

TWC/2022/0210

Site of 2 Elim Terrace, Trench Road, Trench, Telford, Shropshire
Erection of 1no. dwelling for use as a house of multiple occupation *****amended
plans received*****

APPLICANT

Granville Construction & Maintenance Ltd

RECEIVED

09/03/2022

PARISH

Wrockwardine Wood and Trench

WARD

Wrockwardine Wood and Trench

**THIS APPLICATION HAS BEEN CALLED IN TO BE DETERMINED BY
PLANNING COMMITTEE AT THE REQUEST OF CLLR. SHIRLEY REYNOLDS**

On-line Application File:

<https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?applicationnumber=TWC/2022/0210>

1. 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. SITE AND SURROUNDINGS

2.1 The site is located in the centre of the historic area of Trench, approximately 2.2 miles from Telford's Town Centre District. The site is located to the side and rear of No. 2 Elim Terrace.

2.2 Elim Terrace is located on Trench Road in Trench, close to the Trench Lock interchange highway system. The street includes a variety of property types, including a large number of terraced dwellings immediately adjacent to and opposite the site, and some detached and semi-detached dwellings further along Trench Road. The area has a strong building line, with predominantly frontage led development facing Trench Road.

2.3 The site backs onto a dense area of woodland to the south, owned by the Canal & River Trust which separates the site from Trench Pool. There is also a parcel of Council owned land containing trees to the west.

3. PROPOSAL

3.1 This application is for a full planning application for the erection of 1no. Dwelling on the site of No 2 Elim Terrace to be used as a House in Multiple Occupation (HMO) with a maximum of 3no. lettable bedrooms.

- 3.2 The proposal seeks approval for 1no. Detached dwelling, proposed to be located in the side and rear garden of the existing property No 2 Elim Terrace. The property would be set back within the site, and an access track would be provided leading to the rear of the property where a parking area is proposed for the application property and No. 2 Elim Terrace. A rear garden is also proposed, providing private amenity space.
- 3.3 The site would be accessed from Trench Road, utilising the existing access which is in place to serve No. 2 Elim Terrace.
- 3.4 To the south and west of the site there exist areas of well-established trees, outside the application site boundary. The trees in the parcel to the east of the site are owned by Telford & Wrekin Council. The area to the rear (south) is privately owned by the Canal & River Trust. Both parcels surrounding the site are designated as Green Network land.
- 3.4 Through the course of the application, an amended Block Plan was submitted to provide more detail on the access arrangements and proposed landscaping. A re-consultation was carried out accordingly.

4. RELEVANT PLANNING HISTORY

- 4.1 TWC/2020/0992 - Erection of 1no. Dwelling for use as a House in Multiple Occupation - Full Refused
- 4.2 TWC/2015/0534 - Erection of 1no. Dwelling for use as House in Multiple Occupation - Full Refused

5. PLANNING POLICY CONTEXT

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

SP1: Telford
SP4: Presumption in Favour of Sustainable Development
HO1: Housing Requirement
NE1: Biodiversity and Geodiversity
NE2: Trees, Hedgerows and Woodlands
NE6: Green Network
C3: Impact of Development on Highways
BE1: Design Criteria
ER11: Sewerage Systems and Water Quality
ER12: Flood Risk Management

6. CONSULTATION RESPONSES SUMMARY

As a result of the submission of additional information, the comments below have been summarised from across two separate consultation periods.

6.1 Standard Consultation Responses

6.2 Wrockwardine Wood & Trench Parish Council: Object:

- Raised concerns regarding overdevelopment of the site, parking and proximity to the Trench Lock junction.

6.3 Cllr Shirley Reynolds Object:

- Request determination by the Council's Planning Committee should it be recommended for approval;
- Concern regarding the proximity of the development to the Trench Lock interchange and the increase in vehicles utilising the site on a busy road;
- Consider the HMO would be out of keeping with the character of the area;
- Cannot see any change from previous applications which were refused;
- Limited notification of consultees within the area.

6.4 Highways: Support subject to Condition(s):

- Amended parking layout is considered to be acceptable as it would provide sufficient parking provision to accommodate the use and allow vehicles to exit the site in forward gear;
- Recommend the inclusion of a Condition requesting that the parking and turning area is provided prior to the occupation of the building.

