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**TELFORD & WREKIN COUNCIL**

**PLANS BOARD – 27<sup>TH</sup> JANUARY 2010**

Schedule 1 : Planning Applications for determination by Board

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`A' List : Major developments and/or cases in conflict with policy

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## Agenda Type : A

W2006/0135 Erection of 10no. 1 bedroom apartments New Hadley Car Sales,  
Hartshill, Oakengates, Telford, Shropshire. Recommendation Code: FG - Ward:  
Ketley & Oakengates

APPLICANT:  
Mr & Mrs Myers

RECEIVED ON:  
07/02/06

PARISH  
Oakengates

WARD  
Ketley & Oakengates

CASE OFFICER:  
Phil Baker

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Principle of development, Design, Appearance, Access, Parking.

**THE SITE AND THE PROPOSAL:**

This application relates to the erection of a building that would accommodate 10 one-bedroom apartments on a site at the corner of Hartshill and Hartsbridge Road in Oakengates. The site, which extends to approximately 800 sqm, is currently occupied by a used car business that is surrounded by palisade fencing along its road boundaries.

The proposed curved building, which faces both road frontages, reaches three storeys in height either side of a central tower, but steps down to two storeys at each end. There are 4 apartments on the ground and first floors, and 2 on the third floor.

Pedestrian access to the ground floor units is directly from the rear courtyard, and access to the first and second floors is via the central staircase tower which leads to courtyard balconies at the back of the building.

Vehicular access would be from Hartsbridge Road, and this would lead into a rear courtyard that accommodates 12 parking spaces and a recycling and refuse area. A secure undercover cycle storage locker would be located inside the building within the ground floor entrance hall.

The boundary treatment along the Hartshill and Hartsbridge Road frontages will comprise one metre high metal railings with brick piers, which will match, at a lower height, the wall in front of the Walker Tech Building. A prominent tree will also be planted on the corner of the site.

The application site is located approximately 600 metres from Oakengates District Centre, and bus service No.44 – one of Telford's frequent bus services – passes the site every 10 minutes in each direction.

To the south of the site lies the former Walker Technical College, now vacant, to the west is a small wooden bungalow, to the east, on the opposite side of Hartsbridge Road, are the bungalows of Stallard Court, and to the north, on the opposite side of Hartshill, are semi-detached houses.

## CONSULTATION RESPONSES

One letter has been received from a local resident who is concerned that the development would overlook his house, taking away his privacy, and depriving him of direct sunlight.

The Town Council has no objections to the application but suggests that the road conditions should be addressed at this location. As the development would add to traffic using the Hartshill/Hartsbridge Road junction it has been suggested by the Town Council that there should be a roundabout at this junction.

The Council's Highways Engineer has no objections subject to:

(a) the applicants entering into a Section 106 Agreement relating to a financial contribution of £6,000 towards the provision of a pedestrian refuge in the middle of Hartshill, and

(b) the imposition of conditions relating to the provision of 12 car parking spaces within the site, the position of any entrance gates, and the provision of cycle parking.

The Council's Geotechnical Engineer has no objections subject to conditions relating to shallow mineworkings and untreated mineshafts.

The Council's Scientific Officer, Pollution Control, has no objections subject to a condition relating to contaminated land.

The Council's Drainage Engineer has no objections subject to a condition relating to the discharge of foul and surface water from the site.

The Council's Outdoor Recreation Officer has no objections but is requesting a financial contribution of £5,000 towards upgrading and enhancing recreation provision at the nearest playing field/recreation ground, which is Hartshill Park, approximately 400 metres away.

## PLANNING POLICY:

The following statutory policies are relevant in the determination of this application:

Wrekin Local Plan

H6 – Windfall sites in Telford and Newport

UD2 – Urban design

LDF Core Strategy

CS5 – District and Local Centres in Telford

CS15 – Urban design

## PLANNING HISTORY:

There is no recent planning history relating to this site.

## PLANNING CONSIDERATIONS:

This is a very prominent site on the corner of Hartshill and Hartsbridge Road, and is particularly visible when travelling up Hartshill out of Oakengates. In pre-application discussions between the applicants and Council officers it was agreed that the

design solution for the proposed building would be one that had a curved façade that addressed both road frontages.

It was also considered to be desirable to have a tall central element that provided a focal point to the development, and then reduce the height of the building down on both sides. By locating the building directly adjacent to the road frontages it not only stands out as a dominant and important building but it allows the car parking to be tucked away at the rear, out of sight from most viewpoints.

Since the application was first submitted several amendments have been made which have improved the building's appearance. Amongst them are the removal of rendered panels, and the introduction of projecting brick banding to the eaves and gables, projecting brick piers, and projecting cills that all emulate the features of the adjoining Walker Tech building.

It is considered that the proposed development relates positively to its street scene context, and respects the prevailing townscape and character of the surrounding area and, in particular, the design and appearance of the adjacent Walker Technical College. The design and scale of the development seeks to blend the different styles and scale of buildings in the vicinity of the site, as well as responding to, and reinforcing, this prominent corner location. The development of this site will provide an attractive focal point on this corner plot and make a positive contribution to the townscape quality in this part of Oakengates.

The proposal will remove an unattractive commercial business form this prominent corner and in doing so replace it with a development that will positively enhance the character and appearance of the site and the surrounding area whilst not adversely affecting the residential amenities presently enjoyed by the occupants of adjoining and existing development in the vicinity by virtue of any undue overlooking, loss of light, or any overbearing effect.

A parking court with 12 spaces will be created to the rear of the building and accessed off Hartsbridge Road. Whilst PPG13 does not give residential parking standards the Council's slightly outdated Parking Standards, as set out in the Wrekin Local Plan, are a guide to parking requirements and indicate 1.25 parking spaces for one-bedroom units. This produces a requirement of 12.5 spaces, just less than the proposed provision. However, it is considered that this small deficiency can be accepted in view of the site being within walking distance of Oakengates Centre, with its bus and railway stations, and its location on one of Telford's frequent bus service routes.

A new pedestrian refuge will also be provided in the middle of Hartshill to enable people to safely cross over this busy road to reach, amongst other things, the bus stop on the northern side of the road.

**RECOMMENDATION:** Subject to the applicants entering into a Section 106 Agreement relating to financial contributions of (a) £6,000 towards the provision of a new pedestrian refuge in the middle of Hartshill, and (b) £5,000 towards upgrading and enhancing recreation provision in Hartshill Park, then delegate to the Head of Planning to GRANT PLANNING PERMISSION subject to the following conditions:

1. A3 – Full permission
2. C120 – Amended plans
3. B15 – External materials
4. Full details of front entrance door
5. C70 – Reveals
6. B41 – Shallow mineworkings
7. B42 – Untreated mineshafts
8. B44b – Contaminated land
9. C105 – Discharge of foul and surface water
10. C86 – Car parking provided before the apartments are occupied
11. C90 – Position of any entrance gates
12. Provision of cycle parking
13. B23 – Landscaping design
14. C80 – Landscape implementation
15. D131 – No further windows
16. Full details of the boundary wall and railings along Hartshill and Hartsbridge Road
17. B33 – Materials storage/personnel parking
18. B34 – Mud on road
19. Full details of bin store

#### REASONS FOR APPROVAL:

The proposed development relates positively to its context, and respects the prevailing townscape and character of the surrounding area and, in particular, the design and appearance of the adjacent Walker Technical College. The development of this site will provide an attractive focal point on this corner plot and make a positive contribution to the townscape quality in this part of Oakengates.

The proposal will remove an unattractive commercial business form this prominent corner and in doing so replace it with a development that will positively enhance the character and appearance of the site and the surrounding area whilst not adversely affecting the residential amenities presently enjoyed by the occupants of adjoining and existing development in the vicinity by virtue of any undue overlooking, loss of light, or any overbearing effect.

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Notes

## Agenda Type : A

W2006/0966 Erection of 51,095sq m of employment floorspace (Use Class B1/B2), residential development (550 dwellings), hotel (6,503 sq m), associated access roads and other infrastructure \*\*\*REVISED DESCRIPTION AND AMENDED PLANS/MASTER PLAN RECEIVED\*\*\* Land off, Castle Farm Way, Priorslee, Telford, Shropshire. Recommendation Code: OLG - Ward: Priorslee

APPLICANT:  
Bovale Limited

RECEIVED ON:  
01/08/06

PARISH  
St. Georges & Priorslee

WARD  
Priorslee

CASE OFFICER:  
Rob Price

The following report provides an update on issues that have arisen since the original report submitted to Plans Board on 31<sup>st</sup> October 2007. For clarity the previous report is attached and the update uses the same form as the original report.

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Policy, Economic Development, Regeneration and Scheme Viability.

**BACKGROUND:**

Plans Board resolved to grant planning permission subject to a Section 106 Obligation at the meeting held on 31<sup>st</sup> October 2007; however the proposal has faced several strategic challenges which have prevented the issuing of the planning permission and the reasons are outlined below. It is important to acknowledge that the resolution to grant is a material consideration, but changes to the applications and to the proposed planning obligations require re-consideration based on current planning merits.

Following consideration by Plans Board in 2007 the applications were referred to the Government Office for the West Midlands (GOWM) on 12<sup>th</sup> February 2008 on the grounds that the applications were a departure to the development plan with reference to green network and an allocated employment site. In a reply received 16<sup>th</sup> June 2008 the Government Office on behalf of the Secretary of the State for Communities and Local Government concluded that the applications should be determined by the Council.

The Secretary of State carefully considered all the matters raised about the applications and considered the main matters relevant were polices set out in Planning Policy Statement 3 'Housing', Planning Policy Guidance Note 4 'Industrial, Commercial Development and Small Firms', Planning Policy Statement 6 'Planning for Town Centres' and Planning Policy Guidance Note 13 'Transport'. GOWM's conclusion was that intervention would not be justified in that the issues raised do not relate to matters of more than local importance.

Given the decision of the Secretary of State to not call-in the applications, it would have been anticipated that further to the removal of the Highways Agency holding objections permission would have been granted pursuant to the resolution of Plans

Board. However, a number of matters have arisen which have changed the position requiring this further report to Board.

During the course of Section 106 negotiations, a further application for 32,484 square metres of B1 floorspace was received in July 2008 – application reference W2008/0799.

The West Midlands Regional Assembly (WMRA) was consulted on this full application in terms of conformity with the Regional Spatial Strategy (RSS). It was during this consultation period that it was realised that an oversight had occurred with the consultation for the outline application and the WMRA asked for their comments on the full application to be carried to the outline application. The consultation error on the outline application did not raise undue concern at the time as GOWM had been invited to consider the original Board report and resolution and did not raise the matter of lack of consultation with the WMRA. The WMRA also acknowledge that had they been consulted their comments may or may not have affected the GOWM response to not call-in the application for Secretary of State determination. In short the WMRA comments note that the planning applications are in general conformity with the RSS but need to have regard to the desire to locate office Class B1(a) uses within the Town Centre in order to protect the viability and vitality of the Town Centre. The WMRA go on to suggest that a limit in extent of office floorspace be imposed at this out of centre location, with a suggested maximum 5,000 sq m. which would be in line with the RSS. Members will note that their resolution on 31<sup>st</sup> October 2007 did not impose any such limitation on the amount of B1(a) floorspace.

There have been protracted negotiations between your officers and the agents for the proposal regarding the appropriate level of B1(a) office space for the scheme, with officers requiring that the total office floorspace be limited to 5,000 sq m in accordance with RSS policy, unless the applicants could demonstrate otherwise via sequential information that sites within or adjoining the town centre would not be available or viable. A final version of the sequential analysis was lodged with the Council on 5<sup>th</sup> October 2009.

Concurrent to this process the Highways Agency holding directions dated 6<sup>th</sup> September 2006, were removed by letter received 2<sup>nd</sup> March 2009 which enabled the LPA to progress with issuing a decision subject to a Section 106 Obligation.

The original report to Plans Board explained that it was also proposed to link the University of Wolverhampton and the Ricoh site to the proposed development. However this was also dependent on separate funding being available from the public sector. Currently this element is on hold; however the layout will enable these proposals to be resurrected at some time in the future when finances permit.

Negotiations on the signing of a Section 106 Obligation in relation to the outline application stalled during 2009 as the economic downturn took hold; efforts concentrated on the consideration of the application for full planning permission for offices (as a way of kick-starting the site development with an element of the overall scheme that appeared to be the most 'economic' – at the time).

At the same time, the applicants suggested that as the overall scheme viability had been threatened by the economic downturn a much reduced planning contribution package would be offered. In accordance with the practice of the Council, the commercial arm of the Valuation Office Agency (DVS) was instructed in October 2009 to assess the information provided by the applicant regarding the viability of the scheme and its request to reduce the level of planning contributions.

The DVS findings in a report dated 16<sup>th</sup> December 2009 is that in the current market the scheme the subject of outline planning permission is not viable if the full package of planning obligation contributions previously offered is still required by the Council. The DVS go on to note that whilst the scheme may not be viable at the present time with the level of Section 106 contributions, over the anticipated timescale of the scheme (7 to 10 years), market conditions will inevitably change and this should be kept under review. The DVS suggest for instance that if there is a growth in sales values of in excess of 15% (which is a reasonable prospect given the current slump in values and prospects for recovery), the scheme may revert to being viable. It is considered reasonable therefore that future upturn in land values is reflected in the level of Section 106 contributions.

DVS state that a number of Councils are now considering the introduction of a system of 'overage' or 'review' although it is acknowledged that only a few Section 106 agreements have been completed that include overage provisions.

The principle of overage is to claw-back monies if the market improves to an extent that the developer is making 'super profit'. Any overage is normally shared with the developer, so he has an incentive, with a ceiling of the monies you would have received if the scheme was policy compliant at the outset. Any mechanism needs to be simple but also to include growth in costs in order to be totally fair.

The base level is that the Section 106 is framed to include contributions that equate to that required to fulfil planning policies – in this instance to the package that Plans Board agreed in 2007 but then proceeding to acknowledge that current sales values would make the scheme unviable and thus leading to the reduced package on offer. Review dates can be inserted where sales values would be reviewed by the original assessor at the applicants cost and if viable Section 106 obligations would be amended in so far as they apply to those elements of the development which remain to be constructed e.g. where it can be demonstrated that uplift in site values has occurred. The applicants have provided the Council with a phasing plan received 13<sup>th</sup> January 2010 and this may be used as part of the review condition and clause in any Section 106 Agreement to impose a prior to the commencement of development on each phase after an initial three year period of "grace".

#### APPLICANT'S SUBMISSIONS:

The agent describes the principal economic and regeneration benefits of the scheme as follows:

- That not all of the office space anticipated in forthcoming years can be accommodated within the town centre of Telford and that furthermore, not all of the town centre sites are currently available. In addition there are no suitable sites for office development in the district centres of Telford.

- The planning application site constitutes previously developed land within the urban area of Telford. As such the development proposal constitutes the reuse of brownfield land within the urban area and accords with all levels of planning policy. The benefit of reusing such sites is that pressure to release Greenfield sites is reduced.
- The application is an employment led scheme.
- The site is situated in an excellent location in terms of the Telford to Wolverhampton High Technology Corridor. It is also in close proximity to Wolverhampton University thereby providing the opportunity for businesses who wish to be associated with the University to find accommodation in close proximity to that institution. The provision of commercial floorspace on the High Technology Corridor and in close proximity to the University will help to fulfil RSS policy objectives for employment in the region.
- The number of jobs that are expected to be created on the site include:
  - 2,700 approx use class B1/2
  - 160 at the proposed hotel
- The development will provide a wide range of job types to suit a variety of skill levels providing job opportunities for a wide cross-section of the community.
- The expenditure from these jobs which could be spent in the town centre to be £11.29 million of expenditure on retailing. There will be additional expenditure on leisure activities, pubs and restaurants. It follows that if the scheme is not supported then the expenditure will not arise in the catchment, with a consequent disbenefit to the vitality and viability of the town centre.
- The development will obviously generate considerable capital investment into Telford and the following estimated figures have been provided by the applicants:
  - £140 million capital cost
  - £15.4 million infrastructure cost (demolition, roads, junction improvement)
  - £645,000 estimated S106 planning obligations

In a letter received 15<sup>th</sup> January 2010 the applicant sets out a résumé of the relevant policies and objectives in PPS4 and identifies how these matters have already been addressed in the material submitted.

Furthermore, upon careful review of the new document it can be seen that the approaches regarding the location of main town centre uses, the use of the sequential test for schemes involving town centre uses that are not in an identified centre and the application of an impact test are, effectively, the same as before in so far as they relate to the application proposal at Castle Farm.

