromise on the number of events (say 50) and to add conditions regarding the time that events must finish, restrict the use of loud speakers and limit the number of residential type events for the protection of the locality.*

Chetwynd Parish Council: No consultation response received

Environmental Health, Trading Standards & Licensing: Object  
*Every time Chetwynd Deer Park hold an event that involves amplified music and voice Environmental Health receive complaints from the nearby residents. Currently as they are only allowed 28 events each year and it is spread out enough throughout the year so that the impact is manageable but once they have a significant rise in number the impact will increase to a level which will be deemed by the residents as unbearable.*

*I have got serious concerns about the park being allowed to have more events throughout the year and the amount of impact this will have on the surrounding residents. If these complaints continue I may have to look at taking a review of their premises licence.*

English Heritage: Comment  
*The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.*

Arboriculture: Comment  
*If the events are to be increased from 28 to 150 days a year then the Trustees should be aware that this is a 400% increase in pedestrian footfall & target area. They should have a robust and legally defensible tree survey system in place where recommended works are adhered for trees in close proximity to people.*

Ecology: Add Wildlife Informatives

The 'Garden History Society' and 'West Mercia Police' were also consulted however no response was received.

A site notice and 80 direct neighbour letters have publicised this application.

A total of 19 objection letters have been received with the following concerns:

- Noise Pollution
- Disruption to traffic flow
- Impact on property values
- Litter
- Highway Safety
- Policing of events
- Impact on wildlife/ecology issues
- Impact on local businesses
- Impact on landscape – recovery period
- Impact on security – local properties/businesses
- Grade II Listed Park / Gardens of Special Historic Interest – should be protected/preserved
- Safety – local school (Roman Catholic School nearby)
- Impact on general residential amenities
- Existing problems from existing/previous events – any increase in activity will only make this worse
- 28 days to 150 is too significant an increase
- Longevity of park – sold on if it becomes a ‘money earner’?
- Access for pedestrians – footpaths not continuous to the park – potential safety issue

A single letter has been received supporting the proposal providing *‘Trustees remain sensitive to the scale of events and potential traffic issues’*

#### PLANNING CONSIDERATIONS:

This full planning application relates to the change of use of agricultural land to mixed leisure and agricultural use for a period of 150 days per year at Chetwynd Deer Park, Edmond Road, Newport, to allow a variety and range of events and activities to take place beyond the 28 days currently allowed under Permitted Development.

The Park extends to approximately 86.5 hectares in total. The site, the subject of this planning application is approximately 59 hectares, comprising the south west and north west elements of the Park. It excludes the Park Pool, woodland/Deer Park and dwelling and agricultural unit.

The Park is currently owned by the Newport & District Agricultural Society, a registered charity and is currently used throughout the year as a Deer Park and for grazing sheep. The Trustees of the Newport & District Agricultural Society currently hold the Newport Show and other smaller events under the Town & Country Planning (General Permitted Development) Order 1995 which allows the use of land for 28 days in any calendar year. The Newport Show takes up approximately 2 weeks of the 28 permitted days, due to setting up and dismantling of the show.

This application seeks permission to hold a variety of different events over a maximum of 150 days in any calendar year. The proposed 150 days per year will be inclusive of the 28 days currently allowed under Permitted Development and it is noted that it will be possible for the Park to hold more

than one event at any one time. However it would appear that the type and number of proposed events are speculative as little supporting information has been submitted to accompany the application. At the request of the planning officers, the agents acting for the Trustees have since submitted a breakdown of the types of events which they have categorised according to the size and frequency of occurrence.

The table below outlines typical anticipated events within the appropriate tiers:

Category	General Public Attending per day	
	People	Vehicles
<b>1. First tier activities (Newport Show)</b> Newport Show	Up to 20,000	Up to 8,000
<b>2. Second tier activities (Other Shows, 4-6 per year)</b> Game fairs, Garden Shows, Food festivals, Dog Shows, Equestrian events, Craft and hobby fairs, Antique & Collector Fairs, Forestry Shows, Vintage car & motorbike rallies etc (1-2 shows)	Up to 10,000	Up to 4,000
<b>3. Third tier activities (Small external events)</b> Triathlons, Orienteering, Historical re-enactment groups & battle displays, Caravan rallies, community bonfire parties, Firework displays, Wedding receptions	Up to 3,000	Up to 1,200
<b>4. Fourth tier activities (Educational visits)</b> School/voluntary groups, education visits & projects, University educational studies, Outdoor photography courses, Scout camps, corporate team building events, family fun days.	Up to 500	Up to 200

The above table is only an illustration of potential events and the numbers shown relate to the anticipated general public arriving at peak times, but exclude exhibitors and service personnel arriving at other times. The agents estimate that one car will contain 2.5 people on average. The applicant has expressed that the proposed 150 days is the maximum number of days that the Park could be used for such events and the exact number will depend on the number of bookings received.

The need for such events has come about due to ongoing costs for maintenance and running of the Park, which total approximately £50,000 per annum. This predominantly provides for the salary of the ground staff, equipment costs, extensive tree conservation, maintenance of the dry stone wall which surrounds the Park, conservation of the Grade II listed building ('Pool Lodge') and supervision of the historic deer herd. Currently, all proceeds from existing events such as the Newport Show are fed back in to the site however the Society has not been able to generate sufficient income to cover the expenditure and facilitate the long term conservation of the Park.

The Society is therefore required to consider alternative additional activities and events which will ultimately enable the Park to be self-sustaining, hence the submission of this planning application.

Following consultation, the Local Planning Authority has been in discussions with the agent with regards to the objections received from nearby neighbouring residents. Matters of noise have been addressed through the submission of a Noise Impact Assessment which suggests appropriate noise control measures. A noise impact assessment has been carried out (February 2012) associated with proposed events. Whilst speculative, the report addresses the typical three main sources of noise associated with events, these being noise from amplified systems and live bands/orchestras, noise from vehicles associated with the site and noise generated from exhibitors' generators. The Council's Environmental Health department has stipulated that all main sources of noise should be assessed in accordance with current UK standards and guidance documents and has since confirmed that the assessment criteria used in the submitted report are appropriate.

The only major event currently held at the Park is the Newport Show which requires the following amplified systems; a commentary box located at the top of the Scaur on the east bank with 2 loudspeakers, six loudspeakers distributed around the southern portion of the landscaped park to the east of the Scaur and 22 loudspeakers around an arena to the northern portion of the landscaped park. It has been assumed that the Tier 1 and Tier 2 shows would use a similar layout, albeit at a smaller scale. Some Tier 3 shows may be held on the field used as the main car park during the Newport Show with a PA system being used located around the boundary of this field. The assessment has also addressed vehicle noise levels and states that *'noise levels... are also considered to be acceptable'*.

The noise report also addresses the relationship between audibility and residential amenity stating *'...audibility cannot be the threshold for determination of loss of residential amenity. Most leisure and day to day activities conducted in rural environments can be heard to a greater or lesser extent by neighbours, and precluding audibility would compromise all such activity, including agricultural activity, county shows, village fetes and so on. Even the noisiest of these activities are permitted on a 28-day basis by the Town & Country planning General Permitted Development Order'*.

A 'Noise Management Plan' has been created which outlines how road traffic volumes should be monitored as well as the noise generated from amplified systems. The management plan also makes recommendations to sound insulation measures and states that providing the management plan is followed, *'noise would be appropriate controlled and therefore, noise impact should not be a preventative factor in granting planning permission'*.

The proposed events are all short term; temporary events and any structures required for the events will be small scale and removed following the event. Many of the proposed events, for example educational and study visits will not require any temporary structures and therefore the impact on the appearance

of the Park will be limited to the setting up period of the event, the event itself and the clear up period at the end of the event. It is therefore argued that there will not be any significant adverse impact on this Grade II Registered Park and Garden of Special Historic Interest or on the Grade II Listed Building.

With regards to other concerns raised by nearby neighbours, an event Traffic Plan has been produced which addresses the potential congestion arising from traffic routeing through Newport, the congestion at the site access points on busy days and the need for active management of traffic by the Police on Show days. The plan is based on the requirements for the first tier activity, the Newport Show. Due to the number of vehicle movements associated with other tier activities, formal adoption of this Traffic Management Plan has been deemed unnecessary however second tier events will be assessed on a case by case basis and the plan will be implemented by the event organisers if necessary.

A phase 1 Ecology Assessment has been undertaken to fully assess any impact on habitats and wildlife, taking in to account the proposed development. Matters relating to the impact on landscaping have already been addressed within the Design & Access Statement. It concludes that the proposed change of use will not have any implications on the existing landscape due to the short term and temporary nature of the events. Litter is managed throughout events and a litter pick across the whole of the Park takes place following each event and will continue to do so. As events will take place within the red line boundary of the site, which excludes the Pool, it is considered that there will be no impact on security outside of the site. It has also been expressed that Chetwynd Deer Park has been under the ownership of the Newport and District Agricultural Society since 1988 and the Society is committed to the restoration and conservation of the Park and has no intention of selling the Park now or in the future. Finally, it is noted that any impact on property values is not a material planning consideration.

The Local Planning Authority appreciates that there is a requirement for the owners of the Park to generate additional income in order to continue covering the running and maintenance costs however little supporting information has been submitted to demonstrate the need for 150 days of events. The Authority is aware that the Newport show is an annual event which takes place at Chetwynd Deer Park as well as a number of other events such as a 'Steam Engine Rally' and a game fair however there has been little further information to justify the requirement for 150 days of events. Hence, the Local Planning Authority considers a temporary consent for a maximum period of three years would allow adequate amount of time for the organisers to publicise the Park and to organise and host events. This would also allow the Local Planning Authority to monitor the impact the proposals will have on the Park itself and the impact on nearby residential amenity.