6.5 Drainage: Support subject to Condition(s):

- Condition recommended requesting a scheme of foul and surface water drainage is submitted to and approved in writing by the LPA prior to works commencing on site.

6.6 Ecology: Support subject to Condition(s):

- Request Condition for a lighting plan to be submitted and approved in writing prior to the dwelling becoming occupied.

6.7 Shropshire Fire Service: Comment:

- Consideration should be given to information contained with Shropshire Fire Safety Guidance document.

6.8 Canal & River Trust: Comment:

- Development be carried out in accordance with relevant legislation in relation to dust pollution or wind-blown waste to limit impact upon the canal;
- Should protective fencing for the trees to the south be required, the Applicant shall contact the Canal Trust's first.

6.9 Arboriculture: **Support subject to Condition(s)**:

- Following receipt of a Tree Survey and Arboricultural impact assessment, the previous objection is withdrawn;
- The existing fencing would act as tree protection in this case;
- A tree replacement condition will be required for the Applicant to replace the Silver Birch they felled prior to the application being submitted;
- A full landscaping scheme should also be submitted so the location of the replacement tree can be viewed as part of the overall landscape strategy.

6.10 Neighbour Consultation Responses

6.11 Eight consultation letters have been sent to the immediately surrounding neighbours in order to advertise this proposal and as a result, five letters of objection from three residential properties have been received raising the following material planning concerns:

- Overdevelopment of the site;
- HMO out of keeping with the surrounding area and inappropriate;
- Impact upon nature and wildlife;
- Removal of trees;
- Concerns regarding the number of cars utilising the site and the impacts on the already heavily congested Trench Lock interchange adjacent;
- Poor drainage and water pressure in the area.

The following comments have also been received, however are not material planning considerations:

- Rights of access to the rear not shown on the plans and interested parties in the right of access have not been consulted;
- The boundary fence of the site has had a change of position since the last application has been submitted, and a query raised as to whether the Applicant has purchased additional land.

7. **PLANNING CONSIDERATIONS**

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

- Principle of Development
- Scale and Design of the Proposal
- Impact on Neighbour Amenity
- Highways Considerations
- Response to Neighbour Comments

Principle of Development

- 7.2 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.
- 7.3 The application site is located in Trench, an established residential area and is located within the built up area of the borough as shown within the Telford & Wrekin Local Plan Policies Map. Here, the principle of new residential development is considered to be broadly 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.
- 7.4 It is noted that the application is for the erection of a dwelling to be used as a House of Multiple Occupation (HMO) with three bedrooms rather than a traditional family dwelling. A small HMO falls under Use Class C4 and can accommodate between three and six residents. Under Permitted Development, a home owner can change a property from a family property (Use Class C3) to a small HMO (Use Class C4) without requiring planning consent, and the same applies to the reverse.
- 7.5 As such, whilst the application is specifically for a HMO, as it has three bedrooms it would fall under Use Class C4 as a small HMO and would therefore be assessed under the same considerations as a three bedroom family dwelling.
- 7.6 A number of comments have been raised during the consultation period raising concerns over the use of the property as a HMO rather than a family dwelling. Whilst the LPA acknowledge there may be concerns surrounding HMO properties, as the property would be for a small HMO, the impacts from a planning perspective would be no different to those associated with a typical three bedroom dwelling. In addition, the land owner could construct the property as a family dwelling and then change the use to a small HMO once the property has been finished and occupied, the same of which could be applied to any of the properties nearby, provided they have no more than 6 residents. As such the change would be a permitted use once the property has been completed, and the LPA has no reasonable grounds to object to the proposal on this basis.