First they note PPS4 widens the description of what is to be regarded as a economic development. It includes not only Class B uses but any other use which provides employment and, as such, the hotel element of the scheme can also be confirmed as economic development.

At paragraph 10 it is stated that, in order to achieve sustainable economic growth, the Government wishes to build prosperous communities which can improve the economic performance of settlements and can help to reduce the gap in economic growth rates between regions. Economic development can also promote regeneration. The applicant's proposals clearly will provide economic development, will regenerate a Brownfield site and will help the West Midlands economy to compete effectively with other regions.

They conclude that although PPS4 does provide a framework for the determination of planning applications such as those proposed at Castle Farm, the material which it requires to be assessed is in fact already before the Council and has been considered in bringing the project to this stage.

PROPOSAL: As previous report

SITE AND SURROUNDINGS: As previous report

HISTORY: As previous and see below.

Since the planning application was last before members, the site has had considerable planning activity through a series of smaller application as follows:

W2008/0457 – Earthworks – Delegated Full Grant – 03/07/08

W2008/0749 - Road network – Delegated Full Granted - 02/12/2008

W2008/0752 – Sales/Visitor Centre – Delegated Full Grant – 06/08/08

W2008/0799 - Erection of 32,484 sq m of Class B1 floor space – West Midlands Regional Assembly concerns regarding the Level of B1a floor space – not put before Plans Board as yet.

W2008/1063 - Signage – Delegated Advertisement Consent Granted - 29/10/08

PLANNING POLICY: As previous apart from omitted, updated and new policies and guidance given below:

Regional Spatial Strategy

UR3 Enhancing the role of City, Town, and District Centres

CF2 Housing beyond the Major Urban Areas

PA11 The network of Town and City Centres

Telford & Wrekin Core Strategy

CS3 Telford

CS4 Central Telford  
CS5 District and Local Centres in Telford  
CS9 Accessibility and Social Inclusion  
CS10 Community Facilities  
CS11 Open Space  
CS15 Urban Design

Wrekin Local Plan (saved policies)

TC1 Town Centre

National Planning Guidance

PPS4 Planning for Sustainable Economic Growth

CONSULTATION RESPONSES:

Statutory Consultees:

West Midlands Regional Assembly

The full application W2008/0799 for 32,484 square metres of B1 floorspace falls within the West Midlands Regional Assembly's criteria upon which they are to be consulted as a statutory consultee.

The Regional Assembly's advice to Telford and Wrekin raises concern that the application does not provide details on the scale and nature of proposed office development. As a consequence, there is a concern that large scale office development could ensue and that this could prejudice office development within Telford town centre. The Regional Assembly's concluding remarks are that the proposed development is considered to be in general conformity with adopted Regional Spatial Strategy. However, this view is *subject to* (officer emphasis): the imposition of a condition limiting Class B1a office development to a maximum of 5,000m<sup>2</sup> to accord with WMRSS Policy PA11.

Having been consulted on application W2008/0799, it came to the Regional Assembly's attention that an earlier outline application had been submitted for this site and the surrounding land as part of a mixed use scheme for 550 dwellings, a total of 51,095 m<sup>2</sup> of employment floorspace and a hotel (planning application W2006/0966).

The Regional Assembly was not consulted on the outline application when it was submitted in 2006. Having considered the proposals against the criteria which the assembly wished to be consulted upon at that time, it was the Assembly's interpretation that it should have been consulted. Given the wording of Policy PA11 the Assembly considered it would be a reasonable assumption to say that the Assembly's response would have been similar to that which has been given in respect of the current application. That is, that the outline application would have been in general conformity with adopted Regional Spatial Strategy, subject to the imposition of a condition limiting Class B1(a) office development to a maximum of 5,000m<sup>2</sup>.

The Regional Assembly was aware that the applicant's agent has already indicated to the Council that they do not find the restriction acceptable. On 31<sup>st</sup> October 2007 no limit was imposed and ultimately, the Assembly was concerned that without any limit on the B1(a) floorspace the applicant could feasibly develop the whole of the employment element of 51,095m<sup>2</sup> as B1(a) offices. Clearly this is a worse case scenario, but without any restriction on the outline permission it is a credible outcome. This is a large amount of out-of-centre office floorspace which could therefore end up being built. When comparing this amount of floorspace against some of the requirements for the Region's strategic centres over the next twenty years (as set out in Policy 13A of the RSS Phase 2 document), the potential scale of office development is significant from a regional perspective.

The Regional Assembly note there appears to be clear local, regional and national policies supporting a position on restraining the amount of B1(a) development on this site. Also of relevance is what you are trying to achieve through the Central Telford Area Action Plan.

The Regional Assembly pointed out their concern that large scale office development could prejudice office development within Telford Town centre. Policy PA3 High Technology Corridors does not override Policy PA 11 considerations. No site specific justification has been provided to relieve these concerns and remove the risk.

In conclusion, the Regional Assembly stated that the proposed development is in general conformity with adopted Regional Spatial Strategy but that this position is subject to the imposition of a condition limiting Class B1(a) office development to a maximum of 5,000m<sup>2</sup> to accord with WMRSS Policy PA11.

The Head of Planning at the West Midlands Regional Assembly wrote to the Council on 27<sup>th</sup> November 2008 to express concern that the outline application now before you had no restriction on the amount of floorspace for Use Class B1(a) which raised the possibility that the permission could feasibly be implemented as 51,095 square metres of B1(a) offices. It was the Assembly's opinion that if such a large scale office development were to be implemented, as a consequence of the lack of any restrictions, it could prejudice office development within Telford town centre.

His opinion is that this application is in general conformity with adopted West Midlands Regional Spatial Strategy. However, as with the full planning application (W2008/0799) for just employment use, this is subject to the imposition of a condition limiting Class B1(a) office development to a maximum of 5,000 square metres to accord with West Midland Regional Spatial Strategy Policy PA11.

#### Highways Agency

The Highways Agency placed holding directions on planning applications W2006/0966 and W2006/0968 by letter dated 6<sup>th</sup> September 2006. These objections were eventually removed subject to a number of conditions received by letter on 2<sup>nd</sup> March 2009.

Non-Statutory Consultees:

Development Plan Team

Since planning application W2006/0966 was presented to the Council committee in October 2007, the Development Plan context in which the application is to be determined has changed. In addition, it has arisen that certain material considerations (national Planning policy requirements) were not addressed by the Planning Authority prior to reaching its recommendation to committee.

Furthermore, the development proposal / application has changed in a number of ways that are of consequence to how the application is to be considered against Development Plan policy. These are:

- the Use Class B2 *General Industry* element of application is no longer being proposed – the primary employment element of the application now comprises 51,095 sq m Class B1 *Business* use; and the applicant does not wish to specify the level of Class B1 floorspace by sub-category B1(a), B1(b) and/or B1(c);
- the development (W2008/0799) is being promoted as employment development contributing to the objectives of the Wolverhampton Telford High Technology Corridor, linked to the adjacent University, but no evidence has been presented to demonstrate its contribution to this policy / strategy nor its contribution to the Telford & Wrekin Economic Development Strategy. Similarly, there is no evidence of linkages / connections (training, types of specialism taught) with the adjacent University;
- no end users have been identified for the Class B1 (or hotel development);
- the applicant wishes to renegotiate the Planning Obligations resolved by committee, including a significant reduction in the affordable housing to be provided as part of the 550 dwelling residential element of the proposal
- the applicant has submitted a report responding to Planning policy considerations that was not included in the initial application.

A final change related to the applications, but not part of them, is the proposal by the Local Education Authority to develop a new secondary school on adjacent land between the application site and the University. These are no longer being taken forward.

Given the significance of Telford Centre to the sub-region, where large-scale development is proposed the views of the West Midlands Regional Assembly will be an important consideration. The Centre is to accommodate the highest concentration and widest range of office development locally. Development Plan policy CS4 seeks to deliver this strategic role.

The Telford & Wrekin Core Strategy Development Plan Document was adopted as part of the local Development Plan in December 2007. This policy context did not exist at the time at which W2006/0966 was presented to the *Plans Board* in October 2007. As the Planning application for the proposals has not yet been determined, this new Development Plan context is relevant to the final decision.

The Core Strategy document was adopted as part of the Local Development Framework on 1<sup>st</sup> December 2007. Accessibility is the key spatial development issue

for the Framework, and is reflected in the Borough's Spatial Development Strategy and the policies to deliver it.

The Spatial Development Strategy is based on *improving* accessibility, and focuses all new build development in Telford on the Town Centre and District Centres. It seeks to meet objectives of consolidating Telford's role as a sub-regional focus for development within the West Midlands; and developing a vibrant and vital Town Centre to serve the needs of the Borough as well as the sub-region.

The Strategy is to be delivered through the policies of the Core Strategy DPD. To *improve* social inclusion and accessibility, policy CS9 holds that new build development should locate in the existing Centres of Telford (Telford Town Centre being the principal centre), to create / maintain vibrant centres providing accessible services and facilities.

The business and hotel development being proposed at Castle Farm Way, particularly the very large scale of office floorspace being proposed, appears inconsistent with the Local Development Framework objectives for Telford Town Centre, and the Spatial Development Strategy and Development Plan policies to deliver them.

Although not expressly stated, it can only be assumed that the applicant's policy response addresses the proposed development of 51,095sqm of Use Class B1 *Business* development. As the application proposes unrestricted Class B1 development, the Planning Authority should consider the proposal as 51,095sqm of Class B1(a) *office* development.

The hotel element of the proposal is not addressed by the response.

The applicant's response challenges the need to comply with the national policy requirements. It does this on the basis that the Development Plan makes reference to Telford Town Centre being the "*..focus...*" for large scale office development, contesting that this policy wording does not preclude this form of development taking place outside the centre.

However, national Planning policy is quite clear in that all planning applications proposing development that includes main town centre uses should be assessed having regard to the key considerations contained within national policy.

### Economic Development

The Council's Head of Economic Development supports the proposal noting:

Telford town centre currently presents a number of sites with development potential for offices. However, it is unlikely that these sites are appropriate for the types of use being proposed at Lakeside.

The development at Lakeside Technology Park seeks flexible floorspace suitable for high technology / knowledge intensive employers, involving research and development activity related to the adjacent University and its strengths in

engineering, ICT and polymers. The ambition for Telford town centre relates to different economic development clusters such as specialist business and professional services appropriate for a town centre location.

The relationship between the proposed development and the specialist research expertise of the adjacent University has a significant bearing on the development potential of the site, particularly the connection with the University's e-IC incubator facility; the proposed Learning and Innovation Centre; linkages to a regional ICT gigaport; and the potential for a renewable energy/combined heat and power facility.

Taking into account the above, B1 use on the Lakeside site will contribute to delivery of the Borough Economic Strategy and, subject to exploiting the full development potential and opportunities afforded by the site, the Head of Economic Development believes this would not negatively impact on the development of the town centre. This development potential would be realised by maximising the amount of B1(b) use on the site – research and development, studios, laboratories and high technology. Unrestricted B1(a) general office use would potentially negatively impact on the development of the Town Centre.

The Regional Assembly, whilst not objecting to the application have indicated the view that B1(a) be restricted to 5,000 square metres in conformity with the Regional Spatial Strategy requirement to limit out of town centre office development to protect the development of the Town Centre. The Council needs to take note of and address this requirement.

In the current market restriction to 5,000 square metres of B1(a) use could deter commercial investment and have a negative impact on achieving the full development potential of the site to contribute to the Borough Economic Strategy. However, the current market also suggests that the development will need to be brought to market in phases. Assuming phased development that would be consistent with a development of this size and nature, the Head of Economic Development's advice is to support a condition limiting use class B1(a) use to 20,000 square metres. In his view this would be sufficient to enable the development and marketing of the site (in the current commercial climate) and not unduly impact on the development of the Town Centre and balance permission granted for similar use at the Wolverhampton business park i54. The Head of Economic Development also supports the proviso that this could be varied by written agreement at a point in the future where commercial conditions could be re-assessed.

#### Affordable Housing Officer

The policy requirement is for 38% affordable housing provision, however in the current economic climate we would not expect this to be a starting point for negotiations. Naturally we would always wish to maximise provision, including meeting specific needs such as larger family homes, Extra Care or other specialist units, whilst recognising the developer's economic position. The Strategic Housing Market Assessment shows a high level of need for affordable housing in the Borough, and justifies the requirement for up to 38% on all sites in Telford. The percentage of affordable housing required is determined on a site by site basis and on the basis of initial discussions with the developer, taking into account factors such

as size of the site and its locality (Core Strategy 9.10) and whether the proposed mix would meet any specific needs such as those mentioned above.

In general terms I would want to ensure that there is a good mix of property types and sizes to meet a range of needs, and that these are distributed throughout the scheme. There should also be a mix of income levels, achieved by having either some shared ownership or (if the market is still not favourable to shared ownership) some "Rent to Homebuy". Intermediate rent can also be considered.

I note that there is a low proportion of three-bedroomed semi/terraced houses proposed – 14% of the scheme – and no two-bedroomed houses at all. 45% of the proposed mix are four-bedroomed semi/terraced properties and whilst there is an acute need for some larger family houses, there is a greater need for two and three bedroomed houses. I would therefore like to see more of these unit types in the mix.

The need for smaller house-types is evidenced by the Strategic Housing Market Assessment, which shows that the shortfalls in provision for 2 and 3 bed houses are 440 and 594 dwellings respectively. This is considerably higher than other unit sizes. I have also confirmed with colleagues in Adult & Community Wellbeing who are dealing with families in housing need every day that the greatest need is for two and three bedroomed houses, with acute but less frequent need for four or five bedroomed accommodation.

I also note that there are no bungalows, however the needs of older people could be met in ground floor flats as long as they were in an appropriate location and allocated sensitively. I would expect there to be a Lettings Plan agreed with the Council to ensure that allocations achieve a mixed and balanced community.

Taking everything into account, and based on the existing mix, I would suggest that 30% affordable housing is sought initially. This would equate to 165 units and I would suggest that this is made up of:

- 10 x 1 bed flats
- 50 x 2 bed flats
- 50 x 4 bed semi/terraced houses
- 50 x 3 bed semi/terraced houses
- 5 x 5 bed semi/terraced houses

Re the tenure mix, the SHMA suggests an 80/20 split for the Borough – 80% social rented, 20% shared ownership and I would recommend this as a starting point.

#### Education Officer

It is expected there would be a need to extend the Priorslee Primary School somehow to accommodate the pupils from this development. He suggests a contribution of £1,168,970 based on the calculation of number/type of dwellings.

#### Leisure and Recreation Officer

At 550 dwellings, this size of residential development (with the large amount of new residents – including children and young people) should be providing a minimum of a NEAP and a central LEAP to meet the needs arising from the new influx of residents.

However, L & R appreciate that there is a potential to upgrade a nearby facility to NEAP status should funding be provided for off site provision / improvements and maintenance. This would then leave the proposed layout more or less intact. Please confirm that the developers are able to provide an on site NEAP and LEAP or wish to contribute towards the nearby off-site facility. Should this be an off site provision of an upgraded NEAP the children's equipped play area will need upgrading and wheeled sport provided for including maintenance sum. The ball court already has funding and as the play area is already there. Therefore, no maintenance sum required for this bit of the NEAP.

- Commuted sum payments for the ongoing maintenance of new facilities open space should the developer wish the council to adopt. BTW (L & R) would prefer to adopt the play facilities or would require enforceable conditions (and a management / ongoing maintenance plan) on the retention of the facilities for open access as well as applied standards of maintenance. For reference the Borough negotiate commuted sums on a 15 year basis.
- The location of proposed houses adjacent to the existing off site play facility to be upgraded to a NEAP (should funding be found) is within Fields In Trust (FIT) guidelines on proximity to residential property. Housing needs to be a minimal of 30m away from this proposed NEAP area and as such may need to be slightly moved to the east.
- L & R do not support and have consistently opposed the provision of LAPS at this and every other residential development. We do not have any opposition to the provision of open space in these areas as long as these are not identified as LAPS.
- There is no detail on the boundary treatment of the existing open space which is currently secluded by the provision of an existing hedgerow. I would be concerned should this be completely removed as although this will open up the area to view and provide additional security for users, this natural boundary provides a natural ball stop for recreational use (county level football on the football pitch and 5-a-side on the ball court).
- The existing nearby County level football pitch (including buffer) and associated changing provision and car parking must remain on site and unaffected by this proposal. WLP policy OL12. At 550 dwellings, this size of residential development (with the large amount of new residents) should be providing a contribution to sports pitch provision to meet the needs arising from the new influx of residents.

### Local Highway Authority

No objections subject to conditions and planning obligations.

