

TWC/2020/0670

Land adjacent, 44 Wombridge Road, Wombridge, Telford, Shropshire
Erection of 1no. dwelling and relocation/reconfiguration of the existing stables and
hay store *****Amended position of dwelling*****

APPLICANT

N Matthews

RECEIVED

11/08/2020

PARISH

Oakengates

WARD

Oakengates and Ketley Bank

**THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE BY
CLLR. STEPHEN REYNOLDS**

[https://secure.telford.gov.uk/planning/pa-
applicationsummary.aspx?applicationnumber=TWC/2020/0670](https://secure.telford.gov.uk/planning/pa-applicationsummary.aspx?applicationnumber=TWC/2020/0670)

1.0 SUMMARY RECOMMENDATION

1.1 It is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** subject to Condition(s) and Informative(s).

2.0 SITE AND SURROUNDINGS

2.1 The site is located in the Parish of Wombridge, located on the outskirts of Oakengates Town Centre.

2.2 Wombridge Road has a strong character of dwellings of simple design, in the form of terraces or semi-detached dwellings. The Parish Church, St Mary and St Leonard's Church which is a building of local interest, and St Leonard's Priory are located opposite the application site.

2.3 The site itself is currently used as a ménage and paddock for the Applicant to look after horses as a personal hobby only with no associated business use. There are currently a series of outbuildings which currently exist and benefit from planning permission for the use of storage which are considered ancillary to the existing use on site. The land was previously an open parcel of land at the end of a residential housing estate.

2.4 The level of the land drops significantly from the street and the access slopes down into the site.

3.0 APPLICATION DETAILS

- 3.1 The current application seeks Full Planning Permission for 1No. Dwelling and associated access and amenity space, on a parcel of land which has previously been granted planning permission for use as a ménage and paddock in 2016, adj. No. 44 Wombridge Road.
- 3.2 The proposal involves the rearrangement of the existing set of outbuildings to move them back further into the site, and the erection of a new dwelling facing the highway. There is currently a 2 metre high fence along the frontage of the site which would be reduced down to 1 metre as part of the proposal.
- 3.3 There has been a previous application on site which was refused in 2020 for the erection of 1No. dwelling. This application was not refused based on the principle of development, but was refused due to insufficient information regarding drainage, coal mining, parking and turning and trees, and it was considered the design of the proposed dwelling was inappropriate and did not respect the character of the area. The previous design proposed a narrow dwelling with a garage and side extension, which had a set down from the main roofline. These proportions were considered to be out of keeping with the other properties within the streetscene where the properties are more simplistic in their design, generally wider and accommodate more under the main roofline rather than having a set down. The window proportions were also much narrower than those within the immediate streetscene. The current application has sought to overcome these issues.
- 3.4 The current application has been subject to a series of changes which has been the subject to reconsultation Since the initial submission of the application, further information in respect of coal mining, trees, and drainage has been submitted to overcome the consultee comments. An Amended Site Plan has also been submitted to alter the position of the dwelling, influenced by the Tree Officer's comments.

4.0 RELEVANT HISTORY

- 4.1 TWC/2016/1070 – Change-of-Use of land to ménage and paddock and the retrospective erection of 7no. timber outbuildings – Full Granted 06 January 2016
- 4.2 TWC/2016/1071 – Erection of 2 metre high fence and gates (Retrospective) – Full Granted 02 February 2017
- 4.3 TWC/2018/0558 – Erection of a habitable log cabin – Full Refused 21 February 2019, Appeal dismissed 02 August 2019

- 4.4 TWC/2020/0117 – Erection of 1no. Dwelling and relocation/reconfiguration of the existing stables and hay store – Full Refused 01 April 2020

5.0 RELEVANT POLICY DOCUMENTS

5.1 National Guidance:

National Planning Policy Framework (NPPF)

5.2 Local Development Plan:

Telford & Wrekin Local Plan 2011-2031:

SP1: Telford

SP4: Presumption in Favour of Sustainable Development

C3: Impact of the Development on Highways

NE1: Biodiversity & Geodiversity

NE2: Trees, Woodland & Hedgerow

BE1: Design Criteria

BE9: Land Stability

ER11: Flood Risk Management

ER12: Sewerage Systems and Water Quality

6.0 SUMMARY OF STATUTORY CONSULTATION RESPONSES

6.1 Oakengates Town Council: **Object**, noting the following concerns:

- Non-compliance with a Restrictive Covenant placed upon the land;
- Poor drainage in the area;
- Proximity of the site to the historic Wombridge Priory;
- Coal mining and the presence of a mine shaft on site.