**RECOMMENDATION: to GRANT 3 YEAR TEMPORARY PLANNING PERMISSION** subject to the following conditions:

1. 3 Year Temporary Approval
2. Implementation of recommendations provided within the Event Noise Impact Assessment
3. Implementation of recommendation provided within the Event Traffic Management Plan
4. The approved 150 days will be inclusive of the 28 days allowed under Permitted Development
5. No amplified noise after 2300 hours

**REASON FOR APPROVAL:**

The Local Planning Authority appreciates that there is a requirement for the owners of the Park to generate additional income in order to continue covering the running and maintenance costs however little supporting information has been submitted to demonstrate the need for 150 days of events. The Authority is aware that the Newport show is an annual event which takes place at Chetwynd Deer Park as well as a number of other events such as a 'Steam Engine Rally' and other smaller events however there has been little further information to justify the requirement for 150 days of events. Hence, the Local Planning Authority considers a temporary consent for a maximum period of three years would allow adequate amount of time for the organisers to publicise the Park and to organise and host events. This would also allow the Local Planning Authority to monitor the impact the proposals will have on the Park itself and the impact on nearby residential amenity.

TWC/2011/1027 Kynnersley House Farm, Kynnersley, Telford, Shropshire, TF6 6DX

Application for the removal of Condition 4 of W2006/0128 to allow additional local horse owners to use the stables \*\*\*\*\*Amended plans received\*\*\*\*\*

**APPLICANT**

Penny Young

**RECEIVED**

03/01/2012

**PARISH**

Kynnersley

**WARD**

Ercall Magna

This application was deferred at Plans Board on 7<sup>th</sup> March 2012 to enable Members to carry out a site visit and has been delayed to allow the Council's solicitor time to consider an application under Section 191 for a Certificate of Lawfulness for an existing use for the construction of a ménage (TWC/2012/0161).

A third part retrospective application for the site has also been submitted in respect of a the erection of two timber stables with concrete base and the creation of a stoned hard standing to park one horse lorry (TWC/2012/0068).

Members requested that this application (TWC/2011/1027) and application (TWC/2012/0068) are considered at the same Plans Board once the application under Section 191 for a Certificate of Lawfulness for the ménage (TWC/2012/0161) has been determined by the Council's solicitor.

The Council's solicitor has determined that sufficient evidence (including contractor's invoices, ariel photographs and witness statements) has been submitted to demonstrate that the development occurred over 4 years ago and therefore the ménage and its use by riders other than the applicant is 'Lawful' and thus the relevant certificate has been issued.

Part retrospective application (TWC/2012/0068) for the erection of two timber stables with concrete base and the creation of a stoned hard standing to park one horse lorry is supported by officers and is considered in a separate report.

Since the original Plans Board report was written national policy has changed; PPS1 and PPS7 have been scrapped and the National Planning Policy Framework 2012 (NPPF) has been adopted.

Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business  
and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;

- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Accordingly, there is no change to the officer's recommendation for approval. It is considered that the removal of this restrictive condition to allow other horse riders to use the stables as opposed to the use being restricted to the personal enjoyment of the occupiers of Kynnersley House Farm is acceptable. The condition was originally imposed to safeguard the amenities of the area. It has been demonstrated (albeit unlawfully) that the use of the stables by riders other than those living in Kynnersley House Farm does not adversely impact upon the amenities of the occupiers of the adjacent barn conversions as no complaints in respect of noise or nuisance, associated with the use of the stables by riders other than the applicant and her daughter have been received in the past 4 years in which the livery facility has been available. One phone call from an occupier of one of the barn conversions was received by the Council's Environmental Health department in December 2011 in respect of a barking dog. No action was taken and the file was closed in January 2012. The comings and goings associated with the livery use is no so great that it has a significant adverse impact upon the residential amenity of the occupiers of the adjacent barn conversions.

Moreover, it should be noted that the current condition does not restrict the number of horses that could be kept on the site at any one time and ridden by an unlimited number of the applicant's family and friends. This could result in significantly more vehicular movements and visitors to the site than currently occurs. However, officers consider that a condition should be imposed to limit the number of horses that can be kept at the stable site to ensure that there is no uncontrolled intensification of the use.

Furthermore, the full use of the stable yard by other horse owners is sustainable in that it ensures that riders (especially those living locally, as is usually the case when riders choose a livery yard), do not have to travel great distances to attend their horses and this small-scale horse enterprise provides a useful form of farm diversification and thus benefits the local rural economy, as required by the NPPF.

Accordingly, the proposal is deemed compliant with 'saved' policy UD2 of the adopted Wrekin local Plan 1995-2006 and policies CS9 and CS15 of the Local Development Framework Core Strategy, and national guidance contained within the National Planning Policy Framework.

#### RECOMMENDATION:

To GRANT PLANNING PERMISSION subject to the following conditions:

1. C38 in accordance with approved plans
2. Dcustom no more than 6 horses to be kept at the site at anyone time.
3. I40 conditions

#### 4. 141 reasons for grant

##### REASON FOR APPROVAL:

It has been demonstrated that the use of the stables by riders other than those living in Kynnersley House Farm does not adversely impact upon the amenities of the occupiers of the adjacent barn conversions as no complaints in respect of noise or nuisance have been received in the past 4 years in which the livery facility has been available. The comings and goings associated with the limited livery use is no so great that it has a significant adverse impact upon the residential amenity of the occupiers of the adjacent barn conversions. The current condition does not restrict the number of horses that could be kept on the site at any one time and ridden by an unlimited number of the applicant's family and friends. This could result in significantly more vehicular movements and visitors to the site than currently occurs. The full use of the stable yard by other horse owners is sustainable in that it ensures that riders living in the local area do not have to travel great distances to attend their horses and this small-scale horse enterprises provides a useful form of farm diversification and thus benefits the local rural economy.

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OBJECTIONS RECEIVED: Yes.

##### MAIN ISSUES:

Suitability of the development in the rural area, the character and appearance of the area and affect on residential amenity.

##### PROPOSAL:

This is a retrospective application for the removal of Condition 4 of W2006/0128 to allow additional local horse owners to use the stables.

Planning permission W2006/0128 was for an L shaped loose box range with hay store and 4no. loose boxes for private equestrian purposes.

Condition 4 imposed on W2006/0128 states:

*The development hereby permitted shall only be used for animals kept for the personal enjoyment of the occupants of "Kynnersley House Farm" and shall not be used for any commercial purposes including livery.*

*Reason: To safeguard the amenities of the area.*

Due to a change in the applicant's circumstances and in order to utilise the existing building the applicant has taken in horses which belong to private individuals (liveries) for a fee who are able to use the stables, grazing and facilities.

This situation is in breach of condition 4 hence this application is to regularise the matter.

#### SITE AND SURROUNDINGS:

Kynnersley village lies in the open countryside approximately 8 miles to the north of Telford. Kynnersley House Farm is a late C18 2½ storey dwelling with a tiled gable roof with gabled dormer windows which were added at a later date. It is a Grade II listed building which has been included on the Statutory List of Buildings of Architectural or Historic Interest for its group value in the context of the area.

The site is located to the south of the farm house and is bounded along the north and eastern boundaries by trees and hedging. The building which is the subject of this application is an 'L' shaped range consisting of 4 loose boxes and a barn which was granted planning permission in 2006. There is a second range comprising 2 stables set at a right angle and there is a concrete yard serving the 2 buildings. There is an old forge building to the east adjacent the common boundary with the neighbouring barn conversions and a 40 x 20m ménage located to the south east. Currently the ménage and the double stable block do not benefit from planning permission and a retrospective planning application has been submitted for the stable (TWC/2012/0068) and an application for a Lawful Development Certificate (LDC) is due to be submitted for the ménage.

As mentioned above the original brick and tiled farm buildings are located to the east of the site and have been converted to a residential use comprising several units and separate garaging. These barn conversions are approx 50m away from the stable block to the right (east) of the shared driveway serving the units. There is a separate access road running parallel to the drive leading to the stable yard. The surrounding land is post and rail horse paddocks and agricultural land.

#### RELEVANT HISTORY:

Planning application W2006/0128 was for the erection of an 'L' shaped loose box range with hay store and 4 no. loose boxes for private equestrian use purposes was submitted by the applicant's late father in 2006. Conditional planning permission was granted on 05.05.06. The location of the proposed building had been moved to the opposite side of the field away from the barns which at the time were being converted to residential purposes. A condition restricted the use to a personal one and was only for the occupants of Kynnersley House Farm and no commercial livery in order to safeguard the amenities of the area.

Planning application TWC/2012/0068 for the erection of two timber stables with concrete base and the creation of a stoned hard standing to park one horse lorry (Part Retrospective) is currently under consideration; the consultation period had not expired at the time of writing of this report. The proposal is supported by the Parish Council, the Council's Highway Engineer and Ecologist.

#### PLANNING POLICY CONTEXT:

National Planning Guidance:

PPS1 - Delivering Sustainable Development  
PPS7 - Sustainable Development in the Rural Area  
Draft National Planning Policy Framework (NPPF)

Saved Wrekin Local Plan Policies  
Policy UD2 Design Criteria

LDF Core Strategy  
Policy CS9 Accessibility and Social Inclusion  
Policy CS15 Urban Design

#### CONSULTATION RESPONSES:

The Parish Council unanimously support the application subject to the following conditions;

1. Any lorries should be parked sympathetically in order to cause minimum disruption to the owners of the Barns.
2. Preference should be given to local users of the stables and livery.

The Council's Conservation Officer has no objections as there is no adverse impact upon the listed building.

A site notice and 12 direct neighbour letters have publicised the application.

7 letters support the proposal and use of the facility; the points made are:

- The village is horse friendly with excellent hacking and equine amenities,
- Apart from our barn only one other directly faces the stables,
- The stables are a wonderful local asset,
- It is not a large concern with only 5 horses stabled and 1 that lives out,
- There is little activity in the yard, there no more vehicular movements than those associated with the barn conversions,
- Being able to keep horse nearby cuts down vehicular movements,
- The applicant is caring and knowledgeable and manages the yard and fields well,
- Equestrian goods are purchased locally adding to the local economy,
- The location enables a visual check of horse when driving past without the need to enter the site,
- The ménage is not used every day,
- The main objectors are now criticising facilities they have previously used themselves for their daughter's pony,
- The applicant did not realise the restrictions because her late father obtained the original permission,
- The stables appear smart and professional,
- The lorry is tucked away and not blocking any views,

- The countryside is sympathetically managed,
- As a horse rider myself I see a need for this sort of enterprise. There are many horse owners in the village.
- If this facility was not available they would have to travel out of the area to house their horses and would also be unable to take advantage of our quiet lane network.
- A small business such as this would support local employment and should have knock on benefits for local suppliers, e.g. hay and straw producers and farriers etc, thereby helping the rural economy.
- I have known Mrs Young for many years (she was born in the village) and I am positive she would manage this business responsibly and with great dedication. She has a wealth of equestrian knowledge which has been demonstrated by the way she has looked after her own horses over the years.
- We actively support the removal of this condition; we are in a rural community and would expect to see equestrian pastimes and the support of our rural heritage as such. This can only be gained through stabling facilities being present for the enjoyment of all in the local community.