Provision of off-site highways infrastructure:

There will be one junction improvement at Priorslee Avenue and two new junctions for the residential and commercial areas of the site. A phasing plan for delivery of the 3 junctions will need to be agreed. The Section 106 Agreement will not be used to secure these works. It will be by Grampian Condition(s) with the works on the highway secured by Section 278 Agreement. The works will include two new bus

shelters and associated base works on Castle Farm Way (CFW) near the commercial access and the works will be designed for a 40mph speed limit. A Traffic Regulation Order securing this new speed limit along CFW up to J4, M54 will also be secured through the Section 278 Agreement. I can confirm that WS Atkins have included these elements in their highway design.

Contribution to public transport:

The original discussions secured £300,000 and it is now £150,000. This funding was earmarked to improve the frequency of the Service 891 between Telford and Wolverhampton for a fixed period of time; 3 years from memory. Public Transport is the most likely form of sustainable transport to instigate a modal shift away from the private car and thus secure a measure of success for the Travel Plan. This is something that the Highways Agency will wish to see as well. I would also ask that a Travel Plan monitoring sum of £10,000 is included in the S106 Agreement.

Other necessary off-site highway works along Castle Farm Way:

£60,000 is to be provided for other off-site improvements due to the proposed development.

#### PLANNING CONSIDERATIONS:

RSS Policy PA11 refers to a network of town and city centres in the West Midlands of which Telford is included. This network of 25 town and city centres will be the focus for among other things large scale leisure and office (Class B1a) developments (i.e. those of 5,000 square metres or more gross floorspace). This Policy is designed to protect the vitality and viability of the Town Centre.

This site is clearly out-of centre and as such your officers have sought to limit the amount of B1(a) floorspace, firstly to comply with regional guidance (5,000 sq m) but later, and as a compromise, to 10,000 sq m. However the applicants maintain that a minimum of 20,000 sq m is necessary to secure continued funding investment. Your officers are mindful of the advice of the Head of Economic Development and on balance, are prepared to recommend that a limitation be imposed for B1(a) offices of 20,000 sq m. However, Members should be mindful that by setting a limit that has little planning policy basis, it will be extremely difficult to resist future requests for additional office floorspace at this location irrespective of how the condition is worded.

The Government published PPS4 'Planning for Sustainable Economic Development' on 29 December 2009 and supersedes the following documents that are cancelled by virtue of adoption of PPS4:

- Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms
- Planning Policy Guidance 5: Simplified Planning Zones
- Planning Policy Statement 6: Planning for Town Centres; and
- The economic development sections of Planning Policy Statement 7: Sustainable Development in Rural Areas

The Government no longer requires applicants to demonstrate “need” for the development at edge/out of centre locations, giving instead additional emphasis to sequential analysis and town centre impact considerations, providing for a ‘town centres first’ approach to retail developments that promote vitality and viability of centres. Town Centres are defined in the Annex as a “defined area, including the primary shopping area and areas of predominantly leisure, business and other main town centre uses within or adjacent to the primary shopping area”. The extent of the town centre should be defined on the proposals map. Edge of Centre sites are defined as locations that are well connected to and within reasonable walking distance (300 metres) of the Primary Shopping Area (PSA).

This raises an important first consideration for Members in that the extant Local Plan clearly defines the Town Centre – very much along the lines of PPS4 in terms of nature of uses and activities normally associated with town centres and then goes on to define the PSA.

In respect of the sequential test policy EC15 confirms that applicants need to:

- assess sites for their availability, suitability and viability;
- ensure in-centre options are assessed before less central sites are considered;
- where no town centre sites can accommodate the development preference should be given to edge of centre sites which are well connected to the centre by easy pedestrian access
- demonstrate flexibility in terms of reducing floorspace, innovative layouts and configurations, car parking provision and the scope for disaggregation (albeit that LPAs should not seek arbitrary subdivision of proposals). In this regard, LPAs should take into account genuine difficulties demonstrated by an applicant in operating their business model for a sequentially preferable site (e.g. "where a retailer would be limited to selling a significantly reduced range of products).

The matter of the new PPS4 is an important additional material planning consideration for Members and must be given full weight. A copy of PPS4 and its associated Guidance is available for perusal in the Members’ Reading Room). The need to protect town centres is given additional weight and the need to undertake sequential analysis to demonstrate that more central sites are not available or are not viable must be carried out. The applicants have undertaken a sequential analysis but your officers are of the view that the analysis undertaken is not particularly rigorous and the application, at least on the face of it, could prejudice the bringing forward of more central sites for office uses.

At present, the Central Telford Area Action Plan does not hold any weight in terms of development control decisions. However, the Council is investing heavily into its town centre, with Southwater Core offering substantial office floorspace opportunity. PPS4 advocates a ‘town centre first’ approach and this proposal if left entirely open

ended in terms of B1(a) office use has the potential to undermine efforts to promote genuine town centre locations. In addition, Members will need to balance the economic development opportunity at Lakeside with the risk of establishing an undesirable precedent.

Officers recognise that this proposal is a significant regeneration, investment and job creation opportunity at a time when few genuine economic development proposals are coming forward. Members will also be aware that this site competes head on with the i54 business park on the edge of Wolverhampton, which has also faced similar policy implications with regard to out of centre office accommodation and which there has been some support from the respective authorities to accepting larger office floorspace than RSS policies would normally tolerate subject to stringent conditions. Telford is also directly competing with other out of centre business parks such as Shrewsbury where, due to historic planning permissions, there is no restriction in terms of volume of office floorspace. Under these circumstances, your officers consider that Telford must remain competitive and continue to be able to offer a selection of sites both in-centre and out-of-centre.

It is clear that the viability of the scheme has been threatened by the recent economic downturn. Your officers have been keen to avoid a situation where the development places undue strain on public services. The planning obligation package is substantially reduced from the level envisaged in 2007, particularly with regards to education provision, outdoor recreation and affordable housing. However, a viability assessment has been undertaken and independently assessed by the DVS. The viability of the scheme is in the balance at present, although with a modest upswing in residential values, the situation could change.

#### PLANNING OBLIGATIONS PACKAGE:

The planning obligations as well as infrastructure improvements offered by the developers now include the following respectively:

- Affordable housing - £420,000 – 21 units equivalent to 3.8%
- Public open space provision and maintenance contribution of - £75,000
- Contribution to public transport - £150,000
- Castle Farm Way improvements - £60,000
  
- New junction serving the employment land - £1,323,000
- New residential junction - £912,000
- Priorslee Avenue junction - £776,000
- M54 junction 4 improvements - £603,000

It is also recommended by your Officers that the Section 106 Obligation contributions include a further £10,000 towards monitoring the Travel Plan and a contribution of £10,000 towards the ongoing monitoring and administration of the Agreement.

#### CONCLUSIONS:

Having considered the evidence put forward by the applicant notwithstanding the policy considerations regarding location of office space and requisite planning obligations, it is felt on balance the benefits of the scheme to the Borough as a whole

in investment, regeneration, best use of previously used land and job creation are considerable and constitute significant material considerations. On balance it is felt that the scheme should be recommended for approval with a limiting condition restricting the amount of B1(a) floorspace to a maximum of 20,000 square metres in order to help safeguard the future of the town centre as the primary focus for office development.

Given recent appeal decisions and the advice given by the DVS, it is your officers firm opinion that strict review (to be carried out by DVS for continuity purposes and paid for by the applicant) clauses on planning obligations tied to the phasing of the proposal should encourage development of the site now and safeguard the public purse should the market improve.

**RECOMMENDATION:** The applications be referred to the Government Office for the West Midlands for consideration and if not called in, to delegate authority to Head of Planning and Transport to GRANT PLANNING PERMISSION subject to the receipt and written approval of clear design codes/rules/principles and the signing of a Section 106 agreement to provide financial contributions to highways, sustainable transport, recreational maintenance, on-site affordable housing contribution of 21 units, monitoring of the abovementioned together with a planning obligation uplift review to be carried out by DVS at the applicants expense on each phase of development or every 3 years which ever comes soonest subject to conditions to be provided in a written update prior to Plans Board.

**CONDITIONS:** Due to the late submission of a phasing scheme and associated plan in addition to suggested conditions by the applicants, members will be advised of recommended conditions in full in a written update prior to Plans Board.

**REASONS FOR APPROVAL:** On balance the significant material benefits for the Borough of investment, regeneration of previously used land, job creation and the viability of the scheme going ahead lead to positive recommendations.

\*\*\*\*\*Original Report - Amended Plans/Master Plan Received\*\*\*\*\*

**OBJECTIONS RECEIVED:** Yes.

**MAIN ISSUES:** Departure from Wrekin Local Plan (saved policies), developing policy under Local Development Framework, Green Network, capacity of site, density, provision of new employment uses, master planning – creating comprehensive and sustainable forms of development, impact upon adjacent development/uses, provision of open space, ecology, hydrology, highways, nature conservation, design principles.

**BACKGROUND:**

This application originally formed one of three related to the proposed development of land in north east Priorslee all of which represent departures from the development plan (W2006/0966/0967/0968). Whilst two of the applications are included within this agenda, the third, W2007/0967 which represented development of part of the overall site for employment, hotel boat club and infrastructure was

subject to appeal and was thus to be considered at public inquiry and determined by the Planning Inspectorate.

Subsequently, the applicant withdrew the appeal on the basis of the progress made on this application which represents the revised master plan approach for the development of the site. W2006/0968 is for infrastructure only, the detail of which is contained within the overall proposals contained within this report.

The revised plans and masterplan now propose the development of up to 550 dwellings, 51,095sqm of employment floorspace (use class B1/B2), hotel (6,503sqm), associated access roads and other infrastructure. The red line has been amended and no longer includes development on land to the west of the lake and has moved the proposed area of development away from the northern shore of the lake.

The site is included within (and forms part thereof) the proposed allocation for mixed use development, set out within the draft DPD document for land allocations that forms part of the Local Development Framework. The allocation (ref MU02 – Celestica) which also includes additional land to the west and south of the application site recognises the opportunity to create further employment opportunities and also introduce a significant number of new houses in addition to a new secondary school and strengthened links to support retail and leisure(including hotel) with enhanced public transport provision. Open space provision should include a range of play areas and sports pitches to meet need.

The Council will produce further work on a development framework for the allocated site within which the employment offer is recognised as being fundamental to provide new employment opportunities for the town as part of the high technology corridor (M54 to Wolverhampton/Birmingham) and the potential to provide academic, business and physical links with the university to the west. The DPD for preferred allocations will be considered by an inspector in Spring 2008. The basis for officers negotiation on this application has been to ensure a consistent and considered approach to the master planning of the site in order to deliver the required outcomes.

#### THE PROPOSAL:

As set out above, this application seeks outline planning permission for the development of up to 550 dwellings, employment uses (51,095sqm), a hotel, open space including formal and informal recreation facilities, and appropriate infrastructure including the formation of an east west link with further potential to provide access the university and site for the new secondary school. All matters bar access have been reserved.

The application also proposes a package of benefits to be delivered through a S106 agreement. The package includes contributions to the following:

- New public open space facilities
- Provision of formal areas for play/recreation
- Contribution for future maintenance of open space
- Contribution to traffic improvements on Castle Farm Way/Priorslee Avenue
- Contribution towards education facilities
- Improved public transport provision in the form of bus subsidy

- The provision of 22% social/affordable housing
- Contribution towards new Ricoh access/east west link

#### THE SITE AND SURROUNDINGS:

The application site comprises the former Celestica site in the north eastern part of the Borough, adjacent to Castle Farm Way immediately to the north. Priorslee Lake is to the south and beyond that the M54 and the edge of Stafford Park employment area. Ricoh and the University of Wolverhampton lie to the west/south west of the site and existing open space and recreational areas lie immediately to the west with existing residential properties to the north west corner. The wider area of Priorslee lies to the west. Telford Town Centre is situated 2.5km to the west of the site.

The site is gently sloping in nature with the landform rising to the north east and north west. The former Celestica buildings have now been demolished and the site has been levelled. Outside of the levelled area lie open fields through which a tree lined ditch runs containing a number of mature trees. The landscape is not unattractive and there are a number of individual trees that are of basic landscape value and a hedgerow that forms the western boundary of the site. However, there is nothing within the site that could be described as being of special landscape or ecological value.

#### HISTORY:

This part of Priorslee was approved as a development area in 1983 under Section 7(1) of the New Towns Act 1981. The approval included areas for housing, employment and recreation (including the balancing lake).

#### POLICY:

The following are relevant to the determination of this application:

Sustainable Urban Extensions: Planned Through Design (English Partnerships, 2000)

Towards an Urban Renaissance (The Urban Task Force, 1999)

Sustainable Communities: Building for the Future (ODPM, 2003)

#### Central Government Advice

PPS1 – Delivering Sustainable Development

PPS3 - Housing

PPG4 – Industrial and commercial development

PPG9 – Nature Conservation

PPG12 – Development Plans

PPG13 – Transport

PPG17 – Planning for Open Space, Sport and Recreation

PPG23- Planning and Pollution Control

PPS25 – Development and Flood Risk

(And related circular and guidance)

The above policies are considered relevant in considering:

- The scope, likelihood and relevance for the proposed development to contribute to a wider development of the area
- The relationship and connection of the proposed development with other parts of the town and existing facilities

- The impact of the proposal on existing open land, ecology and urban landscape
- Whether the proposed scheme could deliver a comprehensive development of sufficient design quality
- Other material considerations

#### Regional Spatial Strategy 11

PA1, PA3,PA4,PA6,PA7,QE4

- Economic growth should concentrate on creating opportunities for developing economic activity with linkages to and support for existing activities and opportunity
- Ensure that environmental and cultural assets are maintained and enhanced to help attract business activity
- Development should reinforce the potential of the High-Technology Corridor, including the supporting infrastructure such as higher education, research facilities, leisure and cultural facilities and attractive housing.
- Encourage the protection of valuable green space, natural habitat and ecological value.

#### Wrekin Local Plan (saved policies)

UD2 – Design Criteria

UD3 – Urban Design Assessments

UD6 – Major Transport Corridors

H7 – Large Scale Regeneration Exceptions in Telford & Wrekin

E4 – Development on Unallocated Development Sites in the Urban Area

OL3 – Green Network

OL4 – Development in Green Network

OL12 – Contributions from Developers towards Open Space

OL13 – Maintenance of Open Space

LR1 – Provision of Community Facilities

LR4 – Provision of Outdoor Recreational Open Space

LR6 – Developer Contributions to Outdoor Recreational Open Space

- The proposed development would result in the loss of existing Green Network
- The proposal could have a detrimental impact upon and loss of existing ecological value
- The proposed development should provide a comprehensive, connected development with employment and residential uses, commercial opportunities and a hotel.
- The requirement for appropriate leisure/recreational uses and open space and landscape
- The need to demonstrate an appropriate framework and structure of development and the rules required to ensure delivery of an acceptable standard and form of development to create a sustainable and distinctive place.

Local Development Framework

#### Core Strategy

Land Allocations – Preferred Options Report which sets out the following for a site within which the application site is contained:

- Employment: In the region of 60,000sqm
- Housing: 600 dwellings
- Secondary School
- Leisure: including a hotel and use of lake for water recreation
- Retail: to meet any local need
- Open Space with a range of play areas and sporting pitches.

#### Environmental Impact Assessment (EIA) Approach

This is essentially a process which assists decision makers in the assessment of a project's environmental acceptability and includes the compilation and evaluation of all the significant effects of the proposed development. The application is supported by a full environmental statement and traffic impact analysis (as amended).

#### CONSULTATION (original Proposals):

##### Highways Agency (HA)

The HA have issues a holding objection to the proposals on the basis of requiring a full consideration of the impact of the scheme on junction 4 of the M54. It is likely that highway works to improve capacity are required and such works will need to agreed (at least in principle) prior to any approval.

##### Environment Agency (EA)

Have now withdrawn their earlier holding objection following receipt of a satisfactory flood risk assessment. There is now no objection in principle subject to a number of detailed conditions requiring further works as part of any development, including a risk assessment of ground conditions in line with advice contained within PPS23.

##### Sport England

No objection to the proposals but have made recommendations in respect of provision of appropriate levels of formal play, that should be in accordance with Council strategy.

##### Shropshire Wildlife Trust

Objected to the original scheme due to the impact upon the lake and it's immediate environment, in particular the northern and western shorelines and their habitats and the impact upon the Wesley Brook wildlife corridor along with other areas of green network.

##### Shropshire Ornithological Society

Objected to the original scheme due to its potential impact upon the habitat of a number of protected bird species and general ecology.

##### Severn Trent

Raised no objection to the proposals, subject to conditions.

##### English Heritage

Raises no objection to the proposals.

