

TWC/2020/0624

Site of Masonic Hall, Constitution Hill, Wellington, Telford, Shropshire,  
Variation of Condition 9 of planning permission TWC/2019/0711 (4no dwellings) to  
amend the finished floor levels of all plots (Retrospective)

**APPLICANT**

MW Knight and Sons Limited

**RECEIVED**

31/07/2020

**PARISH**

Wellington

**WARD**

College

**THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE AS IT  
HAS BEEN CALLED TO COMMITTEE AT THE REQUEST OF CLLR LEE  
CARTER**

Online planning file: <https://secure.telford.gov.uk/planning/pa-applicationsummary.aspx?applicationnumber=TWC/2020/0624>

**1.0 SUMMARY RECOMMENCATION**

1.1 It is recommended that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to GRANT FULL PLANNING PERMISSION subject to conditions and informatives.

**2.0 SITE AND SURROUNDINGS**

2.1 The site subject to this application is located within Wellington and forms part of the former car park to the Masonic Hall off Constitution Hill.

2.2 The properties to the front of the site along Constitution Hill are bungalows. The properties to the rear of the site located in Alverley Close are a mix of two storey and bungalows.

2.3 The development has been commenced and works have stopped on site following the submission of this application. The site is hardstanding, being the site of a former school demolished some time ago, with 3 dwellings constructed and the slab level of dwelling 4 completed.

**3.0 PROPOSAL**

3.1 This application seeks a minor material amendment to a scheme that was granted planning permission under reference TWC/2019/0711. The material amendment relates to the finished floor levels (FFL) of the dwellings being up to 500mm higher than approved.

**4.0 PLANNING HISTORY**

4.1 TWC/2019/0711: Erection of 4no detached dwellings with integral garages and shared entrance and access road. Approved

- 4.2 TWC/2018/0286: Reserved matters application for the erection of 4no. dwellings with access including details for layout, scale, appearance, landscaping and conditions 4,6 and 7 pursuant to outline application TWC/2014/1053. Approved
- 4.3 TWC/2014/1053: Outline application for the erection of 4no. dwellings with associated access. Approved

## **5.0 RELEVANT POLICY DOCUMENTS**

### **5.1 National Guidance:**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance

### **5.2 Local Development Plan**

Telford & Wrekin Local Plan 2011-2031

SP1 – Telford

SP4 – Presumption in favour of sustainable development

HO1 – Housing requirement

HO4 – Housing mix

C1 – Promoting alternatives to the car

C5 – Design of parking

BE1 – Design criteria

ER12 – Flood risk management

## **6.0 SUMMARY OF STATUTORY CONSULTATION RESPONSES**

- 6.1 Wellington Town Council: It was agreed that the Committee strongly objected to the application on the basis that the development would remain to be an overdevelopment both on height and overall density of the development and that the original roofline height as indicated within the original application should be enforced. The development was further to be considered to be out of character within the immediate locality.
- 6.2 TWC Highways: No objections.
- 6.3 TWC Ecology: No comment.
- 6.4 Shropshire Fire Service: Consideration should be given to the information contained within Shropshire Fire and Rescue Services “Fire Safety Guidance for Commercial and Domestic Planning Applications”.

## **7.0 NEIGHBOUR CONSULTATION RESPONSES**

- 7.1 This application has been the subject of public consultation and 16 representations have been received, 4 in support and the remainder raising objections. The issues raised have been summarised below:

## 7.2 Objections

- Serious impact on traffic in already congested area.
- Buildings are half a metre too high and should be taken down
- More loss of light and privacy to properties in Albert Road, Constitution Hill and Alverley Close
- Windows are higher and should be refused
- Approving retrospective planning will be reinforcing and rewarding bad practice
- Dwellings block views
- Dwellings out of keeping with rest of area and now even taller
- Will have detrimental effect on local residents quality of life due to overlooking and invasion of privacy
- By increasing finished floor levels development won't interface with surrounding land
- Numerous errors on original and retrospective plans – misrepresentation of the site
- The existing container on site obscures the true impact of the development
- Not taken into account neighbouring properties are on lower ground compared to application site

## 7.3 Support

- Real need for housing in Telford and surrounding areas
- Will not be significant increase in traffic and noise
- Houses look to be of good quality and appearance
- Government is currently pushing for new homes to be built and relaxing planning laws
- As nearest neighbour fully support the proposals
- Loss of views will not be reinstated by reducing the height by half a metre

## **8.0 PLANNING CONSIDERATIONS**

8.1 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
- Layout and Scale
- Other Issues

### **8.2 Principle of Development**

8.2.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In this instance, the development plan consists of The Telford & Wrekin Local Plan (TWLP). The National Planning Policy Framework (NPPF) sets out policy

guidance at a national level and is a material consideration in planning decisions.