- 7.7 It is acknowledged that there have been two previous planning applications submitted on the site for the same proposal, one in 2015 and another in 2020. Whilst both applications were refused, none of the reasons for refusal related to the principle of new residential development. The reasons for refusal related to concerns raised by the Council's technical consultees, namely Highways and Trees, and due to the siting, design, scale and massing of the building.
- 7.8 With regards to the technical reasons for refusal, the highways refusal will be addressed within the 'Highways Considerations' section. In respect of trees, the application was previously refused as the Applicant had failed to provide a Tree Survey and Arboricultural Impact Assessment (AIA), which assessed the impact of the proposal upon the trees located on the adjoining land, in particular to the West. With the absence of this information, an informed decision could not be made by the LPA. The current application has been submitted with a Tree Survey and AIA, which concludes that the development put forward would not adversely impact upon the neighbouring trees, provided adequate protective measures are put in place prior to commencement. The site is already enclosed with close board fencing which would act as the protective fencing in this instance and shall be conditioned to remain in place to protect the trees. A Tree Replacement condition and full landscaping scheme will also be required. The LPA consider as a result that there are no longer any reasonable grounds to object to the proposal in relation to trees and the previous reason for refusal has been addressed.
- 7.9 Based on the conclusions above, the site is considered to be in a sustainable location for new residential development, close to shops, schools and services in Trench and as such is in accordance with the aims of Policy SP4 of the Telford & Wrekin Local Plan. The principle of development on this site is therefore considered to be acceptable.

Scale and Design of the Proposal

- 7.10 The scheme put forward is for the erection of 1no. Dwelling for use as a HMO and would be a three bedroom property, with private amenity space and parking spaces located to the rear and an access track running from the front of the site, down to the parking spaces at the rear.
- 7.11 Policy BE1 of the Telford & Wrekin Local Plan advises that developments should respect and respond positively to their context, whilst also retaining historic street patterns and representing an integrated design approach. It is acknowledged that the 2020 application, ref.: TWC/2020/0992, was refused on three grounds, one of which related to the siting, scale and design of the property. The positioning of the property, along with the elevation and floorplans for the property have not changed since the submission of the 2020

however the Applicant's Agent has submitted a report addressing the reason for refusal.

- 7.12 The Local Planning Authority (LPA) previously advised that the siting, scale, design and massing of the proposed development was considered to be inappropriate as it would fail to address the traditional street pattern and as a result of lack of information relating to trees and highways, the scheme would appear cramped within the site overall, failing to comply with policies SP4 and BE1 of the Telford & Wrekin Local Plan. The Applicant's Agent has submitted a report in support of the current application which highlights a number of similar arrangements across Trench Road, demonstrating that the streetscene includes a variety of property types and designs and a number of developments set-back from the highway have been approved by the LPA in recent years. The Applicant's Agent also highlighted that without the set-back, appropriate parking and access arrangements would not be able to be provided, and that the set-back is the only appropriate solution to address all previous comments.
- 7.13 The LPA have taken on board the evidence submitted and consider that whilst the development would be set-back from the row of terraced houses, it would have a similar arrangement to other properties further down Trench Road where the building line is less prominent and therefore, on balance, will not have a significant detrimental impact upon the character of the wider area which exhibits a more varied street pattern. The LPA also acknowledge that the access and parking arrangements proposed would not be possible without the setback position.
- 7.14 The property put forward has been designed to take reference from the terraced dwellings adjacent to it along Elim Terrace whilst also maximising the use of the space on site, and whilst it would be set-back, from the streetscene it would still be viewed as an integrated design and be sympathetic to the existing development. In addition, as adequate private amenity space and parking provision have been provided and it has been demonstrated that the trees on site would not be significantly affected by the proposal, the scheme would not result in such a cramped proposal as previously envisaged. Whilst the property would be set-back, it would still represent an integrated design approach and therefore would not present significant harm to the character of the area.
- 7.15 Conditions will be applied to the consent to request full details of hard and soft landscaping and external materials to ensure the property is constructed to a high quality and is sympathetic to the traditional terraced houses adjacent.
- 7.16 Whilst concern was previously raised regarding the siting, scale, design and massing of the proposal, following the assessment of the additional evidence submitted, the LPA consider the scheme can be supported on balance as it would not have an adverse impact upon the character of the area and would not present significant harm to warrant a refusal in respect of siting, scale and design. When viewing the application overall, taking into account both the

design context and highways requirements, the scheme can be considered consistent with Policies SP4 and BE1 of the Telford & Wrekin Local Plan.