##### Transforming Telford

Raised concern in respect of the original proposal but now supports the revised scheme and in particular the opportunity to provide required employment opportunities as part of the hi-technology corridor and the potential links with the university that will benefit the town.

#### Engineers

No objection subject to conditions including the submission of full desk top studies, ensuring existing sewer has capacity and the introduction of a sustainable urban drainage system.

#### Environmental Health

No objection subject to conditions.

#### Planning Policy:

No objection to the principle of mixed use development and the revised structure/layout of employment and residential use.

#### Education

The development should contribute towards the need for additional primary school places/facilities in accordance with DfE policy. A figure of £350,000 would be acceptable.

#### Leisure

The development should provide either a suitable range of facilities for both formal and informal recreation or the means for them to be provided. Facilities should include a multi use games area, a bmx track or equivalent facility, an equipped children's play area and additional equipped play area and commuted sums for ongoing maintenance requirements.

#### Highways

No objection to the principle of development that will require two new junctions onto Castle Farm Way. Further improvements to highway network required including re-classification of Castle Farm Way and traffic management of Priorslee Avenue including further new junction arrangements with Castle Farm Way. In addition, £300,000 is required towards the upgrade/enhancement of public transport facilities serving the site.

#### Housing Strategy

Would like the development to ideally deliver 35% social/affordable housing and thus contribute to meeting local need. In addition, houses should meet lifetime homes standards.

#### Environmental Projects

Concerns expressed in response to the original scheme due to its impact upon the northern shore of the lake and general ecology. Also, need to consider waste and recycling facilities/requirements.

#### St.Georges & Priorslee Parish Council

Objected to the original proposal on the grounds of overdevelopment and loss of green network and habitat.

#### Local Residents Notification Responses

Thirty seven letters of objection to the original scheme were received. A number of the letters whilst paying reference to the applicant's proposals also raised concern about the Council's draft development framework for this part of the town (consultation carried out summer 2006 which coincided with the receipt of the planning applications). In addition, objections have been received from 'The Friends of Priorslee Lake' and Priorsee Community Association'.

The grounds of concern can be summarised as follows:

- Impact upon existing natural habitats, flora and fauna
- Wildlife value
- Impact upon eco-systems
- Loss of open space and green network
- Impact upon Wesley brook
- Loss of trees/vegetation
- Loss of green network
- Impact upon the lake and related use
- Uncomprehensive scheme
- Potential for pollution
- Lack of community facilities
- No demonstrated need for hotel
- Traffic generation/management
- Lack of play facilities
- Out of keeping with the character of the area
- Lack of infrastructure and facilities
- Prematurity (re LDF process)
- Lack of open space
- Inappropriate location of hotel (out of centre)
- Poor quality development on gateway site
- Incompatible uses

#### CONSULTATION RESPONSES TO AMENDED PLANS/MASTERPLAN:

At time of writing the report, two letters of concern from local residents had been received. The grounds for concern are as follows:

- The proposed link road could encourage more casual visitors to the area which could cause vandalism.
- The road should not continue through to Teece Drive
- Increase in traffic
- Will playing fields be developed for new school
- No provision for recreation facilities
- Increased risk of accidents
- No convenience shopping provision
- Noise from M54

In addition, Sport England recommend that the provision of sports facilities is in accordance with Council strategy.

Shropshire Wildlife Trust maintain objection unless all ecological concerns are overcome.

#### PLANNING CONSIDERATIONS:

##### Policy

##### The Sustainable Communities Plan

The Government's 'Sustainable Communities: Building for the Future' document marks a step change in the government's approach to creating places where people want to live and continue to want to live whilst having access to employment opportunities and a range of types and tenure of housing and also facilities for recreation. Effective governance and strong sense of community are recognised as essential ingredients.

##### RSS11: Regional Policy for West Midlands

Telford is identified for long term strategic housing development and is classed as a sub regional foci for development . Within the region, a target of 76% has been established for the development of housing on previously developed land. The development of this site will help towards the overall figure.

The policy encourages Local Planning Authorities to create more balanced and mixed communities through the provision of a range of housing types and tenures, including both social and affordable housing.

##### Central Government Advice

The planning system is expected to assist in the delivery of sustainable development, that is, development that meets both existing and future needs in respect of physical, social, environmental and economic requirements. The re-use of previously developed land is seen as an important supporting objective and such sites are preferred to green field sites provided that a good living environment can be achieved and maintained. Mixed use developments are viewed as useful tools in helping to create vitality and diversity and for reducing the need to travel. Good design is also identified as a key aim of the development process.

The over riding ambition of PPS3 is to achieve high quality housing that meets the needs of people, is efficient in the use of land, provides diversity and choice and creates visually attractive, safe places that are socially inclusive and have their own identity. 30 dwellings per hectare should be used as national indicative minimum to guide policy development and decision making.

In assessing the proposal against this guidance, the proposed development identifies both employment and residential uses and the introduction of a hotel. There is opportunity to provide a range of house types and tenures and also a range of densities across the site commensurate with the masterplan. Further work in the design codes/rules will help ensure that design standards and creation of place are fundamental to the future phases of development.

PPG4 emphasises the importance of adopting a positive position regarding development that contributes to national and local economic activity. Development plans should provide for choice, flexibility and competition.

The proposal encourages the introduction of new and flexible forms of development in which employment uses can be located. The formation of a physical link towards the university will help encourage the academic link to business, research and development. Flexible design could also allow for other units, such as those on the northern side of the boulevard to accommodate small employment uses if required.

PPG9 gives advice on the relationship between planning control and nature conservation and embodies the Government's commitment to sustainable development and to conserving the diversity of wildlife. The application is supported by an Environmental Statement (amended) which concludes that the proposed development will not result in the loss of valuable habitats, particularly given the amended site boundary that removes proposals to develop along the northern shoreline of the lake.

#### Development Plan/LDF

The revised site area now comprises land formerly contained within the boundary of the former Celestica operation. Whilst there is an area of the site towards the north east corner designated as Green Network in the development plan, the majority of the site is comprised by unallocated land (site of former factory buildings) and an area allocated for employment purposes. The site as a whole can be considered as brownfield given its previous (and established) use as an employment campus. The reasons for departure are due to the Green Network and employment designations; however, in respect of the former the amended proposals are much less significant given the revised red line that no longer encompasses the lake and adjacent land. It is also considered that the area of green network in question is of no special landscape or environmental quality although it clearly contributes towards the aims of the policy. The proposed open space framework would enable part of this area to be retained as open space and also proposed additional open space running through the development site.

Part of the site has been committed for employment use, in addition to the site of the former factory buildings, for a number of years (allocated for employment use in original consent under S.7(1) of the New Towns Act). The residential use in conjunction with the employment use represents a fresh approach to the development of this site although this can also be considered under current (saved) policy as a major large scale regeneration of an obsolete site (H7). The loss of the committed employment site to residential use is not considered significant or harmful to the town given the amount of employment use proposed by the application and the availability of other alternative sites for employment development within the town.

While most weight in the decision making process should be afforded to the saved policies of the Wrekin Local Plan, the developing policies of the Local Development Framework also need to be considered and thus given weight. The Core Strategy has been subject to recent examination in public by an inspector and publication of her findings is imminent.

As set out above, as part of the revised strategy, the application site forms part of a larger draft allocation for mixed use development recognised as an important site to deliver the Boroughs employment land portfolio and to deliver types of employment not currently available within the town, in particular accommodation for hi-tech research and development/business park and those wishing to benefit from direct operational contact with the university/e-innovation society: It would be the towns focus for the Wolverhampton & Telford Hi-tech Corridor. The draft allocation includes both employment (60,000sqm) and residential uses (600 dwellings) and the introduction of a new school adjacent to the university campus.

Work is currently being undertaken to revise the draft development framework for the site, in support of the preferred option for the site and to inform the consideration of all preferred options at public examination next year. Members should consider whether the proposals set out in the revised application are consistent with the council's own approach; officers advice is that this is now the case but further work is required to ensure the highest and most appropriate type and quality of built form is achieved and is consistent across the site as a whole. The reduction in quantum of development now proposed is acceptable and will help in providing sufficient levels of open space recreation and the formation of appropriate built forms and character across the site.

#### Masterplanning/Design

The applicant has been engaged in lengthy negotiations with officers in respect of revising the original application and preparing a revised masterplan for the development of the site. The vision for the site (as amended) is now to develop a mixed use, sustainable urban extension which will integrate with the existing developed area of Priorslee. The proposal will integrate commercial, residential and open space with strong links to the university and improved infrastructure for existing business. Relationships with existing development, particularly residential uses adjacent to the site should be considered carefully as should the relationship with open space and the efficiency of future systems (eg sustainable drainage) and the overall impact upon the area.

The revised masterplan identifies a framework for densities across the site with the lowest density to the north west of the site, adjacent to existing residential property, and the highest adjacent to the proposed east west boulevard that also serves the new employment area and would provide a new means of access to the existing Ricoh plant for heavy vehicles (overall residential density is approx 37dph). A network of open space runs through the site with links to the lake and to the existing open space to the west of the site. The open space network would also provide both formal and informal play and recreation with the principle of natural surveillance from residential areas. The second vehicular access into the site is located towards the north western area and serves the residential area; the design of the road and corresponding development served from it should preclude it from being the main point of access to serve the employment area/uses to the south.

The masterplan (revised) identifies defined character blocks/areas, such as neighbourhood edge, perimeter block, green boulevard and commercial area. The basic principle common to all is to ensure that buildings have active frontages onto public realm/streets and to provide definition between public and private spaces.

Whilst the supporting documentation is useful in beginning to identify some of the characteristics relevant to achieving appropriate forms of development, officers consider that further work is required in this regard to ensure that a number of basic rules are evident for each characteristic/area to inform any future scheme. These would then serve to provide consistency and certainty for any future developer of each phase of development and seek to mitigate against the risks of inappropriate interpretation of the aims and objectives of the masterplan. In short, if future reserved matters applications do not meet the established rules and provide appropriate quality then they should be refused.

#### Open Space/Recreation

The proposed framework demonstrates a network of open space that has been determined by existing landscaped areas, wildlife corridors and an existing watercourse. It is proposed that the network would then provide additional connections by virtue of pedestrian routes, cycle routes and informal areas of open space whilst also accommodating the required formal areas of play. The submitted layout is essentially only illustrative, however, future maintenance and stewardship of open space will need to be conditioned as part of any approval.

#### Employment

The proposed employment provision is now located immediately to the south of the new boulevard and north of the lake. Whilst only indicative, the revised layout plan proposes 9 buildings of varying height and form from 3 to 5 storeys in general with an eight storey building at the eastern edge of the site, adjacent to the new entrance, that would also include a hotel. The blocks have been shown to be linear in form and sited along a north/south axis enabling sunlight/light to penetrate the street to the north. All of the required parking for the employment uses is proposed to be developed underground/undercroft.

#### Connections

The proposed framework enables the development area to connect into the existing footpath network and to the adjacent highway network. It is demonstrated that a new east west route from Castle Farm Way would enable a new access to be formed into Ricoh (thus removing existing HGV movements from Priorslee Avenue) and then beyond to the university if required. Existing links to the open space to the west are maintained as is connection to the residential development to the north west of the site. Whilst these principles are acceptable, more detail is required to demonstrate clearly the points of connection and how these might be achieved which should be referenced in an appropriate condition.

#### Relationship with Adjacent Uses

The proposed development has now moved away from the northern shore of the lake and is now considered to be a suitable distance from the more sensitive northern shore. There is potential to introduce a beneficial relationship with the existing open space to the west and thus improve natural surveillance although this will need to be considered carefully with regard to the retention of any existing hedgerows and trees. The relationship of development with the existing residential development to the north west of the site needs to be considered very carefully and this, along with other design 'rules' should be established prior to granting of any

outline consent and should then be clearly demonstrated as part of any future reserved matters application.

#### Planning Obligations (S106 agreement)

The applicant has entered into an open book approach in considering an appropriate planning obligations package for the site. This has entailed full consideration of development costs, yield and other costs associated with the development of the site (including mitigation and land cost) in order to identify a realistic view of the ability to contribute towards required obligations. As often is the case on larger development schemes, it is difficult to meet fully all of the aspirations of the varying business units of the council and a balance must be struck.

In this respect, it is recognised that the development of the site will provide at no cost to the Council a significant proportion of an east west highway that could in the future provide the primary access to the new school site adjacent to the university.

Furthermore, additional funding has been negotiated to enable a new access into Ricoh and other improvements to the link road as might be required. In addition, the re-classification of Castle Farm Way and the introduction of managed junctions with Castle Farm Way should help manage traffic flows through the area (particularly at peak flows). The figure for social/affordable housing is slightly lower than on other more strategic sites (the Lawley Urban Extension achieved 25%) but has been agreed in principle against the overall S106 package as set out above and it is not considered on balance that the proposal should be refused on this basis.

Alternatively, members could decide that they wish to place more emphasis on this or other obligations but in doing so should recognise that if one increases in value, another obligation may need to be reduced. In this context, the following package has been agreed by officers:

- Education: £350,000
- Sustainable Transport (bus subsidy): £300,000
- Traffic Improvements to Priorslee Avenue: £80,000
- Contribution towards east/west link/Ricoh access: £500,000
- Maintenance of open space: £150,000
- Social/Affordable Housing: 22% (equivalent to 121 units).

(The costs of the new signalled highway junctions including existing junction of Priorslee Avenue with Castle Farm Way to be funded by developer as is the required on-site play/recreation).

#### CONCLUSION:

This application as amended now provides a basic framework for the development of the site. It sets revised quantum of both residential and employment/commercial development that is considered to be appropriate to the site given the need to balance the need for efficient use of land with provision of suitable amenities. The framework also provides a network of open space within which existing features are retained and the potential for a full on site sustainable drainage system could be explored.

The applicant has been discussing the development of the site with the Council for a number of years and it is considered the amended plans/masterplan represent the

best opportunity to now move forward to consider in more detail the likely built form outcomes of the scheme. Whilst further work is required in this regard, the application does achieve the re-use of brownfield land, increased densities, the provision of social/affordable housing, the provision of important new employment opportunities on the hi-tech corridor and significant contributions towards providing links between the proposed employment and the existing university/e-innovation centre (plus contribution to the achievement of a new secondary school for the town).

Members are requested, therefore, to support the principle of development of up to 550 dwellings, a minimum of 51,000sqm of employment floorspace, the provision of a hotel and network of open space all of which will contribute to the development of Telford and it's ability to sustain acceptable growth and economic activity over the next 5 to ten years.

**RECOMMENDATION:** That subject to the withdrawal of the Highway Agency holding objection, the application be referred to Government Office of the West Midlands for consideration and if not called in, delegate authority to Head of Planning and Environment to GRANT OUTLINE PLANNING PERMISSION subject to the receipt and written approval of clear design codes/rules/principles and the signing of a S106 agreement to provide financial contributions to education, highways, sustainable transport, leisure, asset & property (east/west link) and the provision of 22% social/affordable housing across the site, subject to the following conditions:

- Timescale for development
- Submission of reserved matters
- Accordance with Masterplan/codes
- Submission of Development Briefs for each phase
- Submission of phasing strategy
- Review of phasing
- Matters reserved for approval
- Submission of additional info in respect of each reserved matters application
- Construction management plan for each reserved matters application/phase
- Submission of statement setting out achievement of Sustainable Code level 4
- Submission of strategy for community engagement on each reserved matters application/phase of development
- Submission of strategy for SUDS on each reserved matters application/phase of development
- Strategy for re-cycling/waste
- Foul/Surface water drainage scheme, including demonstration of existing capacity of system and full hydrological and hydrogeological assessment. Scheme to be implemented prior to construction of impermeable surfaces.
- Details of foul and surface water scheme, including management , for each reserved matter application/phase
- Watercourse treatment.
- All drainage to be adopted by competent body
- Site investigation of contamination/pollutants and scheme for mitigation and treatment
- Slope stability

- No development within 2.5m/7.5m of public sewer (unless agreement to divert)
- Tree survey – identification of trees to be retained and measures for protection
- No removal of hedgerows unless agreed in writing by LPA
- Scheme for the provision of recreation/play
- All areas of play/recreation to be completed prior to marketing of adjacent dwellings
- Scheme for the design of new highway junctions, including implementation and phasing
- Scheme for the crossing of Wesley Brook to enable pedestrian access to the west side of the lake
- No external storage
- No sewage or trade effluent shall be drained to the surface water system
- Vehicle loading bays/storage areas shall not be connected to the surface water drainage systems
- Noise mitigation measures for employment buildings
- All construction traffic to and from the site shall be solely by way of a route to be agreed in writing by the LPA
- Hours of working and method statement for control of noise, dust and smoke
- Landscape design
- Landscape Management
- Removal of permitted development rights

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Notes

Agenda Type : A

W2006/0968 Construction of new access, internal roads and other infrastructure  
\*\*\*AMENDED PLANS RECEIVED\*\*\* Land off, Castle Farm Way, Priorslee,  
Telford, Shropshire. Recommendation Code: FG - Ward: Priorslee

APPLICANT:  
Bovale Limited

RECEIVED ON:  
01/08/06

PARISH  
St. Georges & Priorslee

WARD  
Priorslee

CASE OFFICER:  
Rob Price

For update and revised recommendation since the below report went to Plans Board on 31<sup>st</sup> October 2007 please see W2006/0966 report on this Agenda

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OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Traffic Impact, highways, phasing with development of site, masterplanning of site.