1 letter has no objections to the removal of the condition which then allowed local horse riders to use the stables but would object to any lighting.

4 letters of objection have been received. The issues raised are:

- Some of the comments on the D&A statement are disingenuous,
- The fact that the applicant's daughter has left home is hardly grounds to breach planning permission or relax a condition,
- The use of quotation marks on the word commercial is tendentious
- There are 4 horses at livery, not 3 as stated,
- The applicant has 2 horses,
- A commercial premises will be less than 100m from properties,
- There is an existing lorry stored on the land,
- Diversification of rural activities can promote a healthy rural economy however, can also cause damage to the environment by increasing traffic and causing nuisance.
- The enjoyment of the nearby barn conversions should be protected,
- The application is a result of enforcement action,
- The other stables and ménage do not have planning permission,
- Any lighting to the ménage would cause light pollution,
- One of the clients uses the ménage at 6:00a.m.
- Bats live in the adjacent barns which could be affected by ménage lighting,
- Riders in the ménage have an elevated view in to windows impacting upon privacy,
- Increase noise due to shouting riders and additional traffic, barking dogs,
- Additional traffic on single track road,
- Previous application for a conservatory on the farm house has been refused,

- Granting permission will open the flood gates for expansion, refreshments & toilets,
- The horse lorry on the site is an eyesore,
- The applicant has recently planted dozens of young trees just a foot away from the boundary fence, and has previously stored farm and scrap vehicles on the land.

#### PLANNING CONSIDERATIONS:

Guidance in PPS1 states that; “Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development”.

Guidance in PPS7 supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable. Planning authorities should therefore set out in their policy criteria for permitting the re-use of buildings in the countryside for economic purposes.

These criteria should take account of:

- the potential impact on the countryside and landscapes and wildlife;
- specific local economic and social needs and opportunities.

In addition PPS7 recognises that horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. Thus Local Planning Authorities should support equine enterprises that maintain environmental quality and countryside character. These policies should provide for a range of suitably located recreational and leisure facilities. They should also facilitate the re-use of farm buildings for small-scale horse enterprises that provide a useful form of farm diversification.

The Draft NPPF states that planning policies should support sustainable economic growth in rural areas by taking a positive approach to new development. Planning strategies should maintain a prosperous rural economy including policies to:

- Support the sustainable growth of rural businesses,
- Promote the development and diversification of agricultural businesses and
- Support rural leisure developments that benefit rural businesses which respect the character of the countryside.

This is a retrospective application; the Design & Access Statement advises that the applicant was unaware of the restrictive condition preventing the use of the stables for commercial purposes as she inherited the farm on the death of her father who was the original applicant.

Due to a change in the applicant’s personal circumstances and the fact that her daughter has moved away and no longer lives at home the stables were underutilised and thus local horses riders have been using the vacant stables and available grazing for the past 4 years. Currently there are 6 horses on the

site; 2 belong to the applicant and 4 belong to local people (1 of which resides in the adjacent barn conversion complex, 1 resides Kynnersley and 1 resides in Preston which is approximately 1 mile away from the site). Therefore, the opportunity for riders to keep their horses locally is considered acceptable and sustainable as it contributes to the reduction of vehicular movements in that owners can walk to the stables or have shorter journeys when attending their horses.

The application is to remove the restrictive condition to allow 'local horse owners to use the stables', and therefore it is important to consider what impact will arise by allowing this small commercial livery use to continue. It is not possible to impose a condition in respect of 'local', as there is no absolute definition of the distance that an address could be away from the site to be classed as local. Nonetheless, as a general rule riders/horse owners prefer to keep their horses as close as possible to their home for ease of travel and economic/time issues. Moreover, such a condition would be difficult to enforce, and the current 3 riders will not necessarily remain the same indefinitely. For example, people move house, may sell their horse or the horse may die, and different people may then move their horses to Kynnersley. That said, it is clearly necessary for the LPA to control the use in some way to ensure that it does not increase to a point which could result in a nuisance and therefore it is deemed necessary to impose a condition to restrict the number of horses kept on the site to 6 at any one time. Six is considered appropriate, not only because there are 6 stables, as it is appreciated that not all horses need a stable and some prefer to live out all year round, but 6 is the number which are currently on the site and have not lead to any complaints from the occupiers of the nearby residential barns in the past 4 years. It should be noted that the applicant could keep an unlimited number of her own horses on the site and her family and friends could come to ride them. The LPA could not control this use or the number of comings or goings; this could potentially result in notably more vehicular movements and visitors to the site than currently occurs.

Policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively their context. Amongst other matters it advises the Council to assess proposed development in relation to its scale, access, parking and spatial quality. Policy CS15, *inter alia*, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment. In addition, national guidance contained in PPS1, asserts that development should respond to local context and should reinforce local distinctiveness. Policy CS9 aims to improve social inclusion and accessibility by making sure everyone is afforded reasonable opportunity to access recreation and sports facilities. This is to be achieved by locating development in existing centres to maximise the distance people have to travel so that they are accessible on foot.

The stable block was granted permission in 2006 as it was considered an appropriate building in the rural area. Following the revised location of the building moving it 50m away from the adjacent barn conversions no neighbour objections were received at the time of the application. The building has been

built on a slightly different angle to what was approved in 2006; i.e. the approved drawings show the stable building sited parallel to the hedge line whereas it has actually been erected at an angle of approximately 55° from it. Nevertheless, the building has been in this position for over 4 years and therefore exempt from enforcement action. There will be no change to the building in respect of this application.

Objections now made by occupiers of the nearby barn conversions are noted however, livery horses (i.e. those not owned by the applicant and for which the owners pay a fee to stable/graze their horses on the site) have been kept at Kynnersley House Farm for 4 years. In that time no complaints in respect of noise or nuisance caused by these livery horses or their owners have been received by the Council's Planning or Environmental Health departments. The only complaint received by Environmental Health was on 16.12.11 which related to a barking dog which belongs to the applicant, and therefore is not relevant to this application; the file regarding this complaint has now been closed. Therefore, it is fair to say that the livery use is only a small scale operation and as such does not significantly adversely impact upon the residential amenity of the occupiers of the adjacent barn conversions.

The stables have their own access road which is separate to the shared vehicular access associated with the barn conversion complex and it is considered that the comings and goings associated with the care of so few livery horses is not so great that it would cause significant disturbance and detrimental impact upon the enjoyment of the occupiers of the barns. This application does not include the lorry parking (this is the subject of a separate application which will be determined in due course) or any floodlighting on the ménage. Any floodlighting would require permission and any future applications for floodlights will be judged on their own merit. The unauthorised ménage will be dealt with in a separate application and any uncontrolled expansion will be limited by restricting the number of horses which can be kept in the yard at any one time.

The existing stables are in excess of that which is now necessary for the applicant's own use and therefore it would be unsustainable to refuse to allow the buildings to be fully utilised and this small scale livery use is considered acceptable and compliant Government guidance contained within PPS7 and Draft NPPF cited above.

#### CONCLUSION:

The Local Planning Authority considers that the removal of this restrictive condition to allow other horse riders to use the stables as opposed to the use being restricted to the personal enjoyment of the occupiers of Kynnersley House Farm is acceptable. The condition was originally imposed to safeguard the amenities of the area. It has been demonstrated (albeit unlawfully) that the use of the stables by riders other than those living in Kynnersley House Farm does not adversely impact upon the amenities of the occupiers of the adjacent barn conversions as no complaints in respect of noise or nuisance have been received in the past 4 years in which the livery facility has been available. The comings and goings associated with the livery use is no so great that it has a

significant adverse impact upon the residential amenity of the occupiers of the adjacent barn conversions.

Moreover, it should be noted that the current condition does not restrict the number of horses that could be kept on the site at any one time and ridden by an unlimited number of the applicant's family and friends. This could result in significantly more vehicular movements and visitors to the site than currently occurs. However, officers consider that a condition should be imposed to limit the number of horses that can be kept at the stable site to ensure that there is no uncontrolled intensification of the use.

Furthermore, the full use of the stable yard by other horse owners is sustainable in that it ensures that riders (especially those living locally, as is usually the case when riders choose a livery yard), do not have to travel great distances to attend their horses and this small-scale horse enterprise provides a useful form of farm diversification and thus benefits the local rural economy.

Accordingly, the proposal is deemed compliant with 'saved' policy UD2 of the adopted Wrekin local Plan 1995-2006 and policies CS9 and CS15 of the Local Development Framework Core Strategy, and national guidance contained within PPS1, PPS7 and the Draft National Planning Policy Framework.

#### RECOMMENDATION:

To GRANT PLANNING PERMISSION subject to the following conditions:

1. C38 in accordance with approved plans
2. Dcustom no more than 6 horses to be kept at the site at anyone time.
3. I40 conditions
4. I41 reasons for grant

#### REASON FOR APPROVAL:

It has been demonstrated that the use of the stables by riders other than those living in Kynnersley House Farm does not adversely impact upon the amenities of the occupiers of the adjacent barn conversions as no complaints in respect of noise or nuisance have been received in the past 4 years in which the livery facility has been available. The comings and goings associated with the limited livery use is no so great that it has a significant adverse impact upon the residential amenity of the occupiers of the adjacent barn conversions. The current condition does not restrict the number of horses that could be kept on the site at any one time and ridden by an unlimited number of the applicant's family and friends. This could result in significantly more vehicular movements and visitors to the site than currently occurs. The full use of the stable yard by other horse owners is sustainable in that it ensures that riders living in the local area do not have to travel great distances to attend their horses and this small-scale horse enterprises provides a useful form of farm diversification and thus benefits the local rural economy.

TWC/2012/0068 Kynnersley House Farm, Kynnersley, Telford, Shropshire, TF6 6DY

The erection of two timber stables with concrete base and the creation of a stoned hard standing to park one horse lorry.