6.2 Cllr Stephen Reynolds: **Object:**

- Archaeological concerns due to proximity to Wombridge Priory;
- Presence of a Restrictive Covenant for agricultural and equestrian use only;
- Poor drainage in the area;
- Proximity of the proposal to significant trees and non-compliance with Policy NE2 of the TWLP.

6.3 Highways: **Support subject to Condition(s):** in respect of ensuring the car parking layout is provided prior to the development being brought into use.

6.4 **Drainage: Support subject to Condition(s):**

- Initial Objection as a result of historic poor surface water drainage in the area due to the site being occupied by the Wombridge Pool. Further to the submission of additional information, this Objection has been removed and a Condition is now proposed in respect of a full scheme of foul and surface water drainage, required to be submitted prior to the commencement of development.

6.5 **Shropshire Fire: Comment:** Propose Fire Safety Informative.

6.6 **Shropshire Council: Comment:** Further to the initial Comment and following verbal correspondence, references good practice in consulting with Historic England (HE) albeit acknowledge that a recommendation for HE to be Consulted was not previously recommended. Recommends a Condition for implementation of archaeological works requiring the submission of a report prior to the commencement of development.

6.7 **Ecology: Support subject to Condition(s)** in respect of (i) a lighting plan to be submitted for approval prior to the occupation of the development and (ii) a suite of artificial nesting/roosting boxes to be erected on site prior to the occupation of the development.

6.8 **Tree Officer: Support subject to Condition(s):**

- Original Objection to the scheme due to the proximity of the proposed dwelling to a large tree on the adjacent site which is required to be retained. Further to Amended Plans noting the dwelling repositioned and additional information, this Objection has been withdrawn.

6.9 **The Coal Authority: Support subject to Condition(s)** (i) requesting that intrusive site investigations are carried out prior to commencement of development and a report detailing the findings, along with any remedial measures required are submitted in writing to the LPA and (ii) the requirement for a signed statement by a competent person to confirm the site's safety and stability prior to the occupation of the property.

7.0 **COMMUNITY CONSULTATION RESPONSES**

7.1 **Public Representations:**

Five letters of objection from two separate properties have been received which raise the following issues:

- Unsuitable drainage in the area;
- Impacts upon neighbouring properties;
- Negative impact upon the market value of properties;
- Restrictive Covenants stating that the land should not be used for residential purposes;
- The land should be used for equestrian and agricultural purposes only;
- Mine Shafts on the site and ground works;
- Keeping of chickens and geese on the land;
- Storage of manure;
- Approved Outbuildings are no longer in accordance with the original plans as they have been moved on the plot;
- Loss of privacy to existing dwellings;
- Submission of several retrospective applications on the site;
- Security should not be a reason to construct a new dwelling.

8.0 PLANNING CONSIDERATIONS

8.1 Having regard to the Development Plan and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of Development
- Scale & Design
- Neighbouring Amenity
- Technical Constraints
- Other Matters

8.2 Principle of Development

8.2.1 Section 38(6) of the Planning and Compulsory Act (2004) states that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

8.2.2 The site is located within the Telford Urban Area, or 'built up' area as defined by the Telford & Wrekin Local Plan policies map, where the principle of residential development is acceptable. However, to be supported, sites would need to be suitably sized, appropriately located, and accessed safely in addition to satisfying other relevant local plan policies. Any development will also need to satisfy the amenities of adjacent residents and land users.

8.2.3 The site is a parcel of land which currently functions as a ménage and paddock. The land would still function as a ménage and paddock, however the layout of the existing stables would be such that these are proposed to be repositioned further back within the site. Officers have no objection to the

principle of amending the layout of the stables and outbuildings.

- 8.2.4 It is considered that the site is large enough to comfortably accommodate 1No. dwelling whilst also continuing the existing ménage and paddock use. The site can be accessed directly from the highway, and provides parking and private amenity space.
- 8.2.5 Several neighbour representations have raised concern regarding security being used as justification for a new dwelling, noting that there are sufficient houses in the nearby areas and that a new dwelling in this location is not justified. Notwithstanding this, as the land is located within the 'built up' area of the borough, defined within the Telford & Wrekin Local Plan Policies Map, the principle of development is acceptable, subject to meeting space standards and technical consultee comments, and therefore no further justification for the new dwelling would be required.
- 8.2.6 As a result of the above conclusions, the principle of developing the site is considered to be acceptable. In principle, the scheme is consistent with Policies in the Telford & Wrekin Local Plan (TWLP).