THE PROPOSAL:

This application is for the introduction of the main road infrastructure associated with the proposed development of the former Celestica site. In particular, the applicant seeks the opportunity to implement the new access roads into the site separately from any other planning permission.

**PLEASE REFER TO W2006/0966 FOR CONSIDERATION OF THE PROPOSED DEVELOPMENT OF THIS SITE.**

CONCLUSION:

In accordance with the issues set out within W2006/0966, officers consider that the latest proposals can be supported, subject to further work and appropriate conditions. Whilst there is no concern about appropriate phasing of development and the ability to construct the important infrastructure early in the development process, it is considered that any such approval should also tie in with a phasing strategy to be agreed (the strategy would then be common to both applications). Thus the recommendation is common to both applications.

RECOMMENDATION: That subject to the withdrawal of the Highway Agency holding objection, the application be referred to Government Office of the West Midlands for consideration and if not called in, delegate authority to Head of Planning and Environment to GRANT OUTLINE PLANNING PERMISSION subject to the receipt and written approval of clear design codes/rules/principles and the signing of a S106 agreement to provide financial contributions to education, highways, sustainable transport, leisure, asset & property (east/west link) and the provision of 22% social/affordable housing across the site, subject to the following conditions:

- Timescale for development

- Submission of reserved matters
- Accordance with Masterplan/codes
- Submission of Development Briefs for each phase
- Submission of phasing strategy
- Review of phasing
- Matters reserved for approval
- Submission of additional info in respect of each reserved matters application
- Construction management plan for each reserved matters application/phase
- Submission of strategy for community engagement on each reserved matters application/phase of development
- Submission of strategy for SUDS on each reserved matters application/phase of development
- Foul/Surface water drainage scheme, including demonstration of existing capacity of system and full hydrological and hydrogeological assessment. Scheme to be implemented prior to construction of impermeable surfaces.
- Details of foul and surface water scheme, including management, for each reserved matter application/phase
- All drainage to be adopted by competent body
- Site investigation of contamination/pollutants and scheme for mitigation and treatment
- Slope stability
- No development within 2.5m/7.5m of public sewer (unless agreement to divert)
- Tree survey – identification of trees to be retained and measures for protection
- No removal of hedgerows unless agreed in writing by LPA
- Scheme for the design of new highway junctions, including implementation and phasing
- Scheme for the crossing of Wesley Brook to enable pedestrian access to the west side of the lake
- No sewage or trade effluent shall be drained to the surface water system
- All construction traffic to and from the site shall be solely by way of a route to be agreed in writing by the LPA
- Hours of working and method statement for control of noise, dust and smoke
- Landscape design
- Landscape Management

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Notes

## Agenda Type : A

W2009/0094 Variation of two conditions on planning consent W2007/0673; Condition 3 to clarify that chipping, shredding, bailing and compacting of wastes are also permitted in addition to the activities described and Condition 4 to increase permitted waste input to 10,000 tonnes per year Plot 14, Tweedale North, Tweedale, Telford, Shropshire. Recommendation Code: FG - Ward: Madeley

APPLICANT:  
Mr John Pugh

RECEIVED ON:  
27/01/09

PARISH  
Madeley

WARD  
Madeley

CASE OFFICER:  
David Coxill

COUNCILLOR GILL GREEN HAS REQUESTED THAT THIS APPLICATION BE CONSIDERED BY PLANS BOARD.

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: unauthorised development, environmental health issues, hours of operation and local amenity.

THE SITE AND SURROUNDINGS:

The site is part of Plot 14 of Tweedale North, part of the Tweedale Industrial Estate. To the west of the Industrial Estate are areas of Green Network, wildlife sites, Madeley Court School and playing fields, Madeley Manor and residential properties of Coronation Crescent and Regent Square, located some 95m from the development site. The Silkin Way also extends to the west of the industrial estate, separating the industrial estate from areas of residential development. To the east of industrial estate across Bridgnorth Road are areas of green network, wildlife sites, a caravan site and some residential properties along the road itself. To the far south lies Madeley Centre and Sutton Hill.

THE PROPOSAL:

Greenskips propose in amended form a temporary 12 months planning permission to vary conditions 3, 4 and 7 (for the proposed area of the wood chipping only) of planning permission W2007/0673 for the following purposes: Condition 3 to also allow the chipping, shredding, bailing and compaction of waste wood on site, thus giving the operator flexibility in the choice of waste activities carried out on site; Condition 4 to increase the permitted waste input in total to 10,000 tonnes per year, since the vehicle breakers with whom the yard was previously shared with no longer control the southern part of the site; and Condition 7 controlling the hours of operation. The wood chipping facility will only be located in the southern half of the site covered by planning permission W2007/0673.

However, the additional 5,000 tonnes per annum would be in the form of wood for chipping only within the southern part of the site that is operated by Greenskips. The total site area of Plot 14 is 2,400 square metres, half of which is subject to the amended application, that operated by Greenskips. This will increase the equivalent number of full time employees from 3 to 5, a gain of 2.

The variations applied for would give greater scope for utilising the site to add value to sorted materials through the chipping and screening of waste wood to create wood chip for use in board making or numerous other uses, e.g. farm bedding, landscaping and gardening, horse training and riding areas.

A noise assessment on the proposals has been carried out for the applicant by independent consultants Air Tech Ltd. The Noise Report makes the following recommendations:

“Green Skips should seek to reduce noise emissions produced during timber shredding operations, so that the level at Regents Square is no greater than 5dB(A) above the background. This will require a reduction in noise emissions of at least 7 dB(A); predicted rated noise level at 19 Regent’s Place = 51 dB(A); current background noise level ( $L_{A90}$ ) = 39 dB(A).”

“Calculations indicate that the required reduction in noise levels could be achieved by insertion of a barrier at the perimeter to A & A Skips to a height of at least 4 metres in height.”

“The barrier should meet the following criteria in order to achieve the required attenuation:

- Extend well beyond sides of the noise sources; barrier should be sited so subtends at an angle of at least 160° from the noise sources in direction of residential properties of concern.
- Must be no holes or gaps in or beneath the barrier.
- Must be sufficiently solid to ensure that sound waves passing through barrier significantly less than sound waves diffracted over/around.”

“Consideration should be given to repositioning the Doopstadd shredder so that building on A&A skips is sited between the unit and residential properties to Regents Place. It is considered unlikely that the attenuation provided by the building alone would reduce levels sufficiently due to the propagation of sound waves around the structures vertical edges.”

“Considerations should be given by modifying the reversing alarm of the JCB excavator; the alarm was clearly audible on Regents Place though difficult to discern in Green Skips yard. It is recommended that while noise reversing alarms are fitted to vehicles used on site which are not tonal and rapidly decay with distance.”

“Ensure that all tools and machinery are on a planned maintenance schedule to reduce the risk of noise emission from worn out, misaligned or unbalanced components.”

The applicant has also submitted an operator’s instructions and dust management plan which is quoted verbatim.

“Telford Wood Recycling Operator Instructions and Dust Management Plan.

All operators must carefully read and fully understand the Operator Manual after which, they will carry out one week's 'on the job' training.

Daily Maintenance Duties.

1. Hammers and claws tight to correct torque setting.
2. All moving parts greased as per manual.
3. Check fuel level.
4. Check water suppression system working.
5. Machine and surrounding area to be cleansed and swept.
6. No wood to be higher than perimeter walls.

Weekly Duties.

1. Check machine water levels.
2. Check machine engine oil level.
3. Check machine hydraulic oil levels.
4. Grease conveyor bearings and check alignment.

Operating Hours

Monday – Friday      8.00am – 4.00 pm.  
Saturday                9.30am – 1pm.

No Sundays or Bank Holidays.”

Finally, it is proposed that the excess water from the wood chipping machine is now channelled into the site drainage system and through an interceptor.

PLANNING HISTORY:

Plot 14 of the Industrial Estate was granted planning permission under delegated powers for a change of use of a yard to a waste transfer/recycling centre (W2007/0673) on 3<sup>rd</sup> October, 2007.

Condition 3 states: “The development hereby permitted shall be limited to the storage, assorting and transfer of non liquid industrial & commercial, and construction & demolition wastes only. At no time shall putrescible domestic refuse, hazardous or sludge waste be brought onto the site.”

Condition 4 states: “Not more than 5,000 tonnes of permitted waste as defined in condition 3 above shall be brought onto the site in any calendar year. Records of the amounts of waste received shall be maintained and made available for inspection by the Council at all reasonable times.”

Condition 7 states: “No operations authorized by this permission shall be carried out except between the hours 0800-1800 hours Mondays to Fridays and 1000-1600 Saturdays. No such operations shall take place on Sundays and Bank or Public Holidays.”

CONSULTATION RESPONSES:

The Environmental Health Officer (EHO) in his final memo received on 29<sup>th</sup> December 2009 states:

### Noise

The EHO has reviewed the noise report prepared by Air-tech on behalf of John Pugh and Green Skips. It makes a number of recommendations; all of the recommendations made in the report should be in place before granting planning permission.

The reason for the above condition is the prevention of nuisance and the protection of public health.

### Dust

The EHO has received complaints about wood dust being emitted from the site at Tweedale. This resulted in this department serving a Legal notice on the company. Since that time there has been no complaint logged with the EHO that resulted in the company breaching that notice, and causing statutory nuisance.

The EHO has reviewed the dust management plan submitted by the company and would make the following comments.

“If the Planning Authority is minded to grant planning permission then it is this department’s recommendation that planning conditions should be added to say:

“The operator shall not operate the wood chipping activity unless suitable and sufficient water suppression is active as to prevent dust emissions leaving the site boundary.”

The reasons for the above condition is the prevention of nuisance and the protection of public health.

“The stock piles of chipped wood should be located in a matter so as to prevent wind wiping of materials that may give rise to dust. This may require bunded areas or covering of the material.”

The reasons for the above conditions is the prevention of nuisance and the protection of public health.”

The Environment Agency has made the following comments:

#### Background:

The site was licensed as an Household, Commercial and Industrial Waste transfer station with treatment on 26<sup>th</sup> March 2008.

As part of the operations permitted on site, the activities include bulking and transfer of non hazardous and inert waste on impermeable pavement with sealed drainage.

The licence permits treatment of waste consisting only of manual sorting, separation, screening, crushing or compaction of no hazardous or inert waste into different tonnes.

In order to carry out additional activities and/or increase the quantity of waste accepted on the site under the permit would require a variation of the conditions on the permit. However, it is also possible to carry out certain lower risk activities on

certain waste types under exemptions from the Environmental Planning regulations, providing that certain criteria can be met, i.e. key limits, relevant objectives etc.

The planning permission application which has been submitted makes specific reference to the possibility of chipping wood at the site. (This activity is already taking place). This activity could be carried out under a paragraph 13 or 21 exemption, providing the key limits and relevant objectives are met.

Planning application position:

The EA have no objections to the proposed variation of the planning conditions. Any concerns the EA may have will be addressed via the Environmental Permitting regulations via our National Permitting team on the basis of the information submitted for the Exemption/Permit.

Madeley Parish Council makes the following comments:

Additional capacity and input will mean that existing facilities and operations need to be reviewed for adequacy. For example:

- will the current building be adequate for the increase in volumes of commercial and industrial waste?
- will increased traffic movement require access improvements for commercial vehicles?
- is the current foul and surface water drainage scheme satisfactory?

It is noted that the chipping and screening of waste wood uses mobile rather than permanent equipment.

It is considered that conditions should be applied to:

- permission subject to limited term.
- Details of noise suppression to be approved.
- Details of dust suppression to be approved.
- Maximum estimated volumes (10,000 tonnes) to be processed on site should be limited by annual approval.
- Limitation on storage of unprocessed materials and stockpile.
- Limitation on number and siting of skips.

The Local Authorities Highways Engineer raised no objections.

The Local Authorities Drainage Engineer has raised no objections subject to the site's water is drained through the interceptor and is regularly maintained.

A local resident has contacted the case officer with objections, who accompanied with an Environmental Health Officer, visited his home in July 2009 and discussed his and his wife's concerns. In addition, outside the planning consultation process, Environmental Health Officers have received complaints over noise, dust and hours of operations.

**PLANNING POLICY:**

Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10), Planning Policy Statement 23 (PPS23): Planning and Pollution Control (PPS23) and Planning Guidance Note 24: Planning and Noise (PPG24) are relevant

national planning guidance. The Waste Strategy for England, 2007 should also be considered.

Some of the draft waste policies with recommended changes in the panel report on the phase 2 revision of the Regional Spatial Strategy for the West Midlands are also relevant. These are: Policy W1 (Waste Strategy), Policy W2 (Targets for waste Management), Policy W3 (The Need for Waste Management Facilities), Policy W5 (The Location of New Waste Management Facilities) and Policy W9 (Construction and Demolition waste).

The following policies of the development plan are also relevant: Saved Policies P65 (Provision of Waste Facilities) and P67 (Environmental Considerations) of The Shropshire and Telford & Wrekin Joint Structure Plan, 1996-2011; and Saved Policy NR6 (Waste Disposal and Recycling Facilities) of the adopted Wrekin Local, 1995-2006.

#### PLANNING CONSIDERATIONS:

This is a retrospective application for the wood chipping operations that are currently taking place. However, the site benefits from planning permission for the transfer and sorting of waste using a trammel screen and picking station within the industrial estate.

Responsibility for this waste management site lies with the Council in its dual role as the Local Planning Authority and the Environmental Health Authority for Telford & Wrekin. The Environment Agency also has responsibilities as the Waste Licensing Authority. To operate, a waste management site like this has to have both planning permission issued by the Council and a waste management licence issued by the Environment Agency.

The Environmental Health Officer has investigated complaints of statutory nuisance under the Environmental Protection Act, 1990 and has served a legal notice on the operator concerning dust.

The operations of the unauthorised wood chipping facility is a cause for concern amongst your planning and environmental health officers, a local resident and Councillor Gill Green, particularly over dust (saw dust), noise and operations outside permitted hours. The site has been sporadically monitored, including some Sunday mornings. Concern has been expressed by the Council in letters to the applicant, verbal phone conversations with him and at a meeting with the applicant. This has led to amendments to the proposals, making this a temporary application for a period of 12 months from the date of any permission granted being issued, and the submission of more details on noise, dust, drainage and amendments on the hours of operation.

Having discussed the situation with Green Skips, the impression is given that there has been a misunderstanding and the operator genuinely believed that he had the benefit of planning permission for a wood chipper when he moved onto the site early in 2009. The submission of the planning application is an acknowledgment that planning permission needs to be obtained.

The site lies within an industrial estate which is considered in principle a suitable location for B Use Class industrial development, under which waste management facilities fall. Furthermore, the wood chipping operations would divert waste that could otherwise go to landfill, using up valuable void space, in line with the national waste strategy, national waste planning guidance, emerging regional waste policy and the saved policies of the development plan listed under planning policy above, providing these operations are located at an appropriate site.

However, waste management facilities and all other permitted development on industrial premises must operate in a reasonable fashion and not cause breaches of statutory nuisance, in addition to complying with planning and all other regulatory requirements. The concerns over human health and local amenities have been taken very seriously, hence the statutory notice issued by Environmental Health over dust, and after a meeting more information has been provided by the applicant. Since the serving of the legal notice there has been no evidence of a statutory breach concerning dust, although complaints have continued concerning noise and dust, and operations during weekday evenings, weekends and bank holidays.

Realistically the only basis the Council could have to refuse the application and serve a breach of condition notice for unauthorised use of the wood chipping facility is that the proposals constitute an amenity nuisance in terms of noise and dust, not a statutory nuisance. The issue of working late in the evenings, weekends and bank holidays can in future be addressed by issuing a breach of condition notice should further infringements occur. As already stated the operator has been sent letters warning him that he runs the risk of enforcement action if he carries out site operations that are in breach of the existing planning permission.