**APPLICANT**

Penny Young

**RECEIVED**

14/03/2012

**PARISH**

Kynnersley

**WARD**

Ercall Magna

OBJECTIONS RECEIVED: Yes.

**MAIN ISSUES:**

Suitability of the development in the rural area, the character and appearance of the area and affect on residential amenity and drainage.

**PROPOSAL:**

This is an application for the erection of two timber stables on a concrete base.

The proposal also includes the creation of a stoned hard standing to park one horse lorry. The proposed stables will replace the existing building which does not benefit from planning permission.

**SITE AND SURROUNDINGS:**

Kynnersley village lies in the open countryside approximately 8 miles to the north of Telford. Kynnersley House Farm is a late C18 2½ storey dwelling with a tiled gable roof with gabled dormer windows which were added at a later date. It is a Grade II listed building which has been included on the Statutory List of Buildings of Architectural or Historic Interest for its group value in the context of the area.

The site is located to the south of the farm house and is bounded along the north and eastern boundaries by trees and hedging. The building which is the subject of this application is a range comprising 2 stables. There is a second 'L' shaped range consisting of 4 loose boxes and a barn which was granted planning permission in 2006 (see above) is set at a right angle and there is a concrete yard serving the 2 buildings.

There is an old forge building to the east adjacent the common boundary with the neighbouring barn conversions and a 40 x 20m ménage located to the south east.

As mentioned above the original brick and tiled farm buildings are located to the east of the site and have been converted to a residential use comprising several units and separate garaging. These barn conversions are approx 50m away from the stable block to the right (east) of the shared driveway serving the units. There is a separate access road running parallel to the drive leading to the stable yard. The surrounding land is post and rail horse paddocks and agricultural land.

#### RELEVANT HISTORY:

Planning application W2006/0128 for the erection of an 'L' shaped loose box range with hay store and 4 no. loose boxes for private equestrian use purposes was submitted by the applicant's late father in 2006. Conditional planning permission was granted on 05.05.06. The location of the proposed building had been moved to the opposite side of the field away from the barns which at the time were being converted to residential purposes. Condition 4 restricted the use to a personal one and was only for the occupants of Kynnersley House Farm and no commercial livery in order to safeguard the amenities of the area.

Retrospective application (TWC/2011/1027) for the removal of Condition 4 of W2006/0128 to allow additional local horse owners to use the stables has been submitted. This application is supported by officers and recommended for approval.

Application (TWC/2012/0161) under section 191 for a Certificate of Lawfulness (LDC) was submitted for the ménage and recently determined lawful by the Council's solicitor.

#### PLANNING POLICY CONTEXT:

National Planning Guidance:

National Planning Policy Framework 2012 (NPPF)

Saved Wrekin Local Plan Policies  
Policy UD2 Design Criteria

LDF Core Strategy  
Policy CS15 Urban Design

#### CONSULTATION RESPONSES:

The Parish Council has no objection.

The Council's Highway Engineer has no objection.

The Council's Ecologist supports the proposal and recommends informatives in respect of Great Crested Newts and enhancement planting.

A site notice and 19 direct neighbour letters have publicised the application.

4 letters of objection have been received. The issues raised are:

- This is the 2<sup>nd</sup> in a series of applications following enforcement action,
- Kynnersley House Farm is a listed building, and there are bats in the barns and owls which may be affected by ménage floodlighting.
- Increase in traffic on the unmade single track
- Ménage floodlighting will wake us up and we will have to fit blackout curtains,

- The village is quite and shouting commands to horses will impinge on the enjoyment of our peaceful country home and should be rejected.
- Prior to late Summer 2011 the stables and ménage were rarely used,
- Will ménage floodlighting be put up, the ménage infringes on my privacy,
- We have paid a princely sum for our properties,
- The applicant discussed her intentions with us in September 2011 and wrote advising of her proposal to install floodlighting to the ménage,
- Lighting will lead to more usage of the manage and thus additional disturbance,
- There are discrepancies on the application form and D&A Statement,
- The Parish Council would like the lorry to be parked sympathetically,
- The applicant regularly infringes the restrictive covenant,
- There is no need for the additional 2 stables as the applicant only has 2 horses and doesn't own a lorry,
- The recent hedge planting by the applicant could be considered as somewhat provocative,
- The lorry park is for a livery not the applicant,
- Drainage should be given appropriate consideration.

#### PLANNING CONSIDERATIONS:

This application proposes to replace the existing stable building (which does not benefit from planning permission) with a new double stable block comprising 2 loose boxes. The proposed building consists of a timber structure finished in timber shiplap boarding and a shallow duo pitched black Onduline roof. The building will be sited on a concrete pad with an apron which will be extended to join up with the existing concreted area in front of the existing 'L' shaped range (W2006/0128). Hard standing comprising compressed stone will be extended out beyond the rear of the proposed building by 3m to provide parking for the lorry which belongs to one of the liveries who stables her horse at the site. The proposed stable building will be the same size as the existing building being 7.4 x 3.65m (plus a 0.8m canopy overhang) and will be 3.2m to the ridge.

Policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. Amongst other matters it advises the Council to assess proposed development in relation to its scale, access, parking and spatial quality. Policy CS15, *inter alia*, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment. In addition, national guidance contained in paragraph 57 of the NPPF, advises that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The proposed stable block is a typical design of a building of this type and is sympathetic to the 'L' shaped range which was granted permission in 2006 as it was considered an appropriate building in the rural area. It is the same

distance from the adjacent barn conversions (approximately 50m). No neighbour objections were received at the time of application W2006/0128, following the re-siting of the building locating it on the opposite side of the field from the barn which were being converted to residential at the time. There have been no objections or complaints regarding the existing unauthorised building which is to be replaced with this current proposal and thus it is a fair assumption that the presence of a modest stable block does not adversely impact upon the residential amenity of the occupiers of the adjacent barns. The rainwater will be disposed of by soakaways and the hard standing will be permeable; hence there is no issue with regard to drainage.

The provision of hard standing for the horse lorry is considered an improvement to the existing situation and will ensure that the site does not become churned up and muddy particularly in winter months when the ground is wet. The site is sensitively located adjacent the existing and proposed buildings on the site and sufficiently distant from the adjacent residential barns. Comments from neighbours stating that they can see the lorry (and stables) from their properties are noted however just because something can be seen is not a reason to refuse an application. Furthermore, planning permission is not actually required to park the lorry on the site. If the owner chose, she could park it along the common boundary resulting in it being much closer to the barn conversions than is proposed by this application.

Objections made by occupiers of the nearby barn conversions are noted however, livery horses (i.e. those not owned by the applicant and for which the owners pay a fee to stable/graze their horses on the site) have been kept at Kynnersley House Farm for 4 years. In that time no complaints in respect of noise or nuisance caused by these livery horses or their owners have been received by the Council's Planning or Environmental Health departments. The only complaint received by Environmental Health was on 16.12.11 which related to a barking dog which belongs to the applicant, and therefore is not relevant to this application; the file regarding this complaint has now been closed. Therefore, there is no reason to believe that the livery use which will benefit from the replacement stable block and lorry parking would significantly adversely impact upon the residential amenity of the occupiers of the adjacent barn conversions.

Nevertheless, it is clearly necessary for the LPA to control the use in some way to ensure that it does not increase to a point which could result in a nuisance. Therefore a condition which only permits 6 horses to be kept on the yard at anyone time will be imposed on application TWC/2011/1027 in respect of the removal of condition 4 of W2006/0128 to allow additional local horse owners to use the stables. Six is considered appropriate, not only because there are 6 stables, as it is appreciated that not all horses need a stable and some prefer to live out all year round, but 6 is the number which are currently on the site and have not lead to any complaints from the occupiers of the nearby residential barns in the past 4 years. It should be noted that the applicant could keep an unlimited number of her own horses on the site and her family and friends could come to ride them. The LPA could not control this

use or the number of comings or goings; this could potentially result in notably more vehicular movements and visitors to the site than currently occurs.

The stables have their own access road which is separate to the shared vehicular access associated with the barn conversion complex and it is considered that the comings and goings associated with the care of so few livery horses is not so great that it would cause significant disturbance and detrimental impact upon the enjoyment of the occupiers of the barns. This application does not include any floodlighting on the aforementioned ménage; this would be the subject of a separate application which will be determined on its own merits.

Accordingly, it is considered that the proposal complies with policies UD2 and CS15 as outlined earlier and national guidance contained within NPPF.

Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

The improvements of the facilities at the stable yard are deemed appropriate and an enhancement of this sustainable small scale equine enterprise and provides a useful form of farm diversification and thus benefits the local rural economy. Accordingly, the proposal is compliant with Government guidance contained within NPPF.

#### CONCLUSION:

The Local Planning Authority considers that the proposed stable block is a typical design of a building of this type and is sympathetic to the existing 'L' shaped range which was granted permission in 2006 as it was considered an appropriate building in the rural area. The rainwater will be disposed of by soakaways and the hard standing will be permeable; hence there is no issue with regard to drainage. The provision of hard standing for the horse lorry is considered an improvement to the existing situation and will ensure that the site does not become churned up and muddy particularly in winter months when the ground is wet. The lorry park is sensitively located adjacent the existing and proposed buildings on the site and sufficiently distant from the adjacent residential barns. The replacement stable block will not result in any additional comings and goings associated with the site and will not adversely

impact upon the residential amenity of the occupiers of the adjacent barn conversions in this rural area. The improvements of the facilities at the stable yard are deemed appropriate and an enhancement of this sustainable small scale equine enterprise and provides a useful form of farm diversification and thus benefits the local rural economy.

Accordingly, the proposal is deemed compliant with 'saved' policy UD2 of the adopted Wrekin local Plan 1995-2006 and policy CS15 of the Local Development Framework Core Strategy, and national guidance contained within National Planning Policy Framework (NPPF).

**RECOMMENDATION:**

To GRANT PLANNING PERMISSION subject to the following conditions:

5. C38 in accordance with approved plans.
6. C01 materials as submitted.
7. I40 conditions.
8. I41 reasons for grant.
9. I24 Great Crested Newts.
10. I25g Enhancement Planting.