- 8.2.2 The principle of the development has already been established with planning permission being granted under reference TWC/2014/1053 and reserved matters for the scale and appearance being granted under reference TWC/2018/0286. The appearance and layout of the development was subsequently amended under reference TWC/2019/0711, although there was no change to scale of the development.
- 8.2.3 This application seeks a minor material amendment to the scheme approved under TWC/2019/0711.

### **8.3 Layout and Scale**

- 8.3.1 The principal issue in respect of this minor material amendment is the increase in the finish floor level (FFL) of the dwellings. This was shown to be 8.900 on the original plans, and following concerns raised by neighbours, it has been established that the FFL is 9.380, an increase in 48cm.
- 8.3.2 The fall-back position for this application is the consent granted under TWC/2019/0711. It is therefore necessary to assess whether this increase in height results in any additional loss of residential amenity to the neighbouring properties. The most affected properties are 10-12 Alverley Close to the north of the site, although representations have been received from occupiers in Albert Road regarding increased impacts on their properties.
- 8.3.3 Outline planning permission was originally granted for this site under reference TWC/2014/1053. This included a site layout plan showing 4 semi-detached dwellings with garages and a parking area to the rear of the site, close to the boundary with properties in Alverley Close. A condition imposed on the outline consent stated that the layout was not approved.
- 8.3.4 The reserved matters application related to 4 detached dwellings with 2 different house types. One house type had an integral garage and the other only had driveway parking. The dwellings were shown to have a depth of 10.5m. The dwellings were shown to be in a line rather than staggered as shown on the indicative outline application plan. At its closest point Plot 1 was shown as being 21m from the rear elevation of 11 Alverley Close. The dwelling on Plot 1 was located immediately adjacent to the side boundary of 11 Alverley Close – this property has an off-shoot of garden approximately 4m wide adjacent to the application site.
- 8.3.5 The 2019 application shows the dwellings being located the same distance from the rear boundary wall, but Plot 1, and the subsequent plots, were moved approximately 1m sideways away from the boundary of the thin offshoot of garden at 11 Alverley Close. This ensured a better relationship between 11 Alverley Close and Plot 1 and enables maintenance to be carried out to Plot 1 without having to have access to the neighbour's property. The site boundary was also amended adjacent to the side elevation of plot 4, again to enable approximately 1m to the boundary for maintenance and access.

8.3.6 The 2019 application also amended the house types to be a single house type with an integral garage. The size and scale of the dwellings remained unchanged, as did the location, with the exception of being relocated approximately 1m to the east.

8.3.7 There has also been allegations of misrepresentation on the plans across the applications. This view appears to have been reached through an assessment of the Cross Sections, as a comparison of the Block Plans shows the dwellings in the same position and this has been confirmed by a post-construction site survey. The differences in the two Cross Section plans predominantly relate to the differences in ground levels as shown on these plans.

8.3.8 The measurements from the 2019 and original 2020 Cross Section Plans are as in the Table below.

<b>Measurement</b>	<b>2019 application</b>	<b>2020 application</b>
Width of dwelling	10.5m	10.5m
Height of dwelling	8.5m	8.5m
Height of wall to boundary with 8 Alverley Close	2.4m	1.8m
Height of rear section of 8 Alverley Close (to eaves)	1.8m	2.8m