The temporary period of 12 months to any permission granted would be a trial period to see how well the site performs when carried out in accordance with the recommendations of the independent consultant's report on noise, the dust management plan and the amended hours of operations for the wood chipping facility.

However, Officers do not feel confident in recommending at this stage a permanent grant of planning permission for the wood chipping facility given the justifiable concerns of a local resident and various complaints to the Environmental Health Authority. But at the same time Officers are reluctant to recommend outright refusal given the independent consultant's report on noise that considers that these problems can be overcome, and a dust management plan having been produced. Officers will continue to monitor the situation but need to see what happens in practice before making recommendations on a permanent application.

In conclusion, subject to conditions, it is considered the proposal complies with local, regional and national planning policies.

**RECOMMENDATION:** Delegated authority be given to the Head of Planning & Transport to GRANT PLANNING PERMISSION for a temporary planning permission for 12 months for the variation of conditions 3, 4 and 7 of planning permission W2007/0673 for a wood chipping facility, which include provision for noise control, a dust management scheme and water drainage. As per Section 73 of the Town and

Country Planning Act 1990, to reissue the consent varying the conditions as follows (new words in **bold**):

New Condition 3.

"The development hereby permitted shall be limited to:

- (1) the storage, assorting and transfer of non liquid industrial & commercial, and construction & demolition wastes only, **other than wood chipping materials, across the entire site area shown on Plan No. 1; and**
- (2) **waste chipping operations within the southern area of the site only as shown on Plan No. 1 for a temporary period of 12 months from the date of this permission in accordance with the additional following requirements:**
  - (a) **the dust management scheme as submitted with the application.**
  - (b) **the operator shall not operate the wood chipping activity unless suitable and sufficient water suppression is active as to prevent dust emissions leaving the site boundary.**
  - (c) **the stockpiles of chipped wood should be located in a matter so as to prevent wind wiping of materials that may give rise to dust. This may require bunded areas or covering of the material.**
  - (d) **site operations are carried out in accordance with the recommendations set out on pages 15 and 16 of the Air Tech E.C. S. Ltd. Environmental Noise Assessment (R9107), dated 29<sup>th</sup> June 2009.**
- (3) **the site's water is drained through the site drainage system into an interceptor, which is maintained.**

At no time shall putrescible domestic refuse, hazardous or sludge be brought onto the site."

Reason: To define the permitted wastes, **protection of local amenities, protection of public health** and for the purpose of enforceability.

New Condition 4.

"Not more than 5,000 tonnes of permitted wastes as defined in condition 3(1) **and not more than 5,000 tonnes of permitted waste material for wood chipping as defined in condition 3(2)** shall be brought into the site in any calendar year. Records of the amounts of waste received shall be maintained and made available for inspection by the Council at all reasonable times."

Reason: To ensure compliance with the submitted application details, monitoring and enforcement.

New Condition 7.

"No operations authorized by this permission shall be carried out except between the hours:

- (1) **0800-1800 hours Mondays to Fridays and 1000-1600 hours Saturdays within the northern part of the site for permitted operations defined in**

**Condition 3 (1).** No such operations shall take place on Sundays and Bank or Public Holidays.

- (2) 0800-1600 hours Mondays to Fridays and 0930-1300 hours Saturdays within the southern part of the site for wood chipping operations as defined in Condition 3(2). No such operations shall take place on Sundays and Bank or Public Holidays.**

Reason: To safeguard the amenities of the area, monitoring and enforcement.

**INFORMATIVES**

Non Standard – Re Bank Holidays for the following 12 months.

For the avoidance of doubt, Bank or Public Holidays referred to in parts (1) and (2) of this condition are as following (\* denotes substitute days for 2010 and 2011): New Year’s Day (3<sup>rd</sup> January for 2011\*), Good Friday (2<sup>nd</sup> April for 2010), Easter Monday (5<sup>th</sup> April for 2010), Early May Bank Holiday (3<sup>rd</sup> May for 2010), Spring Bank Holiday (31<sup>st</sup> May for 2010), Summer Bank Holiday (30<sup>th</sup> August), Christmas Day (27<sup>th</sup> December for 2010\*) and Boxing Day (28<sup>th</sup> December 2010\*). In addition for 2012 only, there shall be no site operations on Monday, June 4<sup>th</sup>, the official extra bank holiday to celebrate Queen Elizabeth’s Diamond Jubilee.

SIE 17 – Minerals Area.

SIE 18 – Landfill Area .

SIE 20 – Contaminated Land.

**REASONS FOR APPROVAL:**

The principle of a waste management facility has been established on the site within an established industrial estate that is designated for Use Class B development. The proposed wood chipping facility will assist in diverting waste that would otherwise be landfilled, in line with the national waste strategy. Appropriate planning conditions can ensure that that the local amenities of the area are protected and that enforcement action can be taken if they are breached. However, permission should only be granted for a temporary 12 month period from the date of the permission is issued to see the practical results of the site’s operations in compliance with the recommended new conditions.

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Notes

## Agenda Type : A

W2009/0542 Approval of Reserved Matters in relation to the erection of 144 dwelling houses and apartments along with associated facilities \*\*\*\*\*AMENDED PLANS RECEIVED\*\*\*\*\* Muxton C2/C3, Marshbrook Way, Muxton, Telford, Shropshire. Recommendation Code: RMG - Ward: Muxton

APPLICANT:  
Morris Homes Limited

RECEIVED ON:  
02/07/09

PARISH  
Lilleshall & Donnington

WARD  
Muxton

CASE OFFICER:  
Kath Whitfield

OBJECTIONS RECEIVED: YES

Main Issues: urban design, access, drainage and landscaping

#### APPLICATION PROPOSALS

This is an application for approval of reserved matters for 144 dwellings comprising a mix of detached, semi-detached and terraced dwellings with 24 apartments set out in two blocks and a small number of 'flyover' apartments. The layout of the site is based on 5 main perimeter blocks separated by narrow shared surface roads. The blocks front onto Marshbrook Way, the main areas of open space and Granville Country Park at the rear of the site.

Access into the site is off Marshbrook Way where four main junctions are provided. An element of traffic calming along Marshbrook Way is provided with splitter islands by the main pedestrian links to and across Marshbrook Way. The dwellings fronting Marshbrook Way are served by private access roads/drives off the main access roads. The dwellings along the rear of the site are served by two cul de sacs along the Granville Country Park boundary. The two cul de sacs are linked by a footpath and cycle way to provide improved circulation for pedestrians and cyclists. Parking is provided by a mix of courtyard parking and on-plot parking. The detached dwellings have a minimum of 3 parking spaces including a garage. The smaller semi-detached and terraced houses have at least two parking spaces including a garage in many cases. 1.5 parking spaces are provided for the apartments and affordable housing mainly in rear courtyards. There is limited on-road parking available within the layout and this is mainly fronting the Crescent area and along the two cul-de-sacs at the rear.

The site is split into two main sections by an area of open space following the line of an existing ditch. This area will provide a main link for pedestrians (and cyclists) from Marshbrook Way to Granville Country Park. Two further areas of open space are provided at both ends of the site. These are at the eastern end fronting a crescent of terraced dwellings and Marshbrook Way and at the western end of the site adjacent to Donnington Wood roundabout.

The applicants are proposing to drain the site using SUDS in the form of a large pond at the western end of the site and a swale at the eastern end of the site in the

open area in front of the Crescent. This has resulted in the loss of the original surviving section of hawthorn hedgerow facing Marshbrook Way.

#### PLANNING HISTORY

Outline planning permission was granted for up to 190 dwellings in April 2007. This is the final area of Muxton to be developed. The outline permission was supported by a development framework which set out a master plan that was aimed at:

- Creating a place with its own distinctive identity that yet respects and enhances local character.
- Create a sustainable residential area that promotes links with the existing highway network and encourages permeability especially for pedestrians and cyclists.
- Creates a neighbourhood that promotes a design and layout that is both safe and accessible
- Creates a quality place which meets a range of needs through providing choice of dwelling size and character and other facilities.

This masterplan set out the broad structure for the development of the site based on perimeter blocks. Access into the site was to be from Marsbrook Way. Linkages between Marshbrook Way and Granville Country Park were to be provided and enhanced. It provided for the retention of the main landscape features and in particular the three areas of open space at each end of the site and the central strip. Sustainable Urban Drainage was also proposed.

#### SITE AND LOCATION

The application site is a crescent shaped area of land at the southern end of the Muxton housing area in the north east part of Telford. It is bounded to the north by Marshbrook Way, a primary distributor road for the Muxton area. On the opposite side of Marshbrook Way is existing low density residential development. Surrounding the site to the south, south-east and south-west is an area of dense woodland linking to Granville Country Park, a local nature reserve. To the north-west of the site adjacent to the existing housing is a site of special scientific interest. The site slopes shallowly from south to north and from west to east. It is currently used, in part, for grazing.

#### PLANNING POLICY

In the Local Development Framework Core Strategy the following policies are relevant:

Policy CS15 Urban Design

In the 'saved' policies of the Wrekin Local Plan the following policies are relevant :

Policy UD2 Urban Design

Policy UD4 Landscape Design

#### CONSULTATION RESPONSES

The play facilities officer has no objection in principle provided the contributions in the S106 agreement still apply.

The Highways Officer has no objections to the proposed accesses into the site off Marshbrook Way which were agreed in principle as part of the outline approval. Generally the layout and access arrangements are acceptable but need some minor tweaks in order to ensure that the roads are suitable for the Council's refuse vehicle and cars can access and exit parking spaces easily. There is limited parking available on the highway as the developer has chosen to provide grassed service strips rather than incorporating these areas into the homezones.

The Geotechnics officer generally has no objections in principle but has requested information on mineshafts, slope stability and contaminated land. Unfortunately slope stability in respect of the adjoining mound was not raised as an issue at the outline stage and can not be requested at this stage.

The Drainage Officer requested a flood risk assessment and a drainage scheme that ensures green field run-off for the site in accordance with the requirements of PPG 25 Development and Flood Risk. The amended surface water drainage proposals including rate of run-off are now considered acceptable.

The Environment Agency (drainage) has no objections to the amended surface water drainage proposals.

Lilleshall & Donnington Parish Council objects to the proposals for the following reasons and have requested that this application be considered by Plans Board:

- Inadequate drainage: It is considered that the current drainage scheme is overloaded. The site is also known to retain water and is quite boggy. There will be no where for the water from mound at the rear of the site to go and consider that there will be flooding in heavy rain. They accept that the details had previously been agreed with Severn Trent Water.
- Overdevelopment: 144 dwellings are too many for this site and Muxton does not contain developments 'condensed together which this development proposes to do'.
- Character and appearance of the area: It is queried why the design of the dwellings have been related to Ironbridge when Muxton has its own unique character.
- Schools: The schools in the area will struggle to meet the demand for places and children would have to go to several different schools encouraging transport by car contrary to Government requirements to reduce the use of the car.
- Shops and amenities: The site is some distance from local shops, supermarkets and amenities.
- Public Transport: There are no buses along Marshbrook Way.
- Traffic Matters: The development will greatly increase traffic volume in the area and could lead to an extra 216 vehicles using the roads. There is concern that there is not enough parking for the development which would result in on-road parking which will lead to traffic safety issues for children playing in the area.

The Landscape Officer now considers the amended landscape proposals acceptable.

The Environmental Maintenance Officer is prepared to accept the landscape proposals including the pond and swale for the surface water drainage as suitable for adoption and for future maintenance by the Council as agreed as part of the S106 agreement.

The Structural Engineer requires some additional information in respect of ground conditions and foundations in respect of the proposed pedestrian bridge across the stream. He also recommends a slope stability report is prepared for the mound at the rear of the site.

The Strategic Housing Officer has agreed to the location, types and sizes of the affordable housing proposed which comprises a mix of houses and apartments and includes two wheelchair standard units.

There have been 16 letters from local residents. In addition a petition with 149 names has been submitted these include some individual comments. These comments relate to the original proposals and do not take account of the amended drawings. Any additional comments will be reported to Plans Board. The main points of concern are as follows:

- The development will result in additional vehicles along Marshbrook Way which is becoming increasingly busy at peak periods and there are long delays at Donnington Wood roundabout. This will give rise to issues of safety for pedestrians, cyclists, horse riders etc and lead to an increase in accidents. It could impact on the provision of bus services. It is suggested that speed along Marshbrook Way need to be limited.
- There is a shortage of parking within the development which will lead to parking on the highway and footpaths including Marshbrook Way affecting safety. Courtyard parking does not work and people generally prefer private driveways and garages.
- Over developments of the site. Many objectors consider 144 dwellings too many. The density of the development should mirror the site opposite.
- Muxton has its own heritage and the designers should not be using 'Ironbridge' as their context. The design should also reflect adjacent housing. This should include using similar materials for boundary treatments to provide an element of unity between the existing and proposed development.
- The school is already oversubscribed and existing children will compete for places.
- Muxton is an area of family housing and too many smaller properties are proposed. The gardens are too small. Some residents have requested bungalows to be provided.
- The provision of affordable housing will reduce the value of both existing and proposed private dwellings. There is too many affordable housing being provided.
- There is a need for additional places for teenagers and additional facilities for residents in Muxton such as more shops, doctors/dentists etc. Bus stops are some distance from the development.
- Potential for flooding in surrounding areas as this open area will no longer be available to absorb run-off from Granville Country Park. It could exacerbate flooding down stream from the site. There is a need to protect children from in the areas of the swale and pond from accidents.

- Loss of countryside and impact of wildlife and potentially on SSSI at Muxton Marsh. No consideration has been given to wildlife. At present the site acts as a buffer zone between Granville Country Park and adjoining housing. It will also affect access to the Park.
- Concern about the height of some of the dwellings especially fronting the Crescent which is exacerbated by the difference in levels between the existing and proposed housing.
- Need to control building works
- Development on this site not necessary in the current economic climate.

## PLANNING CONSIDERATIONS

This application is for the approval of reserved matters. The principle of residential development for up to 190 dwellings was approved in the outline permission. This reserved matters application is for 144 dwellings. As part of the original outline proposals the applicants provided a development framework which set out the form and layout of the development in terms of providing perimeter blocks and the main areas of public open space as well as the principle of providing access off Marshbrook Way. Condition 4 of the outline consent required that the development to be carried out broadly in accordance with the development framework. The impact on the surrounding area and the local community was considered as part of the outline application and the S106 agreement. This provided for improvements to and improved access to Granville Country Park, contributions towards the provision of primary school places in the locality, contributions for maintenance of the landscape open areas and the transference of two of them to the Council, a contribution towards off-site play provision and the provision of 30% affordable housing to be split equally between shared ownership and social rented dwellings. In addition a cycle way along the frontage of Marshbrook Way is to be provided together with a contribution for its extension along this road.

In terms of the design philosophy for this development the applicant suggests that it has been designed to reflect the traditional development of an 'estate' over a number of years with the two apartment blocks designed to represent a 'manor house' and 'dower house'. The remainder of the site provides a mix of housing suitable for 'artisans and workers' in the form of simple terraced units, and plots for 'skilled professionals' and 'merchants' in the form of large detached plots. The Crescent at the eastern end of the site provides the largest principle block overlooking the area of open space. This provides a grand entrance to the Muxton 'estate'. There is, therefore, a mix of house type and sizes throughout the site. As required by the approved development framework the layout is based on perimeter blocks with frontage development along Marshbrook Way and along the lanes at the rear of the site towards Granville Country Park. Some of the house designs have been amended to reflect the 'Sutherland' style found in Muxton with a range of window heads and cills to provide a more local context. These are to be found on key plots within the development.

The design and layout of the site is now considered acceptable and meets the requirements set out in policy CS15 of the Core Strategy and 'saved' policy UD2 of the Wrekin Local Plan, though final comments from the Highways Officer in relation to the latest detailed amendments received are still awaited. This is to ensure satisfactory access and turning for the refuse vehicle, provision of service strips, and

satisfactory access and egress from the parking spaces whether on plot or within parking courtyards together with adequate visitor parking. Any further comments from the Highways Officer will be reported at Plans Board.

The dwellings directly fronting Marshbrook Way are mainly large detached 4 and 5 bed dwellings with on plot parking provided though there are a few 3 bed detached dwellings. These dwellings largely reflect the size of dwellings on the opposite side of Marshbrook Way. In addition the dwellings have been set back from the edge of the road to provide a landscaped area of open space between the dwellings and the footpath cycleway. The Crescent area is separated from Marshbrook Way by a large area of open space.