**REASON FOR APPROVAL:**

The Local Planning Authority considers that the proposed stable block is a typical design of a building of this type and is sympathetic to the 'L' shaped range which was granted permission in 2006 as it was considered an appropriate building in the rural area. The rainwater will be disposed of by soakaways and the hard standing will be permeable; hence there is no issue with regard to drainage. The provision of hard standing for the horse lorry is considered an improvement to the existing situation and will ensure that the site does not become churned up and muddy particularly in winter months when the ground is wet. The site is sensitively located adjacent the existing and proposed buildings on the site and sufficiently distant from the adjacent residential barns. The replacement stable block will not result in any additional comings and goings associated with the site and will not adversely impact upon the residential amenity of the occupiers of the adjacent barn conversions in this rural area. The improvements of the facilities at the stable yard are deemed appropriate and an enhancement of this sustainable small scale equine enterprise and provides a useful form of farm diversification and thus benefits the local rural economy.

TWC/2012/0109 The Swan, A442, Waters Upton, Shropshire, TF6 6NP  
Outline application for residential development (up to 5 houses) on part of pub  
car park and beer garden, with amended access off River Lane

**APPLICANT**

Simon Davis

**RECEIVED**

19/03/2012

**PARISH**

Waters Upton

**WARD**

Ercall Magna

THIS APPLICATION WAS DEFERRED BY MEMBERS OF PLANS BOARD  
ON 16<sup>TH</sup> MAY FOR EVIDENCE FROM THE DEVELOPER OF THE  
SCHEME'S VIABILITY.

Evidence has since been submitted by the applicant to demonstrate the  
scheme's viability and this is reminded that the application proposes the  
requested 40% affordable housing in line with current policy. These details  
have been submitted to the Parish Council for consultation and chased and  
no comments have been received. Accordingly the proposal is considered  
acceptable.

Recommendation: To grant delegated Authority to the Assistant Director:  
Planning Specialist to GRANT OUTLINE PLANNING CONSENT subject to  
the applicant entering into a S106 agreement for the provision of 40%  
affordable housing and the following conditions:

1. A01 Standard Outline
2. A2 Submission of Reserved Matters
3. B10 Details of Materials
4. B12 Sample Brick Panel
5. B019 Details of windows and doors
6. B42 Parking/Turning/Loading
7. B46 On site Construction
8. B47 Mud on road
9. B61 Foul and Surface Water
10. B74 Brownfield Run-off Rates
11. B121 Landscaping Design.
12. B122 Tree Survey.
13. B130 Tree Protective Fencing.
14. B131 Trees Roots & Services.
15. BCUSTOM Trees No Dig Method & the removal of existing car park  
hard standing without damaging the roots
16. B133 Tree replacements
17. BCUSTOM Visibility splays
18. BCUSTOM Closure of existing access
19. BCUSTOM Provision of footway
20. C07 Windows set in 75mm
21. C38 Development in accordance
22. C70 No burning

23. C71 Soil levels
24. C72 Storage of Materials
25. CCUSTOM bat boxes
25. D01 Removal of PD

Reason for Approval:

The Local Planning Authority considers the principle of development has been adequately demonstrated to ensure the long term survival of the Public House. The scale, design and form of the development is considered acceptable and in keeping with the character and appearance of the existing public house and context of the site and areas, with sufficient parking provision, amenity space to the dwellings and retention of landscaping. The development will not have a detrimental impact on adjoining residential amenities or highway safety.

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THIS APPLICATION WAS DEFERRED AT THE 25<sup>TH</sup> APRIL PLANS BOARD FOR MEMBERS TO UNDERTAKE A SITE VISIT

Since the original report to members additional consultation responses have been received:

Highway Comments:

In regards to the amended indicative plan the highways officer has raised two points:-

- The new footway onto the A442 requires a dropped crossing link with the existing footway on the other side of the River Lane Bellmouth. This detail can be picked up under condition 4 however.
- The layout is of a private development and therefore the Local Highway Authority would not look to adopt as public highway.

As the application is in outline form with all matters reserved for later approval the officer would like to make no changes to the original response.

Waters Upton Council: have provided further comments in regards to the number of properties that have been granted permission over the last few years, the public rights of way and the proposed site entrance. They state that they have not had time to arrange for the Parish Council to consider the amended plans therefore request that the Plans Board defer the application for a site visit to understand the issues. Officers have contacted the parish and again reiterated the outline form of the application with all matters reserved for later approval.

Affordable Housing Need:

The Housing officer has considered the amended indicative plan and has looked at the local register which the Parish Council sent last year. There is

clearly a need for houses suitable for families as well as the need for bungalows identified by the survey and would therefore recommend that the two affordable properties on this scheme are 1 No. 3 bedroom house and 1 No. 2 bedroom house ( to a lifetime homes standard) , both for rent.

**Section 106 Agreement:**

In order to ensure 40% of affordable housing is provided the Council have asked the applicant to enter into a 106 Agreement. However in order to save the applicant time and expense of a Section 106 the agent has asked to use an affordable housing condition instead. The Council have considered the agents request however consider that a Section 106 Agreement is considered necessary to ensure the site development remains affordable in perpetuity for individuals with local connections and housing need, in line with the Councils normal procedures.

In regards to the above the officer's recommendation remains unchanged.

**Recommendation:** To grant delegated Authority to the Assistant Director: Planning Specialist to GRANT OUTLINE PLANNING CONSENT subject to the applicant entering into a S106 agreement for the provision of 40% affordable housing and the following conditions:

1. A01 Standard Outline
2. A2 Submission of Reserved Matters
3. B10 Details of Materials
4. B12 Sample Brick Panel
5. B019 Details of windows and doors
6. B42 Parking/Turning/Loading
7. B46 On site Construction
8. B47 Mud on road
9. B61 Foul and Surface Water
10. B74 Brownfield Run-off Rates
11. B121 Landscaping Design.
12. B122 Tree Survey.
13. B130 Tree Protective Fencing.
14. B131 Trees Roots & Services.
15. BCUSTOM Trees No Dig Method & the removal of existing car park hard standing without damaging the roots
16. B133 Tree replacements
17. BCUSTOM Visibility splays
18. BCUSTOM Closure of existing access
19. BCUSTOM Provision of footway
20. C07 Windows set in 75mm
21. C38 Development in accordance
22. C70 No burning
23. C71 Soil levels
24. C72 Storage of Materials
25. CCUSTOM bat boxes
25. D01 Removal of PD

Reason for Approval:

The Local Planning Authority considers the principle of development has been adequately demonstrated to ensure the long term survival of the Public House. The scale, design and form of the development is considered acceptable and in keeping with the character and appearance of the existing public house and context of the site and areas, with sufficient parking provision, amenity space to the dwellings and retention of landscaping. The development will not have a detrimental impact on adjoining residential amenities or highway safety.

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OBJECTIONS: Yes

MAIN ISSUES: Principle of Development, Retention of Community Facility, Scale and Design, Character and Appearance, Impact on Adjoining Residential Amenity, Highway Safety

PROPOSAL:

This application seeks outline planning permission for residential development within the rear of an existing public house car park. This is an outline application with all matters reserved. The indicative layout indicates a development of 6 two-storey detached houses. As part of the planning application it is intended to close the existing access into the pub and provide a new access further along River Lane to serve the houses and remaining pub car park.

The existing access into the pub car park will be taken from River Lane, however its position will be altered and set approximately 17m back from the A442. This would involve the closure of an existing access and the removal of landscaping. The retained pub will have 20 parking spaces (including 1 disabled space and a beer garden approximately 129sq.m).

Originally the indicative layout showed a development of 6 houses and 12 pub parking spaces, however subsequent to highway concerns with a lack of pub car parking, the layout and proposed have been amended to allow parking for 20 cars, an improved access with plot 6 omitted from the plan.

SITE AND SURROUNDINGS:

The application site is the car park to the Swans Inn public house, adjacent to the Cemetery off River Lane in Waters Upton. The Swan is a mainly two-storey 19<sup>th</sup> Century building with more modern alterations and extensions.

The Swan Inn is an established white-rendered and red brick Public House located in to the south west of Waters Upton Village with access on to River Lane. The main façade of the Swans Inn fronts the A442 and is bound with a metre high red brick wall. Parking is located to the side and rear of the pub, which is bound by trees and hedgerows and access into the car park is off River Lane. The car park varies in ground level and the area immediately

adjacent the pub is flat and level with the main road; however the eastern area of the car park slopes upwards and is, in total about 2 - 2.5m higher than the main road (A442). The eastern side of the car park lies adjacent Pinfold Croft which is a cul de sac of residential two-storey properties.

The pub is served by a beer garden that adjoins the southern and eastern boundaries of the site with a hedge and boundary fence. Part of the beer garden contains Leylandii trees that currently screen some views of the beer garden from the car park.

Waters Upton is located in the rural area of Telford, approximately 10 miles north of the centre and around 8 miles west of Newport. The site is within the village of Waters Upton and to the south of the Severn Trent Water Sewage Works which is adjacent the A442. To the north east is the Old Rectory, open fields and a site that has outline permission for residential development along with associated parking facilities and provision of a recycling area.

The village has two pubs, The Lion and The Swan Inn. The Lion lies at the southern edge of the village, around 0.2 miles south of the application site. The Lion is adjacent Waters Upton Parish Centre which includes a community shop, post office and parish offices. Directly adjacent to the site is an allocated pedestrian and cycle path.

#### RELEVANT HISTORY:

W2005/1376, erection of single-storey extension and new steps to garden area, granted 17/01/2006.

W2004/1052, erection of 11 dwellings comprising of 4no. 3 bedroom, 2no. 2 bedroom and 1no, 4 bedroom dwellings with estate road and vehicle/pedestrian accesses, granted.

#### BACKGROUND HISTORY – NEARBY SITE:

W2008/0619, residential development including affordable housing provision, cemetery extension, car parking for cemetery visitors and recycling area to serve village community (outline application) at land adjacent to The Old Rectory, Waters Upton approved January 2011.