Impact on Neighbour Amenity

- 7.17 Policy BE1 of the TWLP states that development should not prejudice existing properties or uses. The property has one directly adjoining neighbour, No. 2 Elim Terrace which is included within the Application blue line which therefore falls within the same ownership. It is considered that due to the set-back position of the property, the distance between the property proposed and those existing adjacent, and that there would be no first floor windows facing towards the garden of No. 2 Elim Terrace, it is considered the scheme would result in no significant detrimental impacts upon the residential amenity of neighbouring residents.
- 7.18 As a result, the scheme is considered to be compliant with Policy BE1 in this respect.

Highways Considerations

- 7.19 The proposal includes a revised Block Plan which provides more detail regarding the access and parking arrangements. The property would utilise an existing access off Trench Road which is currently used by No. 2 Elim Terrace, forming a new access track down the side of the property to form a parking area to the rear, which would sit alongside the private amenity space. The parking area would provide off-street parking spaces for both No. 2 Elim Terrace and the 3no. bedroom HMO proposed.
- 7.20 Whilst as part of the 2015 and 2020 applications, the Council's Highways Officer did raise an objection, this was due to a number of reasons which have been addressed by the current submission. In the 2015 application, the dwelling was proposed to be located directly off the highway, not set back and only provided one parking space to the front of the property with no turning area, which the LPA considered appropriate as it would result in occupants reversing out onto Trench Road, resulting in a highway safety concern. During the 2020 application, the dwelling was set back from the highway, creating an improvement from a highways perspective however there was significant lack of detail provided on the access arrangements.
- 7.21 The current application is considered to be appropriate from a highways perspective as it addresses the previous reasons for refusal and creates a betterment to the existing arrangement on site. The area at the front of the site is currently used as a driveway for No. 2 Elim Terrace and whilst it has capacity to accommodate at least 4no. cars, when all spaces are filled there is no ability to turn within the site to allow cars to exit in forward gear. The proposal put forward would remove parking at the front of the site by narrowing the hard surfacing and encourage users to utilise the parking spaces and turning area at the rear of the site, therefore ensuring vehicles leave the site in forward gear.

- 7.22 Due to the improved situation proposed, the LPA consider that there would be a reduced impact upon traffic to and from Trench Road, despite the additional cars using the site as occupants would be able to exit more safely, in forward gear.
- 7.23 A number of comments have been raised during the consultation period regarding highway safety surrounding the access due to the proximity to the Trench Lock Interchange junction. Due to the arrangements described above, and that the cumulative impact of one additional dwelling would not result in a significant detrimental impact upon the highway network, the Local Highways Authority has raised no objection to the revised scheme, subject to the inclusion of a condition requiring the parking and turning area to be carried out prior to the occupation of the building.
- 7.24 Overall the revised scheme addresses the previous reasons for refusal, creates a betterment to the existing arrangements on site and is therefore consistent with Policy C3 of the Telford & Wrekin Local Plan.

Response to Neighbour Comments

- 7.25 With regards to the comments raised during the consultation period, a number of these have been addressed throughout the report, namely the overdevelopment of the site, the use of the building as a HMO and the concerns regarding parking and congestion.
- 7.26 In respect of the other issues raised, these will be addressed below. A number of concerns were raised regarding the removal of trees on site prior to the grant of any formal approval and the impact the scheme may have upon wildlife in the surrounding woodland. It does appear that some works were undertaken to a limited number of trees inside the application site and those overhanging the boundary to the west of the site, owned by the Council, prior to the application being resubmitted. As none of the trees on the site are subject to Tree Preservation Orders (TPOs), the Council could not prevent the Applicant removing these, as they do not require consent to be removed. With regards to trees overhanging the boundary, legally the Applicant is allowed to cut back anything overhanging from a neighbour's land, and this would be a civil agreement between themselves and the land owner. The Tree Survey covers a large number of trees on and adjacent to the site boundary and it does not appear any significant tree removal has taken place. Where trees have been removed, for instance a Silver Birch which was felled prior to the application being submitted, the Council's Tree Officer has requested a Tree Replacement Condition so the LPA can ensure a suitable replacement is planted.
- 7.27 With regards to the impact upon nature and wildlife, the development would be taking place on land which is existing garden land to No. 2 Elim Terrace and would not encroach into the woodland to the south or west. The Council's Ecology Officer was consulted on the proposal and did not consider any further information was required regarding protected species in this instance, given the existing status of the land as garden land and recommended

Condition(s) only for a lighting plan to be submitted, should the Applicant wish to install any external lighting. Whilst the land surrounding the site is Green Network land, as the development would not encroach into it, the Green Network would not be affected by the development.