Forty three affordable dwellings have been provided with a mix of apartments, one bed fly-over apartments and 2 & 3 bed houses and two four bed units. Two of the apartments have been designed to be wheelchair standard. This represents 30% affordable housing provision as required by the S106 agreement for this site. The provision of affordable housing with a mix of social rented and share ownership will provide future residents with a mix of tenure options in accordance with good practice set out in PPS 1 Delivering Sustainable Development and its requirement to develop mixed communities.

Following considerable negotiations, surface water drainage of the site has been designed so that flows away from the site do not exceed green field run-off as required by PPS 25 Development and Flood Risk. The proposals have been designed to be capable of managing the 1 in 100 year flood plus 30%. The surface water will be held back on the site in a pond at the western end of the site and a swale at the eastern end of the site. Unfortunately the design of the swale has resulted in the loss of the former hedge line at the eastern end of the site which it had been envisaged would be retained in the development framework. The Council's ecologist has confirmed that this hedge is of little ecological value as it comprises only one species and does not connect directly to the adjoining woodland. The loss of this hedgerow means that a more usable area of open space can be created in front of the proposed crescent as the swale will not contain water all year. Where the sides of the pond and swale are fairly steep fencing has been provided together with planting to improve safety. Additional planting is proposed to replace the loss of the hedgerow.

The applicants have provided detailed landscape plans for the open areas of site. These provide for additional planting, some benches and litter bins, additional accesses from the site and Marshbrook Way into Granville Country Park. A public art feature is proposed at the western end of the site but details of this have yet to be submitted. The main open areas of the site will be adopted by the Council together with a commuted sum for future maintenance. The western area of open space was excluded from the S106 agreement but will need to be adopted by the Council in order for the use of a pond for surface water drainage to be acceptable to Severn Trent Water. This has been agreed in principle by the Developers. The landscape proposals are considered acceptable and in accordance with 'saved' policy UD4 of the Wrekin Local Plan.

Concern has been expressed about the impact of the development on traffic along Marshbrook Way and the potential for further delays at Donnington Wood roundabout particularly at peak hours. It has been suggested that access into the site should be provided off Donnington Wood roundabout off the existing spur rather than from Marshbrook Way. Marshbrook Way was originally designed as the distributor road for Muxton capable of carrying 2000 vehicles per hour. Traffic counts on Marshbrook Way in 2003 during peak periods was 230 per hour. Whilst there has been some development since 2003, this together with the current site will fall within the design parameters of Marshbrook Way. Delays at Donnington Wood roundabout are likely to be due to levels of traffic on Donnington Wood Way rather than Marshbrook Way. There will only be a small impact on Donnington Wood roundabout from this development and this would be the same whether Marshbrook Way or the spur off the roundabout is used to provide access into the site. The use of Marshbrook Way to provide access into the site was, in any event, agreed as part of the outline proposals and shown on the development framework.

The accident rate along Marshbrook Way between 2001 and 2008 has been very low. There were two reported accidents. One involved a stolen vehicle and the second one appears to have been a result of driver error. No pedestrians or cyclists were involved. It is not considered that this additional development will result in an undue increase in accidents.

A speed survey taken in 2003 suggests that 85% of vehicle speeds are 31.3 mph westbound and 30.9 mph eastbound which is felt to be reasonable for a 30 mph road. In addition the applicants will provide 4 pedestrian splitter islands along the Marshbrook Way fronting the site to help reduce traffic speeds and thereby improve pedestrian safety. In addition a footpath/cycleway is to be provided along the site frontage.

The revised layout plans provide some additional on-road visitor parking especially along the Crescent and along the proposed lanes at the rear of the site. Parking courtyards are proposed for the apartments, the terraced blocks along the Crescent and the areas of affordable housing where parking demand is usually less than for private housing. Some visitor parking has been provided within the courtyards. Otherwise on plot parking is provided. The level of parking provided is considered acceptable and in accordance with current standards.

Cycle storage has been provided for the apartment blocks and within the parking courtyards. A refuse strategy has been provided with bin stores to meet current Council requirements.

There has been considerable objections to the development from local residents particularly in the form of a petition. Many of the objections relate to the principle of development which has already been agreed with the grant of outline permission. Issues relating to this approval of reserved matters application such as design, drainage, highways have been considered as part of this report.

It is considered that the design and layout of this development is now acceptable and complies with the design landscape requirements set out in policies CS15 of the Core Strategy and 'saved' policies UD2 and UD3 of the Wrekin Local Plan and

includes reference to the local 'Sutherland' vernacular style. It is broadly in accordance with the development framework set out in the outline planning permission in terms of form and layout and provision of public open space. It provides a mix of house sizes, types and tenures as required by PPS 1. The development fronting Marshbrook Way comprises detached dwellings set back from the highway to reflect the dwellings opposite. In Highway terms the accesses off Marshbrook Way, the internal road layout and parking provision are considered acceptable. The surface water drainage arrangements meet the requirements of PPS 25 in relation to flood risk. The landscape proposals will enhance the site. It is, therefore, felt that this reserved matters application should be supported.

Finally it is noted that this site has received funding under the Government's kickstart programme to bring forward new housing development.

**RECOMMENDATION : GRANT APPROVAL OF RESERVED MATTERS** subject to the following conditions:

1. A8 Reserved Matters time limits
2. C118 Amended drawings received 13 & 14 January 2010
3. B15 Samples of materials
4. Non Standard – details of windows, doors, chimneys, benches and bins
5. Non Standard – No utility boxes on front and public elevations of the dwellings
6. Non Standard – Rear pedestrian accesses to be gated
7. Non Standard – Details of public art to be provided on site
8. B33 On site construction and site environmental management plan
9. C80 Landscape implementation
10. B25 Landscape management plan for public open space outside the existing S106 agreement
11. Non Standard – agree timetable for construction of surface water drainage proposals
12. Non Standard – construction and foundation details of bridge to ensure no damage to the banks of the stream
13. c86 Provision of car parking.
14. Non Standard - The pond and swales shall be subject to a safety audit by RoSPA and their recommendations in terms of signage, provision of equipment etc shall be implemented in full before any dwellings are occupied or in accordance with a time table to be agreed by the LPA.

#### Informatives

- Sie 17 (exercise caution)
- Sie 18 (within 250m of a landfill site)
- Sie20 (contaminated land)
- Sie27 (Outline planning conditions apply)
- Sia 6 (Section 106 agreement)

#### REASONS FOR GRANT OF APPROVAL OF RESERVED MATTERS.

The principle of residential development on this site was approved in the outline planning permission for up to 190 dwellings in 2007 (W2003/1238) subject to a S106 agreement to provide for, among other things, 30% affordable housing, contributions

towards additional school places generated by the development, off-site play provision improvements and provision of public open space. These proposals for 144 dwellings broadly comply with the development framework approved as part of the outline permission providing a layout with perimeter blocks, a mix of house types, sizes and tenures, and landscaped open space. The layout, design, access, parking, drainage and landscaping proposals are considered acceptable and comply with the requirements of the Core Strategy and 'saved' policies in the Wrekin Local Plan.

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Notes

## Agenda Type : A

W2009/0881 Erection of 170no. dwellings with associated infrastructure and formation of new access Hadley Quarry, Hadley, Telford, Shropshire.  
Recommendation Code: FG - Ward: Ketley & Oakengates

APPLICANT:

RECEIVED ON:  
05/10/09PARISH  
Hadley & LeegomeryWARD  
Ketley & OakengatesCASE OFFICER:  
Gareth Thomas

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Housing Policy, scheme viability, Investment, Brownfield Land, Access, Land Stability, Design.

## SITE DESCRIPTION:

Hadley Quarry is located at the eastern edge of Hadley and is an active clay quarry serving the adjoining Blockleys Brickworks and is subject to a long term programme of extraction and reformation. Quarrying has recently been completed in the south-west corner of the quarry and has been back-filled with overburden from the quarrying activities towards the north-east. The planning application covers a site area of 6.35 Ha and comprises the south-west corner of the quarry. The southern boundary comprises the railway line and the northern boundary abuts existing residential development comprising part of the Far Vallens estate.

## THE APPLICATION:

The application seeks full planning permission for 170 residential units and comprises the first phase of the redevelopment of the Hadley Quarry. This phase of development will be accessed from a realigned Hadley Road. Planning permission for that road was granted by planning permission W1998/0714 issued on 20 May 2005, which granted permission for the extraction of clay across the entire quarry site. A breakdown in the mix of house types is provided in the following table:

	Number	Size – Sq Ft
2 Bed Houses	45	29,070
3 Bed Houses	68	60,039
4 Bed Houses	43	47,654
Others	6	6,127
Affordable Houses	8 (5%)	6,540
<b>TOTAL</b>	<b>170</b>	<b>149,430</b>

Clay deposits continue to be worked at the quarry which in total covers 26.6 Ha and is being quarried to a 20-year programme of extraction and restoration. The clay deposits within the application site have been removed and the land has been back-filled with overburden from the quarrying process and other materials stored on site, leaving the application site suitable for alternative development.

The proposal indicates two principal accesses from the realigned Hadley Road which link proposed internal estate roads before routing back onto Hadley Road. Pedestrian and cycle connections are shown throughout the scheme linking the proposed development with Waterloo Close and the Hadley local centre beyond.

In addition to the Design & Access Statement, the application is supported by a Masterplan that clearly explains the vision and rationale for the development. A jointly agreed 'vision' for the development was agreed in 2007 and reads as follows, to:

*'Transform Hadley Quarry through the creation of a sustainable neighbourhood, well connected to Hadley Centre, set within a new network of public green space that strengthens relationships with neighbouring communities that enable them to thrive.'*

There are a number of physical constraints that have influenced this development proposal that Members should bare in mind as this application is considered; these include:

- The need to re-align Hadley Road to serve the development
- Surface water requirements including the need to reinstate the existing watercourse and provide attenuation pond on site
- The need to have regard to existing residential development that occupies land to the north of the application site
- The need to have regard to improve and enhance transport corridors, improved pedestrian/cycle connections
- Noise and vibration constraints from the railway line to the south and the Phase 2 of the quarrying activities as part of permission W1998/0714
- The need for re-modelling of site topography
- The need to avoid development over existing mine shafts
- The need to respect quarry high walls, which require careful design including specific foundation options

The Masterplan seeks to establish key design principles, including:

- Pedestrian and cycle link to existing facilities, including Hadley Learning Centre via Waterloo Close and to maximise such links into the existing urban fabric
- Provision of links to bus routes on Waterloo Road and Hadley Road
- 'Home Zones' principles including shared surfaces that provide safe environment and priority to pedestrians
- Existing rear gardens running along the entire length of the northern boundary given careful design – by locating rear gardens to the proposed dwellings backing onto existing rear gardens
- Green spatial network connecting existing green structure and recreation spaces
- LEAP provision on site
- Provision of an informal linear green 'park' running roughly east-west, linking onto the new Hadley Road

A 'design code' approach has been adopted that further helps to understand the design philosophy employed here and will help ensure a well designed design solution at this location. A distinct character area has been defined, where the

overall character is created by various parameters relating primarily to urban form – building types, heights, materials, block principles and those relating to urban space – streets and spaces. The applicants maintain that the 170 dwellings will be set in a landscaped setting which protects existing boundary features and creates new features of ecological value and integrates them into an “attractive public realm”.

The scheme seeks to respond to existing established residential development in the area, which is characterised by a dominance of 3 and 4 bedroom semi-detached houses and terraces built in the 1950s and 1960s arranged in medium sized properties and plots and the Etruria Village, which consists of smaller dwellings. Beyond is the Telford Millennium Community (TMC). Both the latter developments seek innovative design solutions based on perimeter blocks and distinctive street frontages and building lines.

The current proposals of 170 dwellings propose only dwellings and no apartments. The applicants argue that the density is lower than expected as a result of the need to provide adequate stand-offs from existing mineshafts, the need to provide adequate distance from the railway line, the need to reinstate existing watercourses across the site to integrate with the open space, including the provision of attenuation pond and the need to protect residential amenity of existing properties. Home Zone principles are applied throughout with an emphasis given to pedestrians. A ‘LEAP’ is proposed within the site. It is not clear at the time of writing this report whether it is expected that the Council provides this facility with contributions towards provision and future maintenance or the developer with maintenance contribution. Either way, the Council will require section 106 obligations setting out its requirements and agreement to the full design. The Outdoor Recreation Officer points out that there will need to be a 20 metre buffer zone between the LEAP and residential properties. Further, there needs to be agreement on phasing of provision, suggesting it be provided upon completion of the 50<sup>th</sup> dwelling on site. The amount of funding proposed may be insufficient and the Council should not be placed in any position that places undue burden on Council resources; on this latter point, the developer may seek to establish its own maintenance agreement separately with individual householders, but this is rarely successful in practice. The section 106 needs to be fluid on this point so that Leisure & Recreation can provide adequate costing estimates.

Existing rights of way which lie on the southern and western edges of the site are retained in their current alignments. The RoW connection to the east will also remain although beyond the site, this will be lost as it enters the quarrying area. The site is within walking distance of bus stops on Waterloo Road and Hadley Road/Church Street. Footpaths provide safe routes to these facilities. A 3m wide foot/cyclepath link is proposed from Hadley Road westwards into the site which runs through the open space spine. At the western end it links with Waterloo Close via a designated foot/cyclepath connection, providing direct access to the pedestrian crossing of Waterloo Road and the cycle link to Hadley Learning Community and Hadley Centre. Foot/cycle links are provided to Far Vallens to the north and to the existing RoW to the south of the site.

The proposal indicates 52 two bedroom units, 75 three bedroom units and 43 four bedroom units. The proposal allows for a 5% affordable housing provision, which is substantially less than policy would require – see later commentary.

#### PUBLICITY AND CONSULTATION:

Hadley & Leegomery Parish Council: (i) A condition of any consent should prevent construction traffic via adjoining residential areas; (ii) Concerned at the low level of affordable housing; (iii) Concerned at increased level of traffic and impact on adjoining residential areas. The s106 contributions to traffic management is considered too low to militate against impacts on surrounding residential areas.

Land Contamination Scientific Officer: No objections subject to conditions requiring site investigation, risk assessment and mitigation strategy (if deemed necessary)

Highways Management: Transport Assessment has been provided – concludes that the development can be accommodated on the local highway network; mitigation proposed include :- (i) Traffic management scheme along Church Street to be secured via s278 of the Highways Act; (ii) Mini roundabout at junction of Hadley Road/Sommerfield Road – to be secured via s278; (iii) Toucan crossing at Sommerfield Road tying into The Silkin Way, to be secured via s278; (iv) Two bus stops along the diverted Hadley Road; (v) Travel Plan. There are certain technical deficiencies relating to the proposal as submitted – revised plans seek to deal with these issues and are currently being reviewed by Highways.

Outdoor Recreation Officer: There remain certain ambiguities in relation to the responsibility for provision and maintenance of the proposed local equipped play area together with a lack of detail; conditions required for adoption of trees; LEAP needs slight relocation to provide 20m buffer from homes; Suggest “triggers” for section 106 contributions.

Affordable Housing Officer: Social Housing Grant via HCA is allocated for the period 2008/11 and therefore SHG is unlikely to be available for this development. If a developer considers that they can only provide as low a figure as 5%, then perhaps an appraisal by the District Valuer would be appropriate. Until we have evidence that they can only provide 5%, the Council should continue to require between 25% and 35% affordable housing depending on the unit types and sizes. For example we could accept a lower percentage e.g. 25% if there was a larger number of 4 bed houses included in the mix.

Engineering Services (Geo-technical): (i) Site may be affected by shallow mining and from clay workings – shallow mining investigation necessary; (ii) Mineshafts: there are six mineshafts within the site boundary with varying treatment – proposals show 20m standoffs; further justification is necessary – also note POS is proposed within the 20m standoffs – must be treated to acceptable standards and this could include additional s106 maintenance requirements. (iii) High Walls – TWC do not routinely permit development over high walls. Prior to determination the following is necessary:

- Demonstration of the zone of influence of settlement

- Detailed foundation design and if piled foundations proposed, demonstration of how differential settlement and inundation settlement will not cause issues.
  - Details of excavated and recompacted areas over the high wall and mitigation
  - Demonstration that there are no shallow mining voids within the high wall area
- (iv) Earthworks: A large stockpile, overlying the highwall, is present in the south east of the site. Need to demonstrate settlement characteristics for this stockpile;  
In summary, we are not happy at this stage to recommend that the development can go ahead since there are still significant geotechnical issues to be overcome and therefore we recommend refusal.