#### PLANNING POLICY CONTEXT:

National Planning Policy Framework – published 27<sup>th</sup> March 2012

#### Local Development Core Strategy

CS1 Homes

CS7 Rural Area

CS9 Accessibility and Social Inclusion

CS10 Community Facilities

CS15 Urban Design

#### Saved Local Plan Policies

UD2 Urban Design

H9 Location of Housing

H10 Scale of Development

H22 Community Facilities  
H24 Affordable Housing in the rural area  
LR1 Provision of Community Facilities

#### CONSULTATION REPOSES:

Waters Upton Parish Council: The Parish Council cannot support this application and have requested that, if the planning officer is recommending approval, the application should be green-carded to allow it to be determined by Plans Board. The position of the properties is detrimental to existing dwellings. The new entrance is from a narrow lane opposite the entrance to a new development site. Is there sufficient need for further housing as we have a number of properties awaiting construction where planning approval has already been granted? The entrance is situated on top of the treatment works. The treatment works was inadequate for the pub alone; it will not cope with a pub and 6 properties. There will be insufficient car parking spaces for customers to the pub. There will be insufficient space for adequate parking and gardens for the proposed properties.

Shropshire Fire Service: Supports subject to informatives

#### Highways:

Supports the application subject to a number of conditions. The highways officer states that it is likely the development will involve providing a reduced number of residential units to that shown on the indicative plan. In light of these comments the plan has been amended and highways have been consulted to provide further comments, therefore it is anticipated that additional responses will be received by the date of the Plans Board meeting and Members will be fully updated at the meeting.

#### Drainage:

The outline principal of development is acceptable; however the reserved matters application must provide the following information:  
Standard condition B62 Condition: the site covers both greenfield (beer garden) and brownfield (car park) land. The rate of surface water discharge for each part of the site should reflect conditions B75 and B74 respectively. Details on how this will be achieved should be submitted.

#### Arboriculture:

The proposed planning site layout Ref: 7431/004, shows that the applicants are intending to retain the existing trees on site. Recommends that the Sycamore tree growing adjacent to the proposed Plot 1 is removed as the current location of the plot does not account for the future growth of the tree. If the tree is to be removed there is a need for replacement planting in mitigation for its loss.

There are three Ash trees growing in the north east corner of the proposal, at this time the root protection area of the trees is covered by tarmac. If consent is afforded to the application further detail is required as to the removal of the hard standing and how this can be achieved whilst not damaging the roots of the existing trees.

Plot 1 is within 10 metres of the three Ash trees, no information has been provided as to the soil underfoot which in turn will dictate the depth of foundation required with regard to NHBC Chapter 4.2 "Building near Trees." If consent is approved then the following conditions should be imposed;

B14, Landscaping Design.  
B14a, Tree Survey.  
B73, Tree Protective Fencing.  
B74, Trees Roots & Services.  
B75, Trees No Dig Method  
B76, Tree replacements  
C70, No burning  
C71, Soil levels  
C72, Storage of Materials  
C76 Landscape Implementation Hard & Soft.

Ecology: supports subject to a bat box condition and informatives

Severn Trent Water:

Raise no objections however advise that there is a public sewer located very close to the application site.

1 local representation has been received which raises objection on the grounds of the swan has been a big part of this village and what made it what it is. We understand that it is not doing well as a public house but that's no reason to build on part of it. We have a great view over the car park of the river and fields whenever coming home or going out it reminds us how lucky we are to live in the countryside now they want to take that from us and give it someone else. One concern is whether there would still be a public right of way from pinfold croft across the now car park as it is very popular for walkers, cyclists, and horse riders as it is a lot safer than trying to walk down river lane or having to walk through village to The lion and along narrow footpath next to main road. Would the 2 proposed houses at the top of car park block out what bit of sun we do get in our back garden as this is only time we do catch the sun when it is over the car park?

#### ADDITIONAL RE-CONSULTATION:

Consultees have been notified of the amended plan therefore it is anticipated that additional responses will be received by the date of the Plans Board meeting and Members will be fully updated at the meeting.

#### PLANNING CONSIDERATION

The National Planning Policy Framework asserts proposals which deliver sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors should be supported by Local Planning Authorities. It also states that LPA's should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment. Housing applications should be considered in the context of the

presumption in favour of sustainable development. It also states that LPA's should promote sustainable development in rural areas and housing should be located where it will enhance or maintain the vitality of rural communities.

Public houses are listed as community facilities along with churches, schools and village halls. Such community facilities in rural areas often form a focus for community life. Policy CS10 of the Core Strategy outlines the provision of new or improved community facilities to meet the needs of local residents will be supported; furthermore the loss of such facilities will be resisted. Therefore local planning authorities should take a positive and constructive approach towards planning applications that contribute towards economic development. LPA's support development which enhances the vitality and viability of rural centres and considering this is a pub located within the village of Waters Upton planning applications for residential development that may contribute to securing sustainable economic growth therefore should be treated favourably.

The Swan Inn is the one of two Public Houses in the Village of Waters Upton and is important for the village as there are limited other community facilities. Furthermore there is a duty to support such facilities to prevent its loss. There must also be regard to the current economic climate and the closure of many Public Houses and other facilities like village shops within the rural area which are sometimes the sole facility in villages. The retention of the Swan Inn is considered to be a benefit to the local community and the revenue from the proposed dwellings may help to sustain the business.

Policy CS7 states that development within the rural area should be limited to meet the needs of the area, and be focussed on the 3 key settlements of High Ercall, Tibberton and Waters Upton. Outside these settlements development will be limited and within the open countryside strictly controlled. This is supported by national policy which outlines new development shall be located in or on the edge of existing settlements and service areas where housing, employment, services and other facilities are provided close together, in order to create sustainable communities.

The proposal is for outline planning permission for residential development; Waters Upton is one of the three settlements within the rural area where new development is to be focused; whilst there is no identified settlement boundary for Waters Upton the site appears to lie within the developed area of the village which is enclosed at the north by the River Lane and the A442 along the west; hence this proposal accords with Policy CS7 of the Core Strategy.

Core Strategy Policy CS1 states that housing needs in the rural area will be met by approximately 170 new dwellings over the period from 2006 – 2016. At the current time, the threshold has been met from dwellings already built or having received planning permission. The number of dwellings has exceeded the provision of 170 dwellings over the plan period however the housing officer has stated that there is still a parish need for house types in this area. The proposed 40% affordable housing is in line with policy requirements for 40%. The Waters Upton Parish Housing Needs Survey Report published in

March 2011 identifies a current affordable housing need and in addition to this the Housing Officer supports development at this site. Furthermore it is deemed that the issues of community benefit also need to be taken into consideration when assessing the principle of development as well as the fact that the plot itself is surrounded by residential development. In this case the proposal would incorporate 40% affordable housing provision, which is in line with the Core Strategy advice. Additionally dwellings within this location would support the viability of the adjacent public house which serves as a community facility. In addition the proposed development site is considered to be an infill and a settlement plot therefore any new development would not encroach into the open countryside or extend the rural boundary.

The applicant has agreed to enter into a Section 106 agreement for the whole site in relation to affordable housing in accordance with policies H24 of the Wrekin Local Plan and CS7 of the Core Strategy. The housing officer has confirmed that she supports housing at this site, however regard needs to be taken to the development approved on the adjacent the Old Rectory Site (W2008/0619) and the requirements of the parish household needs survey, recommending that 'three are adapted bungalows, subject to verifying these, household needs are still the same'. The break down of affordable homes will therefore need to be discussed and agreed prior to the submission of the reserve matters application.

A contribution towards off site leisure and play facilities or primary education is not required due to the number of housing below the threshold of 10 units.

The site approved for residential dwellings, a recycling area and cemetery extension is located north of the public house. Between that site and the application site retains an adequate separation distance and between properties located within Pinfold Croft. It is therefore believed that the area proposed for residential dwellings is acceptable that would not adversely impact on neighbouring properties amenities. The amended indicative layout shows adequate sized gardens, parking spaces and separation distances between surrounding properties.

The concern that the development of dwellings in the car park would introduce a conflict of uses and adverse impact on future occupants' amenities is noted; however occupants renting or buying these properties will be aware of the location adjacent to the PH prior to moving in (a case of 'Buyer Beware'), however it is considered that there will be limited harm to the amenities of the proposed dwellings. Concerns regarding access and highway safety are acknowledged however the highways officer has said that he supports the application subject to conditions. In addition whilst neighbours may be concerned with a loss of light, the LPA emphasises that this application is for outline permission only and the plan submitted is an indicative plan. This permission does not purport to grant consent for the layout shown on the deposited plan. The number, type and design of houses will be agreed within a later application where issues of levels, orientation, design and scale of dwellings will be discussed.

In reference to the desire path located to rear of the beer garden, adjacent Pinfold Croft, I can confirm it is shown free of development on the indicative layout plan to allow continued pedestrian access.

The LPA have acknowledged concerns with the loss of pub car parking spaces, therefore the plan has recently been amended to reduce the number of houses shown on the indicative layout and increase the spaces to 20. Despite a reduction in spaces it should be noted that the development would generate construction jobs, bring about additional custom to the village as well as the local public houses and hopefully bring this vacant pub back and open to business. With regard to the access for the site, this is still retained within the site edged blue, however as this is within the applicants control can be suitable conditioned. Subsequently the proposed development will not prejudice highway safety.

Having regard to local objections and planning guidance officers consider that on balance the principle of redeveloping some of the site for residential use is acceptable subject to conditions, mitigation works and affordable housing provision. The proposal will reintroduce and support a valuable community facility to the settlement, helping to sustain its survival. The Local Planning Authority considers the principle of the development considered acceptable and in keeping with the character and context of the site and area, with sufficient parking provision and amenity space to the dwellings. The development will not have a detrimental impact on adjoining residential amenities or highway safety.

**RECOMMENDATION:** to grant delegated authority to the Assistant Director: Planning Specialist to GRANT OUTLINE PLANNING PERMISSION subject to the Applicant entering into a Section 106 Agreement for the provision of 40% affordable housing and the following conditions:

(Conditions to be provided at update to board)

**REASON FOR APPROVAL:**

The Local Planning Authority considers the principle of the development has been adequately demonstrated to ensure the long term survival of the Public House. The scale, design and form of the development is considered acceptable and in keeping with the character and appearance of the existing Public House and context of the site and area, with sufficient parking provision, amenity space to the dwellings and retention of landscaping. The development will not have a detrimental impact on adjoining residential amenities or highway safety.