8.3 Scale & Design

- 8.3.0 Policy BE1 of the TWLP advises that development should respect and respond positively to its setting, and should enhance the built and natural environment.
- 8.3.1 The previous refusal, ref.: TWC/2020/0117, cited design as a reason for refusal, as the dwelling did not closely reflect the character of the properties within the area. This was due to the proportions of the building and window features. The building proposed previously was considered to be too narrow and overcomplicated, with a side extension and garage set down from the main roofline. The windows were also considered to be too narrow to be reflective of the neighbouring properties. The Applicant has improved the design for the current application to generally take more reference from the scale, massing and proportions of the neighbouring properties, making the property wider to incorporate more under the main roofline rather than using a set down, and widening the windows to be more consistent with neighbouring properties. It is acknowledged that the majority of properties within the streetscene are semi-detached, and the current proposal is for a detached property, however it is considered on balance that the detached property can be accepted in this case as it takes reference from the neighbouring properties and would not adversely impact the character of the area.

- 8.3.2 Furthermore, the proposal would result in the reduction in height of the existing boundary fence from 2 metre to 1 metre which would significantly improve the appearance of the site by creating a greater sense of openness within the streetscene and more in-keeping with the other properties in the immediate vicinity which have more open plan frontages.
- 8.3.3 In terms of levels, it is acknowledged that the site is situated lower than the highway and other properties within the street. A Sectional Plan has been submitted noting the proposed position of the property, and that it would sit lower than the neighbouring property, No. 44. The finished floor levels of the proposed dwelling would be 1.5 metres lower than the neighbouring property. The level difference is not considered to be significant and would not adversely impact upon the presence of the property within the streetscene which is already characterised by staggers in the positioning of properties, The Applicant has also indicated that some minor excavation will be required in order to create a flat base for the property to be erected upon. These minor excavations are considered to be acceptable and necessary to facilitate the development.
- 8.3.4 With regard to construction materials, whilst render was originally proposed for the predominant external material, discussions have taken place with the Applicant who has now confirmed that this will be brick for which the exact details will be subject to a Condition - the reason for this being that render would not be reflective of the overriding character of the area.
- 8.3.5 Overall based on the conclusions above, the scale, design, massing and positioning of the dwelling is considered to be acceptable and would cause no significant harm to the character of the area or the wider streetscene. The scheme is therefore considered to be compliant with Policy BE1 of the TWLP.

8.4 Neighbouring Amenity

- 8.4.1 Telford & Wrekin Plan Policy BE1 states that new developments should not prejudice existing surrounding uses.
- 8.4.2 It is acknowledged that the closest adjacent neighbouring property, No. 44 will experience a change in outlook as the proposed property would be visible from No. 44, however given the separation distance between the properties, and that the proposed dwelling would be located on lower ground, it is considered no significant adverse impacts would occur in terms of loss of privacy, loss of light or overbearing impact. The stables and outbuildings on site which are to be relocated within the site are already sited against the

boundary with No. 44 and are also located on lower ground. It is considered that the proposed relocation of these buildings would have no further impacts upon No. 44.

- 8.4.3 The LPA consider that despite the comments raised within the consultation period regarding loss of privacy, the scheme would have no significant detrimental impacts upon neighbouring residents and the scheme is therefore compliant with Policy BE1 in this respect.

8.5 Technical Constraints

- 8.5.1 In terms of technical comments made by the Council's Consultees, following receipt of amended plans and additional information, Consultees have raised no Objection to the scheme.
- 8.5.2 The Council's Highways Officer has confirmed they have no objection to the scheme subject to appropriate conditions to ensure the parking areas are laid out and completed prior to the occupation of the development.
- 8.5.3 Similarly, the Council's Ecology Officer has raised no concerns subject to pre-occupation conditions involving the submission of a lighting plan, and the erection of artificial nesting and roosting boxes on site.
- 8.5.4 The Council's Drainage Officer originally objected to the scheme as the land and wider area have historic issues with surface water flooding. The Applicant has since submitted a Flood Risk Assessment and further information, and following receipt of the information, the Drainage Officer has now confirmed they can support the scheme subject to a Condition requiring a full foul and surface water scheme to be submitted prior to the development commencing.
- 8.5.5 The Council's Tree Officer also originally objected to the scheme as the property was proposed to be located under a large Poplar tree which is in the boundary of the adjacent site and owned by the Council. There was also no information regarding trees submitted to accompany the application. The Applicant has now amended the site plan to slightly alter the position of the dwelling and move it away from the tree, as well as sending a full tree survey and tree protection plan. Following receipt of this information, the Tree Officer has also withdrawn their objection.
- 8.5.6 In terms of external consultees, the Coal Authority has been consulted on the proposal as the site is located within a high risk coal mining area and there is a mine shaft located on the development site. The Applicants have submitted a coal mining risk assessment alongside their proposal, and proposed to site the dwelling outside of the stand-off area for the mine shaft. As a result, the Coal Authority have raised no objections subject to the inclusion of

Condition(s) requesting further information prior to development commencing, including a report detailing intrusive site investigations and remedial measures.