8.3.9 The biggest difference relates to the height of the rear section of 8 Alverley Close. The 2019 plan indicated that ground levels were relatively level across the application site and across to the rear elevations of the properties in Alverley Close. This is not the case as the ground slopes away from the application site. Therefore, the difference between the two plans gives the impression that 8 Alverley Close has become larger when in actual fact the ground levels have been measured in relation to 12 Alverley Close and estimated to 8 Alverley Close for the 2020 application. This gives a more realistic representation of the relationship between the application site and the neighbouring properties. The fact that the floor level to eaves level of 8 Alverley Close is shown as being 1.8m in the 2019 application (and the earlier 2014 and 2018 applications) is indicative of the fact that the ground levels hadn't been accurately shown in that plan. However, the ridge height of the properties in Alverley Close have been shown on the cross-sections since the original application in 2014 and these remain consistent throughout the entire timeline of applications on the site. It is confirmed in the 2014 application that the site was surveyed along with a number of other points identified in the survey drawing, including these ridge heights and that of 20 Constitution Hill.

8.3.10 The 2020 application plans now given a better representation of the differences of the ground levels between the application site and neighbouring properties and from the officer's site visit it would appear to be representative of the situation on site.

8.3.11 A new cross-section plan has been produced that includes the position of the bungalows on the block plan following a request from officers. The FFL of the

bungalows has not been surveyed but the applicant is in general agreement with the estimated levels for 10 and 11 Alverley Close.

- 8.3.12 The 2019 application was assessed with regards to a number of plans, including the site layout plan and the cross-section drawing. Whilst it is noted that the ground levels may not have been accurately portrayed in the earlier application, the location and ridge heights are as surveyed. When considering this application the officer was of the opinion that the proposals were acceptable and would not result in detrimental harm to the neighbouring properties.
- 8.3.13 It must now be considered whether the additional 0.48cm difference in height has resulted in increased harm to the neighbouring properties. In terms of the dwellings located in Constitution Hill, the differences in ground level mean that there is no increased impact and no loss of residential amenity.
- 8.3.14 Residents in Albert Road have also objected to the proposals due to increased loss of residential amenity. However, plot 4 is located approximately 25m from the end of the garden to 40 Albert Road. The dwelling on plot 4 has an oblique angle relationship with Albert Road and the closest point would be approximately 60m from the rear elevation of 40 Albert Road. It is therefore concluded that the new dwellings do not result in the loss of residential amenity to those properties and the increase in height would not result in any additional harm.
- 8.3.15 Plot 1 is immediately adjacent to the boundary of 11 Alverley Close. This is a narrow section, approximately 4m wide and 17.5m long, of garden with a shed at the end. The rear garden for 12 Alverley Close runs alongside this stretch and so the development is approximately 5m from their side boundary at the end of their garden. In terms of the increase in the FFL, this has a minimal impact on the two sections of garden for 11 and 12 Alverley Close.
- 8.3.16 The increase in the FFL has resulted in the windows to the rear bedrooms being approximately 0.48m higher than previously approved. This results in increased visibility to the rear elevations of 10 and 11 Alverley Close. These properties are bungalows with their bedroom and kitchen at the rear of the property. The bedrooms have a small sun lounge positioned along the rear elevation providing a degree of protection to them.
- 8.3.17 Whilst it could be argued that the existing consent permitted a degree of overlooking of these properties, this has been exacerbated by the increase in height. At the time of the officer's site visit a shipping container was located on land between the rear boundaries of the application dwellings and the rear boundaries of 10 and 11 Alverley Close. This obscured the views towards and from the above properties. A standard shipping container is 2.59m tall.
- 8.3.18 The Council does not have adopted separation distances, but uses good practice as set out in the Material Planning Considerations section on the website. This requires a 21m separation distance between building faces for 2 storey dwellings. This should be increased by 2 metres for every 1 metre rise in ground level between new and existing dwellings.