TWC/2012/0402 Granville Arms, Granville Terrace, Church Street, Hadley, Telford, Shropshire, TF1 5RT  
Change of use from Public House (Use Class A4) to part hot food takeaway (Use Class A5) and part residential (Use Class C3) and external alterations including the insertion of new front door and the erection of a disabled access ramp and single storey rear extension with extraction equipment.\*\*\*\*Amended description and amended plans received\*\*\*\*

**APPLICANT**  
Rui Hua Weng

**RECEIVED**  
02/07/2012

**PARISH**  
Hadley and Leegomery

**WARD**  
Hadley and Leegomery

**HADLEY & LEEGOMERY PARISH COUNCIL HAVE REQUESTED THIS APPLICATION BE DETERMINED AT PLANS BOARD**

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Impact on residential amenity, Unsuitable location, lack of parking provision, Opening hours

**THE PROPOSAL:**

This full planning application seeks permission for the change of use of part of the existing ground floor of the former Granville Arms public house (Use Class A4) in to a Chinese takeaway (Use Class A5). The application includes a proposed single storey rear extension to provide toilet facilities for the staff. The remainder of the building is to be used as residential (Use Class C3) to provide living accommodation for the business' occupants. External alterations are also proposed, to include a new entrance to the front elevation, the erection of a disabled ramp access and extraction equipment.

An application for replacement signage (TWC/2012/0403) has also been submitted to the Local Planning Authority.

**SITE AND SURROUNDINGS:**

The Granville Arms is a former public house situated in Hadley, located north of Telford Town Centre. The premise is situated on Church Street and is the end building of Granville Terrace set amongst a row of residential dwellings.

The property fronts Church Street and is finished in red facing bricks, slate roof tiles and white upvc windows with feature lintels. The property can be accessed by the main entrance to the front and a second entrance to the side. A gated archway to the side of the dwelling provides access to the rear garden which has a total site area of approximately 0.17 acres.

A small amount of parking is available immediately in front of the premise and to the side. Neighbouring properties are predominantly two storey terraces or semi-detached dwellings.

**PLANNING HISTORY:**

TWC/2012/0403 - Erection of 1no. externally illuminated fascia sign and 1no. externally illuminated hanging sign.

**PLANNING POLICY CONTEXT:**

Core Strategy:

CS5 Local & District Centres in Telford

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

National planning guidance:

National Planning Policy Framework

**CONSULTATION RESPONSES:**

Hadley & Leegomery Parish Council: Object

- The impact of customer vehicle traffic on the locality - there is minimal parking at the premises and parking for adjacent and opposite residential properties is on-street and traffic generated by a takeaway throughout its opening hours would add to the hazard that already exists.
  
- The impact of the proposed opening hours – till midnight on weekdays, 1.00 am Saturdays and 11.30 pm Sundays – on the adjacent and opposite residential properties. This would represent an unacceptable disturbance late at night in a residential area.

Highways: Support subject to condition C12 - The development shall not be brought into use until the car parking spaces numbered 2 & 3 on drawing number 1733/200B have been properly marked out. Car parking space numbered 1 is not required.

Geotechs: No Objection

Drainage: No Objection

Environmental Health: No comments received

A site notice and 7 direct neighbour letters have publicised this application.

2 letters of objection have been received from No's 2 and 6 Granville Terrace and are summarised below:

- Inappropriate location for a takeaway
- Too many takeaways in the area
- Lack of parking provision
- Unsuitable opening hours
- Potential detrimental impact on existing drainage
- Concerns of waste disposal and odours

#### PLANNING CONSIDERATIONS:

This full planning application seeks permission for the change of use of part of the existing ground floor of the former Granville Arms public house (Use Class A4) in to a Chinese takeaway (Use Class A5). The application includes a proposed single storey rear extension to provide toilet facilities for the staff. The remainder of the building is to be used as residential (Use Class C3) to provide living accommodation for the business' occupants. External alterations are also proposed, to include a new entrance to the front elevation, the erection of a disabled ramp access and extraction equipment.

The proposed change of use of the remainder of the premise, currently a Public House to private residential accommodation is considered to be acceptable as there will be no adverse impact on the immediate area or on neighbouring properties in this predominantly residential area. This will provide a five bedroom property over three floors.

The proposed hot food takeaway will operate from part of the building, closest to No.1 Granville Terrace and will provide a waiting area for customers, a counter area with the kitchens located to the rear of the property, from the existing rear extension. A new single storey rear extension will be built alongside the existing rear extension to provide staff toilet facilities. A new customer entrance will be formed in the front elevation with an access ramp to the front. Space will be made available to the rear of the property to provide for refuse storage. The proposed opening hours are 11am to midnight Monday to Friday, 11am to 1am on Saturday and 12 noon to 11:30pm on Sundays and Bank Holidays.

Whilst this is a predominantly residential area, the premise is located at the end of Church Street where the road leads on to Hadley Road and there are no neighbouring properties immediately opposite the premise. The property has been used most recently as a public house however the premise has been left unoccupied since the public house closed down. Neighbouring properties will therefore be used to the comings and goings and various activities associated with the operation of a public house and therefore having a takeaway will therefore not be fully out of character with the area.

Under permitted development it would be possible for the public house to change to a restaurant without the need for planning permission with uncontrolled comings and goings or any opening hours restrictions and officers therefore consider that a takeaway would not be too dissimilar and conditions can be imposed which couldn't be put on a permitted change to a restaurant.

Officers have taken in to consideration the comments received by the Parish Council and neighbouring properties. The applicant has demonstrated that parking, albeit limited, can be achieved in front of the premise and further parking is available to the side of the premise. The Council's Highways Officer has been consulted and is supporting the application subject to

conditions. Similarly, the Council's Drainage Engineer has been consulted and has no objections to the proposals.

The Local Planning Authority agrees with the Parish Council that the proposed opening hours are unsuitable and a condition will be added to this application to limit the opening hours to 11.00 hours and 23.00 hours Sunday – Thursday and 12.00 noon and midnight on Fridays and Saturdays.

To eliminate the noise and odour effect generated by the extraction system of the hot food takeaway kitchen, an extraction system will be installed to the existing rear extension to reduce any such detrimental effect. It is proposed that an external extraction flue will be sited as far as possible from adjacent properties and will be discharged at least 1m above eaves level via pod type silencers and carbon filters which will comply with statutory regulations. The applicant has made provision for adequate refuse storage and collection to avoid any adverse impact on neighbouring properties.

The proposed single storey rear extension is relatively small in size, measuring approximately 2.83m x 2.5m and will sit alongside the existing rear extension. The proposed extension will not have a detrimental impact on neighbouring properties and will not be visible to the street scene.

Accordingly, the proposed development is considered acceptable as it will not adversely impact upon the vitality and viability of Hadley District Centre or on the service provision of the centre, or significant impact upon residential amenity or highway safety. Moreover, the occupation of this vacant premise is considered an improvement to the current situation which will result in an enhancement to the area. Therefore, the proposed development is deemed compliant with both local and national guidance and policy and therefore recommended for approval with conditions.

**RECOMMENDATION:** to GRANT PLANNING PERMISSION subject to the following conditions:

1. A04 Time limit
2. C38 Development in accordance with Plans
3. D11 Hours of Use
4. C12 Car Parking
5. B86 Extraction details – installed prior to use commencing

**REASON FOR APPROVAL:**

The proposed development is considered acceptable as it will not adversely impact upon the vitality and viability of Hadley District Centre or on the service provision of the centre, or significant impact upon residential amenity or highway safety. Moreover, the occupation of this vacant premise is considered an improvement to the current situation which will result in an enhancement to the area. Therefore, the proposed development is deemed compliant with both local and national guidance and policy and therefore recommended for approval with conditions.

TWC/2012/0403 Granville Arms, Granville Terrace, Church Street, Hadley, Telford, Shropshire, TF1 5RT  
Erection of 1no. externally illuminated fascia sign and 1no. externally illuminated hanging sign \*\*\* AMENDED DESCRIPTION AND AMENDED PLANS \*\*\*

**APPLICANT**  
Rui Hua Weng

**RECEIVED**  
21/05/2012

**PARISH**  
Hadley and Leegomery

**WARD**  
Hadley and Leegomery

**HADLEY & LEEGOMERY PARISH COUNCIL HAVE REQUESTED THIS APPLICATION BE DETERMINED AT PLANS BOARD**

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Impact on residential amenity

**THE PROPOSAL:**

This application for consent to display advertisements relates to the erection of 1no. internally illuminated fascia sign, 1no. externally illuminated wall mounted sign and 1no. internally illuminated hanging sign.

The original application included a third advertisement on the side of the premise and for all proposed advertisements to be internally illuminated. However the application has been amended following officer's concern that the sign was visual clutter and detrimental to the amenity of the area.

This application has been submitted along with a full planning application (TWC/2012/0402) for the change of use of a public house to a hot food takeaway.

**SITE AND SURROUNDINGS:**

The Granville Arms is a former public house situated in Hadley, located north of Telford Town Centre. The premise is situated on Church Street and is the end building of Granville Terrace set amongst a row of residential dwellings.

The property fronts Church Street and is finished in red facing bricks, slate roof tiles and white upvc windows with feature lintels. The property can be accessed by the main entrance to the front and a second entrance to the side. A gated archway to the side of the dwelling provides access to the rear garden which has a total site area of approximately 0.17 acres.

A small amount of parking is available immediately in front of the premise and to the side. Neighbouring properties are predominantly two storey terraces or semi-detached dwellings.

**PLANNING HISTORY:**

TWC/2012/0402 - Change of use of Public House (Use Class A4) to part hot food takeaway (Use Class A5) and part residential (Use Class C3) and external alterations.

**PLANNING POLICY CONTEXT:**

Core Strategy:

CS15 Urban Design

Wrekin Local Plan:

S31 Shop Fronts, Advertisements and hoardings

National planning guidance:

National Planning Policy Framework

**CONSULTATION RESPONSES:**

Hadley & Leegomery Parish Council: Object

*The proposed illuminated signs will cause a nuisance to adjacent residential properties and be totally out of character with the building.*

Highways: No Objection

A site notice and 7 direct neighbour letters have publicised this application however no further comments have been received.

**PLANNING CONSIDERATIONS:**

This application for consent to display advertisements relates to the erection of 1no. internally illuminated fascia sign, 1no. externally illuminated wall mounted sign and 1no. internally illuminated hanging sign.