- 7.28 A comment has been raised regarding poor drainage and water pressure in the area, and concerns over how the development will impact the existing drainage system. At this stage the Applicant has indicated that the foul drainage will be disposed of using the mains sewer, and the surface water by using a soakaway system. The Council's Drainage Officer has been formally consulted on the proposals and has raised no objection to this arrangement on the provision that a full scheme of foul and surface water drainage, including plans and calculations is submitted to and approved by the LPA prior to works commencing on-site. As such the LPA has no reason to object to the scheme on drainage grounds. In respect of water pressure this is a matter which sits outside of planning control with a statutory duty falling on the provider, Severn Trent Water, to provide a satisfactory supply.
- 7.29 A number of other comments came forward which are not material planning considerations, predominately consisting of queries relating to land ownership and rights of access. The LPA do not hold records of land ownership or rights of access, unless they are a designated Public Right of Way (PRoW) and the LPA rely on the Applicants to submit an ownership certificate declaring the correct ownership details. In this instance, the LPA have no reason to question the ownership of the site as it has been declared that the Applicant owns the whole site.
- 7.30 With regards to rights of access, a neighbour has declared that there is a right of access around the rear of the site and therefore they should be consulted on applications relating to this site as they have an interest in the land. Cllr. Shirley Reynolds has also raised concerns that sufficient consultation was not carried out. The LPA do not hold any records of rights of access as these are civil matters between land owners, and public consultation is not based on land ownership. Any issues relating to rights of access would be civil matters between the Applicant and interested parties, and would not be considered as part of the planning process.
- 7.31 In respect of consultation, legally the Government requires the LPA to consult all parties who adjoin the red line boundary of the application site, which in this instance would consist of No. 2 Elim Terrace. However the Council's Statement of Community Involvement states that properties adjacent the development site will be consulted which in this instance involved Nos. 1 and 2 Jubilee Terrace opposite. In this instance, as concern was raised regarding consultation during the 2020 application, the LPA has gone beyond the typical requirements and also consulted all those who commented on the earlier application for consistency, including Nos. 4, 6 and 8 Elim Terrace, and a number of properties on Jubilee Terrace opposite the site. As such, the LPA consider adequate consultation has taken place and the legal requirements for the exercise have been satisfied.

7.32 As a result of the points made above, the LPA considers the concerns submitted as part of the consultation period have been satisfactorily addressed.

8. CONCLUSIONS

8.1 The principle of new residential development on the site is considered to be acceptable as it would see the delivery of 1no. additional housing unit in a sustainable location. When weighing up the benefits of the proposal through improvement of the access and parking arrangements on site, overall the scheme can be accepted and the siting, scale, massing and design would not introduce any significant adverse harm to the character of the area or neighbouring properties. The previous reasons for refusal have been addressed, and the scheme is consistent with the Telford & Wrekin Local Plan policies and national guidance contained within the NPPF.

9. RECOMMENDATION

9.1 Based on the Conclusions above, the recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following Condition(s) and Informative(s):

Condition(s):

- Time Limit
- Details of Materials to be Submitted
- Foul and Surface Water Drainage
- Landscape Design
- Tree Replacements
- Details of External Lighting to be Submitted
- Site Environmental Management Plan
- Parking, Turning, Loading and Unloading
- Tree & Hedge Protection
- Works in Accordance with the Approved Plans
- Removal of all Permitted Development Rights

Informative(s):

- Nesting Wild Birds
- Fire Authority
- Conditions
- Reasons for Grant of Planning Permission