- 8.3.19 In this instance the orientation of the site and surrounding buildings means that there isn't direct back to back relationships, rather they are skewed. Nevertheless, the approved development results in a separation distance of around 21m between the closest point of plot 1 and the rear elevation of 11 Alverley Close. This does not include the sun room on the rear elevation which, due to its size, is not classified as a habitable room.
- 8.3.20 However, it is clear that the most direct overlooking relationship is between plot 1 and 10 Alverley Close. The separation distance between the midpoint of the window on rear elevation of plot 1 and midpoint of the bedroom windows at 10 Alverley Close is around 21.5m, and 20.2m to the sun room.
- 8.3.21 The survey drawing does not give the ground levels for the properties to Alverley Close. However, the ridge height is given at around 14m for 10 and 11 Alverley Close. Working on the assumption of around 5.5m ground to ridge height of the bungalows it is possible to calculate the ground level to be around 8.5m. The estimated FFL for 8 Alverley Close is 8.45m. This indicates that there is around 88-93cm difference between Plot 1 the 8 and 10 Alverley Close. This falls short of the 1m rise, but is not far short and is based on assumptions. On that basis, it is considered appropriate to require the greater separation distance to ensure the privacy for the existing bungalows is maintained.
- 8.3.22 In this instance, the application relates to a retrospective application due to three of the four approved dwellings having already been constructed. The increase in the FFL has resulted in the increase in the site level requiring the extra 2m separation distance between properties. However, relocation of the dwellings would not enable vehicles to enter and leave the site in a safe manner. Therefore, it is necessary to consider if alternative mitigation measures could be incorporated into the scheme.
- 8.3.23 The current rear boundary fence is 1.8m tall (which sits on top on an existing 15cm gravel board) and would not be sufficient to ensure the protection of the residential amenity of the neighbouring properties. However, it would be possible to condition an increase in the fence height to 2.1m, sitting on top of the existing 15cm gravel board. This would reduce the overlooking to a similar degree to that previously approved. Additional landscaping could be secured on the site, but it should be noted that this could be removed by the occupiers of the properties in the future. A condition has been attached requiring details and planting and planting prior to occupation.
- 8.3.24 The 2018 and 2019 consents removed permitted development rights for works including rooflights and dormer windows on the approved dwellings. This condition should be reinstated if planning permission is granted for this retrospective consent. This will remove the potential for increased overlooking.

## **8.4 Other Issues**

### **8.4.1 Noise**

Representations make reference to increased noise levels as a result of the changes to the FFL. Officers are of the opinion that the increase would not result in loss of residential amenity in comparison to the approved scheme.

### **8.4.2 Overdevelopment**

References are made in the representations that the proposals represent overdevelopment of the site. It must be noted that this application relates only to a minor material amendment to an approved scheme. The principle of the development, including whether the proposals represent overdevelopment have already been assessed.

### **8.4.3 Density**

In a similar vein, references are made in representations that the density of the development is inappropriate. This has already been assessed with the earlier grants of planning permission.

### **8.4.4 Traffic impacts**

Increased traffic impacts are also cited in representations. Again, the minor material amendment to the previously approved scheme would not result in increased traffic impacts over and above that already approved.

### **8.4.5 Car parking**

The original application was assessed on the development being 4 no. 3 bedroom dwellings and the plans showed 3 bedrooms and a study. On completion of the development it is clear that the study is of sufficient size to be used as a bedroom, measuring 2.8m x 2.5m. The dwelling overall has just over 128sqm of floorspace, meeting the nationally described space standards for a 2 storey 5 bedroom dwelling. The parking requirement for a 3 bedroom is 1.6 spaces, and it is 2.4 spaces for a 4 bedroom property. Therefore, to ensure that there is not a shortfall in car parking provision, it is recommended that the permitted development rights for conversion of garages to habitable accommodation are also removed.

## **9.0 CONCLUSIONS**

9.1 Having regard to the above considerations, the proposal represents a sustainable form of development and complies with the National Planning Policy Framework, together with relevant policies in the Telford and Wrekin Local Plan.

## **10.0 RECOMMENDATION**

10.1 It is recommended that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to GRANT FULL PLANNING PERMISSION subject to conditions and informatives.

A04 Time Limit Full

CCustom Access provision

CCustom Surface water drainage implementation

CCustom SUDS management plan implementation

CCustom ecology nesting/roosting box implementation

CCustom materials implementation

C19 car parking

CCustom visibility splay

C38 Development in accordance with deposited plans

CCustom removal of permitted development rights for conversion of garages to habitable rooms

CCustom removal of permitted development rights (extensions, additional alterations to roof, porches, windows and dormer windows).

CCustom increase in fence height to 2.1m (within 1 month of approval)

CCustom Landscaping scheme (to be planted prior to occupation)