The original application included a third advertisement on the side of the premise and for all proposed advertisements to be internally illuminated however the application was amended following officer's concern that the sign was visual clutter and detrimental to the amenity of the area.

This application has been submitted along with a full planning application (TWC/2012/0402) for the change of use of a public house to a hot food takeaway.

Policy S31 states amongst other issues, that advertisement should be designed on positioned so that it is not detrimental by way of dominating the building or street scene or prejudice amenity, or endanger users of the highway. It should also be compatible with and respect the character and appearance and scale of the building and/or surrounding in terms of size, proportions, location, form, design, materials and use of colour.

The proposed perspex fascia sign will be fixed above the entrance door and will have the takeaway's name, 'China Express' and various other writing which will be a mixture of red and black lettering set to a white background. The sign will be externally illuminated by black powder-coated trough lighting above. The proposed sign will measure approximately 3900mm x 590mm.

The proposed hanging sign will project from the front elevation which will again advertise the takeaway's name and will have their logo above. The design of the sign will be similar to the proposed fascia sign and will also be externally illuminated. This sign will measure approximately 700mm x 1000mm.

The signage advertises the name of the takeaway and its contact details and the choice of colouring is considered appropriate without having a significant adverse impact on the existing building and the residential area in which it is located. The illumination is provided by external trough lighting which is considered to be an appropriate choice rather than being internal illumination. Whilst officers appreciate the concerns of the Parish Council, the proposed lighting is not considered to be significantly detrimental especially now as one illuminated sign has been removed from the scheme. A condition will be imposed to ensure the lighting is switched off outside of normal operating hours: 1100 hours and 2300 hours Sunday – Thursday and 1200 noon and midnight on Fridays and Saturdays.

Officers are satisfied that there will not be any significant detrimental impact on nearby neighbouring properties especially as the premise is a former Public House and therefore the precedent for illuminated signage in some form is accepted.

The Local Planning Authority considers that the design, location, size, materials and colour of the signage are suitable. Accordingly, the proposal is deemed acceptable as it considered that the proposed signage does not dominate the building and has no significant adverse impact on the character of the immediate environment. The application therefore accords with policies S31 of the Wrekin Local Plan, CS15 of the Core Strategy and the National Planning Policy Framework.

**RECOMMENDATION:** to GRANT ADVERTISEMENT CONSENT subject to the following conditions:

1. E01 Advertisement Standard
2. Custom Hours of illumination

**REASON FOR APPROVAL:**

The Local Planning Authority considers that the design, location, size, materials and colour of the signage are suitable. Accordingly, the proposal is deemed acceptable as it considered that the proposed signage does not dominate the building and has no significant adverse impact on the character of the immediate environment. The application therefore accords with policies S31 of the Wrekin Local Plan, CS15 of the Core Strategy and the National Planning Policy Framework.

TWC/2012/0595 5 Ainsdale Drive, Priorslee, Telford, Shropshire, TF2 9QJ  
Extension of a two-storey side extension to link house and garage.

**APPLICANT**  
Stewart Watson

**RECEIVED**  
26/07/2012

**PARISH**  
St. Georges and Priorslee

**WARD**  
Priorslee

**ST GEORGES AND PRIORSLEE PARISH COUNCIL HAS REQUESTED  
THIS APPLICATION BE DETERMINED BY PLANS BOARD**

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Scale, position and impact on neighbouring amenity

THE PROPOSAL: This application seeks consent to extend a two-storey detached, pitched roof dwelling with a two storey side extension. The extension will provide the dwelling with a living room and utility at ground floor and an additional bedroom at first floor.

The two-storey side extension would infill a gap located between the side of the main house and its eastern boundary fence. The extension would be built to join with the garage and provide a link in from the proposed utility room.

The extension would measure wider at ground floor level and would step in at the side at first floor level in order to work round and respect the existing garage. At ground floor level the extension would measure 3.3m wide at the front and 4.6m wide at the rear. At first floor the extension would measure 3.18m wide at the front for a depth of 3m and would measure 4.6m at the rear for a depth of 4.10m. The extension would lie flush with the existing rear elevation and would measure 7.70m high, level with the existing ridge height of the main house.

A large proportion of the two-storey extension (living room/bedroom1) would be located in very close proximity to the eastern boundary fence. The extension would be set in off the applicant's boundary fence for a minimum of 0.10m and a maximum of 0.35m.

**THE SITE AND SURROUNDINGS**

This property is modern detached dwelling, located within the urban area of Telford. The house itself provides a front driveway, porch and a conservatory at the rear. The application property is orientated in its position so that its front elevation faces southwest. Land at the application site varies in ground level therefore the rear garden slopes somewhat in a west to east direction. Properties located to the east are positioned approximately 0.80m lower in level.

The site provides a front driveway, a shared garage (with number 6) to the side and parking provision for 2 cars. The garage is situated approximately

3.5m south east of the side facing flank. The gap between the garage and the existing house is open yet separated from the front driveway with a 1.8m high timber gate and fence.

The immediate area is predominantly residential surrounded with a mixture of dwellings. Located within Ainsdale Drive are a number of detached houses, however east of the application site are several bungalows situated within Ferndale Drive.

External materials consist of red facing bricks, concrete roof tiles and white upvc windows. The dwelling comprises of solar panels on the house and the garage, however this development constitutes permitted development under the GPDO.

### CONSULTATION RESPONSES

St Georges and Priorslee Parish Council: Recommends refusal on the grounds of over-development of the site. The Parish Council requests that this application should be Green carded. Councillor R Williams will attend the appropriate Plans Board meeting to comment.

Geotechs: Informative I17 (Exercise caution mining) and I20 contaminated land

Ecology: no comment

3 Neighbours have objected on the following grounds:

- Drainage
- Dominance and loss of light
- Overbearing and Intrusive
- Differences in ground levels

### PLANNING HISTORY

W83/0286, erection of dwellings, authorised under New Towns Act 9<sup>th</sup> June 1983.

W83/0700, erection of residential estate, authorisation under New Towns Act 18<sup>th</sup> November 1883.

### POLICY CONTEXT;

National Policy

National Planning Policy Framework (NPPF)

Core Strategy:

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

### PLANNING CONSIDERATIONS

This application relates to the erection of a two storey side extension.

The two-storey side extension would include the removal of an existing side facing bedroom (4) window. It would feature new windows within the front and rear elevations however it would not include the insertion of any side facing windows, therefore by reason of the orientation of surrounding properties and existing separation distances no impact on neighbouring privacy would be created.

The proposed extension would be in keeping with the existing house and would be built using matching materials. The dwelling is located down a track within a cul-de-sac arrangement of dwellings, therefore the extension would be set considerably out of view from the immediate street scene. By reason of the extensions location and design would fail to harm the character of the existing area.

The proposed extension would measure 7.7m high, however by reason of varying ground levels and when viewed from the adjoining bungalow (No.25 Ferndale Drive) the extension would appear approximately 8.5m high.

In addition a separation distance of at least 3.90m would be retained between the proposed flank wall and the rear wall of the neighbouring bungalow (No.25 Ferndale Drive) which together would give rise to dominance and overshadowing.

By reason of existing short gardens and positioning of the proposed extension the extension would situate very close to the rear of No.25 Ferndale Drive, which is a bungalow. A separation distance of 4.50m would be retained between the proposed flank and an existing dining room window, approximately 5m between the proposed side and a principle kitchen window and approximately 10m between the extension and a principle bedroom 1 window.

This garden to No.5 Ainsdale Drive is bounded by 1.8m - 2m high boundary screening. However despite such screening the proposed extension, together with higher ground levels, would overbear, overshadow and dominate the adjacent bungalow (No.25) and its rear garden by reason of its height, depth and mass. The adjacent bungalow (No.25) is set at lower ground level when compared to the two-storey properties. Its rear garden lies adjacent the rear elevation of an existing shared garage, the side of two-storey house (No.6 Ainsdale Drive) and 2m-2.3m high boundary garden screening and is therefore boxed in. By reason of the bungalow's short garden and its hemmed-in surroundings, the property (No.25) currently experiences a degree of overshadowing and loss of light. During the case officer's site visit (at 5:30pm) it was evident that an increased degree of sunlight would be lost, particularly during the late afternoon to early evening period. Therefore officers consider the proposed extension would further reduce the amount of light into the rear of this property and consequently proliferate the problem of overshadowing, loss of light and being boxed in. Officers therefore deem in

this instance that the additional overshadowing and loss of light to be significant so as to adversely affect the adjoining occupier's amenity.

By reason of the extension's mass, scale and position officers consider the proposal would appear overbearing and dominant when viewed from the adjoining bungalow (No. 25) and its rear garden. In addition officers consider the extension will significantly block natural daylight into No.25's garden and principle kitchen and bedroom windows, creating an unduly adverse impact on this neighbouring amenity. In addition the proposal would not comply with the 45 degree code which the Council uses as a guideline when assessing planning applications.

Officers are aware that the property retains its full permitted development rights. Such rights would allow the applicant to erect a single-storey side extension, or a single or two-storey rear extension without the need for planning consent. Officers consider if an extension were to built under PD it would appear less dominant and harmful to the extension than is being proposed.

Accordingly, the Local Planning Authority considers that the proposed development is unacceptable. By reason of the extension's mass, scale and position officers consider the proposal would appear overbearing and dominant when viewed from the property and rear garden of No. 25. The Local Planning Authority considers that the proposed extension would result in an unacceptable loss of light to a bungalow in close proximity to the application site causing material harm to neighbouring existing uses and enjoyment of amenity in the locality. Accordingly the proposal is contrary policies UD2 of the Wrekin Local Plan, CS15 of the Core Strategy and national guidance contained in the NPPF.

**RECOMMENDATION:** Refuse Planning Permission

**Reason for Refusal:**

By reason of the extension's mass, scale and position officers consider the proposal would appear overbearing and dominant when viewed from the property and rear garden of number 25. The Local Planning Authority considers that the proposed extension would result in an unacceptable loss of light to a bungalow in close proximity to the application site causing material harm to neighbouring existing uses and enjoyment of amenity in the locality. Accordingly the proposal is contrary policies UD2 of the Wrekin Local Plan, CS15 of the Core Strategy and national guidance contained in the NPPF.