8.5.7 In respect of Archaeology, Shropshire Council's Archaeologist notes the proximity of the site to the Wombridge Priory opposite which is designated as a Scheduled Ancient Monument and accordingly have requested the inclusion of a Condition seeking the submission and approval of a Report to the LPA for outlining any archaeological findings on-site. It is acknowledged that the Officer recommends that Historic England are consulted as part of the application due to the proximity to the Scheduled Ancient Monument. Notwithstanding this, it is noted that the consultation with Historic England is an advisory and not a statutory responsibility and it is for the LPA to determine if the consultation should be carried out. As the Shropshire Historic Environment team did not recommend Historic England were consulted as part of the previous application for 1No. dwelling which was refused in 2020 (TWC/2020/0117), and in the current instance, the proposed dwelling is of a more sympathetic design, the LPA consider a consistent approach is required and have therefore not carried out a consultation with Historic England. The LPA are satisfied that due to the location of the proposed dwelling, it would cause no significant detrimental harm to the setting of the monument.

8.6 Other Matters

8.6.1 A series of comments raised within the public representations relate to non-material planning considerations and therefore fall outside of the planning remit, namely in respect of any Restrictive Covenants which apply to the land. These covenants are legal considerations and would only be able to be considered outside of the planning process. The Local Planning Authority is able to grant planning permission for a development on a site where a covenant is in place, and the landowner would need to apply to remove the covenant under separate legislation; the covenant does not prevent planning permission being granted and is not a reason to refuse planning permission. The Applicant is aware that they are required to apply to lift the covenant, should planning permission be approved for the development, similarly, the Council's Estates Team is also aware of the application. Furthermore, the impact upon the value of other properties within the neighbourhood, as a result of the current application is not a material planning consideration for which the LPA can consider.

8.6.2 In terms of other non-material planning considerations, these relate to the Applicant keeping poultry on the land. Due to the domestic scale of this Use, this cannot be controlled through the current planning application.

- 8.6.3 In terms of material planning considerations, concern has been raised regarding drainage in the area, in particular concern that the existing drainage system would be worsened as a result of the proposal as the land has historic surface water drainage issues. The Council's Drainage Officer has been consulted on the proposal and has raised no objection following the submission of a Flood Risk Assessment and considers a full scheme of foul and surface water drainage could be submitted as a condition, which would satisfactorily address the concerns.
- 8.6.4 Furthermore, concerns have been raised regarding the mine shaft on site and significant concern regarding instability if the development were to go ahead. The Coal Authority have commented on the proposal and consider the site is adequate in terms of stability to be able to accommodate the development and have requested specific conditions to ensure the development is undertaken safely.
- 8.6.5 The LPA considers that the scheme would cause no adverse impact in respect of loss of privacy, light or overbearing due to the separation distances proposed, and that the proposed dwelling would be located on lower land. With regard to justification, as the land is located within the urban area of the borough, no justification for a new residential property in this location is required as this has been accepted in principle.
- 8.6.6 In respect of the repositioning of a series of outbuildings within the site, it is considered that the proposed scheme would regularise any changes that have been made over time as the scheme. The Applicant would be required to implement the development in accordance with the approved plans.
- 8.6.7 Based on the above conclusions, it is considered the comments raised during the consultation have been addressed in detail and the concerns mitigated where required.

9.0 CONCLUSIONS

- 9.1 On balance, the application to erect 1No. dwelling is considered to be acceptable. The proposal would be in a sustainable location where the principle of development is acceptable. The scale, design and layout would be appropriate to respect and respond positively to the site setting, and would cause no significant detrimental impacts upon neighbouring residents as a result. The comments raised by neighbouring properties and the Town Council have been addressed. As a result, the proposal is considered to comply with policies of the Telford & Wrekin Local Plan and is in accordance with national policies contained within the NPPF.

10.0 RECOMMENDATION

- 10.1 Based on the conclusions above, it is recommended that **Delegated Authority** be granted to the Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** (with the authority to finalise any matter including conditions) subject to:

Condition(s):

- Time Limit
- Details of Materials
- Intrusive Site Investigations
- Stability Statement
- Greenfield Foul & Surface Water Drainage
- Programme of Archaeological Works
- Landscaping Design
- Parking, Turning, Loading
- Works in Accordance with the Approved Plans
- Works in accordance with the Tree Protection Plan
- Lighting Plan
- Erection of Artificial Nesting/Roosting Boxes

Informative(s):

- Highways
- Coal Authority High Risk Area
- Fire Authority
- Conditions
- Reasons for Grant of Full Permission
- RANPPF1