Engineering Services (Drainage): Recommend conditions to cover the following:

1. The existing drainage layout for the site shows the pool connecting to a public foul sewer. This is not acceptable. Details on a satisfactory discharge point should be submitted.
2. Full microdrainage calculations showing the relationship between the tanks and pool on site should be submitted. These calculations should also include details on contributing areas.
3. The design of the pool shows some 1 in 1 slopes. This is unacceptable. The pool should have a minimum gradient of 1 in 3 for maintenance purposes. Details of a revised pool design should be submitted.
4. Details on the relationship between the SUDS systems and the maintained ditch course should be submitted.
5. A full drainage layout showing pipe sizes and numbers should be submitted. (might be worth adding the standard condition about no development should take place until scheme of foul and surface water drainage has been submitted and approved)

#### Education Authority

Proposed Contribution from Phase 1 Development at Hadley Quarry has been assessed at £900,000

The development area will generate pupils for whom the local school is HLC Primary. As there are no available places currently or projected, it is proposed that s.106 funding will help contribute towards providing an additional 120 places at HLC Primary in order to offset the increased demand for places. It is also necessary to extend the next nearest schools, Teagues Bridge Primary School and the Meadows Primary School to cope with the expected knock-on effect of oversubscription. (All three extensions will need to include associated ancillary areas and accommodation such as toilets, circulation etc.)

The above proposed contribution is based upon the expected cost of the provision of the new accommodation that is proposed directly associated with the development. These figures have not been identified through formula.

The Council's Planning Service is currently drafting a Development Plan Document (DPD) covering developer contributions as part of the Local Development Framework (LDF) process. The DPD suggests a levy per new dwelling is applied for new development, and this would also apply to Children & Young People. The intention is that, in an area where there is less than 5% surplus, a fixed cost per dwelling will be applied to the new development. The level of the contribution

suggested within the DPD draft is expected to be around £4,500 per dwelling based on 2007-08 Department for Children, Schools and Families (DCSF) cost multipliers.

Given the situation at Hadley Quarry and the prospects of further development coming forward at later phases, the requirement can be reduced by a third, to a minimum of £600,000. Anything less than this figure is likely to cause undue strain on education services. Suggest half on commencement and half on completion of 170<sup>th</sup> unit if this is deemed a reasonable compromise.

Environment Agency:

Drainage/Flood Risk:- generally supportive of Flood Risk Assessment. Ground conditions not conducive to SUDS but attenuation to control surface water run-off is desirable. Suggest condition requiring flood routing exercise to prevent inundation of foul sewer. Suggest conditions including minimum floor levels, non-infiltration of SUDS; control of flows, balancing pond and reed bed, reinstatement of watercourse, risk assessment of contamination and remediation strategy/implementation, piling and infiltration of groundwater arising

Objections have been received from four neighbours on the Far Vallens housing estate to the north on the grounds of wishing to protect residential amenity, privacy and ensuring adequate boundary arrangements.

PLANNING POLICY CONSIDERATIONS:

Planning Policy Statement No 1 (PPS1) – Delivering Sustainable Development (2005) - prioritises brownfield land over the use of Greenfield land; commitment to provide a mix of good quality homes, including affordable dwellings.

PPS3 – Housing (2006) – mix of market and affordable, particularly in terms of mix of tenures and price; improve choice; sustainable locations with access to community facilities, jobs, services, infrastructure; ensuring development makes an effective use of land.

PPG13: Transport (2001) – in terms of sustainable locations and access to public transport.

West Midlands Regional Spatial Strategy (RSS) – Phase 1 Review – promotes the development of previously developed land, promoting a high quality environment and sustainable development capable of being accessed by a variety of transport modes. Policy UR2 – Improve prospects for regeneration; CF2 – Development should be focussed on locations capable of balanced and sustainable growth; CF3 – Housing targets – TWC to deliver 1,330 units p.a. to 2011 and 700 units between 2011 and 2021; CF4 – re-use of land and buildings for housing – 53% of Telford's housing to be on achieved this way; CF5 – Delivering affordable housing at right mix and tenures; QE3 – achieving high quality design; T2 –reducing the need to travel especially by car.

West Midlands Regional Spatial Strategy (RSS) Preferred Options 2007 – amends housing targets – 26,500 dwellings 2006-2026

Wrekin Local Plan:

UD1 – reinforcing local distinctiveness

UD2 – Design criteria

UD3 – Urban Design

H12 – residential Development – criteria based approach requiring standards of amenity, layout and design, integrated pedestrian/cycle paths, access for people with disabilities, design/orientation.

H23 – Affordable Housing – target of 38%

T17 – Access and movement – via traffic calming and maximum speeds

T22 – Planning Obligations

LR6 – Developer contributions to Outdoor recreation space

Telford Core Strategy:

CS1 – Homes reflecting RSS targets

CS3 – Telford – focus for Borough's spatial development supporting its role as a sub-regional centre

CS15 – Urban Design

In terms of its status in planning policy terms, the site is recognised in the Preferred Options Land Allocation DPD as a site that could create a sizeable new neighbourhood in the centre of an urban area with physical, social and economic links with the TMC. Along with the remainder of the 24 Ha quarry, phase 1 could provide in excess of 100 dwellings with opportunities later for up to 600 units.

**PLANNING CONSIDERATIONS:**

The principle of residential development is considered acceptable, on the basis of the proposal being a large scale regeneration of this brownfield site. The local facilities of Hadley Centre are within close walking distance, as is the Telford Millennium Community and the new Hadley Learning Community. Connections to primary bus routes and local community facilities would therefore be available. Members will need to consider whether the development of the former quarry at this particular location with residential use would be a benefit to the area. The site does in fact benefit from being a highly sustainable location and its relationship to local facilities is recognised.

The application is made in full with all issues required to be addressed as part of the application proposals. In terms of scale of development, a density of just below 27 to the hectare is proposed, lower than would normally be encouraged. But this density reflects land stability issues at this location, including the presence of six mine shafts within the site boundary and the need for minimum stand-offs that has created the opportunity in turn of introducing significant green spaces throughout the development area. The density is lower than the adjoining Etruria Village housing but given the physical constraints that exist with redeveloping on a former quarry the subject of historic mining, this should not be considered unacceptable.

A detailed Masterplan was prepared and this was the subject of public consultation in June 2007. The Masterplan indicated a vision for the development of the entire Hadley Quarry. This overall masterplan seeks to demonstrate how future phases could be linked in to the development of phase 1 (this application). It is clear that provided a certain level of infrastructure is provided as part of this proposal, in particular the realigned Hadley Road link with Church Street, the proposals for the

application site can function on their own but with the knowledge that the scheme can also connect with any future proposals for further phases of development. A Design Code has also been prepared which has informed the design process by identifying character areas within the site and helping to establish identifiable squares, tree lined avenues and parkland frontages. A mix of 2, 3 and 4 bed houses are proposed, primarily family housing. The layout demonstrates a perimeter block approach to the development generally with active frontages onto adjacent highways with private space to the rear of plots. It is considered that the design approach is acceptable and follows sound urban design principles.

A realigned Hadley Road is proposed, which will also serve the purpose of enabling further quarrying operations to take place over the 20-year programme approved at Hadley Quarry. A very positive feature of the proposals is the connectivity of the development to existing residential areas, community facilities and bus routes by both pedestrians and cyclists. Public transport enhancement is proposed through the provision of two new bus stops on Hadley Road and a toucan pedestrian/cycle crossing across Summerfield Road. In addition, the proposals allow for a traffic management scheme to reduce traffic speeds along Church Street.

The scheme design has been influenced to some degree by the site's technical constraints and a number of technical reports have been submitted as part of the proposals. Six mine shafts are located within the site. Moreover the entire southern boundary of the site adjoins the Birmingham-Shrewsbury main railway line. Soil conditions have influenced the drainage of the site. Ongoing discussions are taking place between the applicant's technical consultants and officers from your Engineering Services to demonstrate that adequate technical justification exists to enable the development to proceed in a safe manner. Members are asked to note particularly the comments received from the Council's engineers above and that the recommendation to support is entirely conditional upon satisfactory resolution of outstanding concerns and issues.

In terms of drainage, unfortunately, soil conditions are unsuitable for SUDS drainage. Instead, it is proposed to "reinstate" former 'lost' water course, which will drain to an open attenuation pond before discharging to public sewer. This has been designed as part of the landscaping scheme for the site and is deemed acceptable.

The provision of affordable housing is lamentable and although the applicants are keen to work with the Council and HCA to provide affordable housing, it is clear that funding through Social Housing Grants will not be available for this development at this particular time. The appraisal submitted by the applicant indicates a 5% affordable housing provision (all social rent) or 8% if all shared ownership if the scheme overall is to remain viable. This equates to just 8 houses for rent or 14 shared ownership units. Members will need to form a view on the reduced provision but the DVS acknowledge that the scheme is not viable at present residential land values and thus the affordable housing offer has been justified. However this view is on the basis of current values and it is quite reasonable to anticipate that there will be an uplift in values going forward and this needs to be kept under review.

Public open space provision appears reasonable but there remains some uncertainty regarding the precise details of the proposed LEAP and the requirements for

adoption. It is felt that these issues can be resolved as part of the section 106 Obligation. There is the option available to the developer to seek his own maintenance regime/management plan and, if this is the case, the only requirement for the Council is to ensure that the provision is detailed to match policy expectations. Again, this can be achieved through the use of planning conditions.

#### PLANNING OBLIGATIONS PACKAGE:

The applicants have provided a viability assessment in support of their offer of planning gain via a section 106 and this has been checked by the DVS. The applicants propose a package of £1.7 million consisting of the following section 106 package:

• Education Contribution	-	£531,000
• LEAP – Commuted Sum	-	£232,635
• POS Maintenance – Commuted Sum	-	£ 48,000
• Bus Stops on Hadley Road (realigned)	-	£ 16,000
• Traffic Management to Church Road	-	£ 33,000
• Toucan Crossing Summerfield Road	-	£ 15,000
• Travel Plan	-	£ 88,500
<b>TOTAL</b>	-`	<b>£989,135</b>

This leaves a sum of £695,200 to support affordable housing provision and, as described elsewhere in this report, this residual amount is insufficient to support affordable housing provision at the policy target. The figures have been checked and the DVS maintain that the applicant's figures are challengeable on a number of fronts, including the evidence relating to sales values, build costs and possibly abnormals (site specific requirements for additional costs). Clearly the scheme as designed is not viable in the current market conditions if policy provision in relation to section 106 contributions is required by the Council. There is a difference of opinion of land values in excess of £400,000 and at the time of preparing this report, the applicants had not been given the opportunity to review the DVS conclusions. Of greater relevance possibly is that the programme for this development is scheduled over a six year period and if sales rates increased by only 10% over this period and costs remained the same, an additional £2.2m could be generated. In accepting the premise for a reduced level of contribution at this time, the DVS believe that overage provisions should be sought in any section 106 Agreement. This would enable the Council and the developer to review the financial assessment at three-yearly intervals. This could release further funds for affordable housing provision at a later date.

A yet further 'complication' (at least in terms of the package of contributions being sought) has arisen during the most recent meeting with the applicants. This relates to the suggestion that off-site highway contributions listed above could more reasonably be met using Highway legislation rather than through the section 106 route. It was also noted that the scheme proposals indicate trees within the adoptable highway limits – this would necessitate a financial contribution towards ongoing maintenance of £350 per tree. Traffic Regulations Orders necessary for highway management proposals would also incur costs.

The applicant developer has suggested that they would prefer the section 278 (highway adoption) route to off-site highway provision, secured firstly by way of a

Grampian condition within the section 106 Obligation and planning permission and then through section 278 of the Highways Act. At this time the costs necessary to facilitate the off-site highway works could be stripped out of the above table of bullet points provided they be required via planning conditions. The values of these elements are taken as read at the present time but it will be for the local highway authority to deal with these at a future date. Simply, the costs of these works could go up or down but it should be concluded through agreement separately with the LHA.

Contributions towards education provision remain a problem, with the applicants proposing a contribution of £531,000 but the Education Authority requiring £900,000 (£735,000 on the basis of the standard formula. However, the Authority has recognised the difficulties in this instance and has suggested a reduction to a minimum of £600,000 with phased payment. This is a reasonable request in the view of your officers.

Finally, and in line with all recent planning obligations, a sum of £10,000 is required for the ongoing monitoring and administration of the Agreement. .

#### CONCLUSIONS:

The current application has been the subject of protracted discussions and presentation of evidence over many months and needs to be considered in accordance with the policies contained within the Development Plan and other material planning considerations, including national planning guidance on bringing forward previously developed land. .Your officers believe that the planning balancing exercise is heavily influenced by the very positive regeneration elements of the proposal and the opportunities to develop this brownfield site itself located in a highly sustainable location. The .development does not provide the extent of planning contributions that the Council would normally seek from a development of this nature and there is a considerable shortfall. However a financial appraisal has been submitted and verified by the Council's consultants, which has concluded that the scheme is not viable at current residential values; although there is some dispute as to the precise residual value of the site. In broad terms this would equate to a further four affordable housing units for rent.

Subject to the further clarification of geo-technical aspects of the proposal, highway design matters and clarification and details of public open space provision your officers are content that a favourable recommendation can be given to this proposal.

#### RECOMMENDATION:

That upon the signing of a section 106 Agreement to secure the provision of 12 number affordable housing units for rent, the payment of £600,000 towards education provision (50% at commencement and 50% at completion of 100<sup>th</sup> dwelling on site), £280,635 towards provision of LEAP and open space maintenance (to be provided prior to occupation of the 25<sup>th</sup> dwelling on site), and transportation infrastructure schemes to be provided prior to occupation of any dwellings on site (Bus Stops on Hadley Road, Traffic Management Works to Church Road, Mini Roundabout at Hadley Road/Summerfield Road junction and Toucan crossing at Summerfield Road) plus a further £10,000 towards Travel Plan monitoring, the payment of £5,000 per Traffic Regulations Order and payment for the adoption of

trees within highway land based on £350 per tree and a contribution of £10,000 towards the ongoing monitoring and administration of the Agreement (paid on commencement of development) and there being no objection from Engineering Services on geotechnical grounds following the submission of further technical evidence and from the Local Highway Authority, the Head of Planning & Transportation is delegated to grant planning permission, subject to conditions to be reported as a late item, together with conditions advised by the Engineering Section and LHA and to further vary the terms of the section 106 Obligation upwards should the Leisure Services consider that the Open Space provision within the Heads of Agreement is insufficient to allow the LEAP and open space management to be adopted by the Council. The said Agreement to be reviewed on the expiry of three years following the date of the Agreement and a viability appraisal to be undertaken by the DVS or body appointed by the Council with all costs met by the applicants and if residual values is found to result in increased developer profit the overage be shared with the Council at a rate of 50%.

Members are advised that it has not been possible to frame conditions at the time of writing this report. Members are however invited to consider the principle of development, the reduced offer of section 106 contributions, having regard to the DVS considerations and advice and the need to continue discussions to resolve outstanding land stability concerns and highway design issues.

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Notes

## Agenda Type : A

W2009/0981 Erection of two storey side and rear extension with porch to front  
 (Revised submission of W2009/0568) \*\*\*\*\*AMENDED  
 DESCRIPTION\*\*\*\*\*AMENDED PLANS RECEIVED\*\*\*\*\*  
 33, Sinclair Gardens, Ketley, Telford, Shropshire. Recommendation Code: FR -  
 Ward: Ketley & Oakengates

APPLICANT:  
 Mr Matthew Highway

RECEIVED ON:  
 04/11/09

PARISH  
 Ketley

WARD  
 Ketley & Oakengates

CASE OFFICER:  
 Anna Robinson

COUNCILLOR RHODES HAS REQUESTED THAT THIS APPLICATION IS  
 CONSIDERED BY MEMBERS AT PLANS BOARD.

OBJECTIONS RECEIVED: No.

MAIN ISSUES: Scale and design, Character and appearance, Impact on adjoining  
 residential amenity.

THE PROPOSAL:

The application seeks permission for the erection of a two storey side and rear  
 extension and porch to the front.

The application is an amended resubmission of the previous application which was  
 refused by Members at Plans Board on 23<sup>rd</sup> September 2009 as it was considered  
 that the gable roof was an incongruous feature that detracted from the character and  
 appearance of the property with its hipped roof, the pair of semi-detached properties  
 and the streetscene. Furthermore, the scale of the extension and in particular the  
 rear projection would be detrimental to adjoining residential amenities, which failed to  
 comply with the "45 degree Code" guidelines.

The scheme has been amended from the original application with the front extension  
 now having a hipped roof design which reflects the established building form of the  
 property itself and those in Sinclair Gardens, with pairs of semi's having hipped  
 roofs. This has therefore overcome one of the previous refusal reasons.

However, no changes have been made to the overall scale of the development and  
 its proximity on the boundary with the adjoining properties. Thus officers still  
 consider that the scale of the combined extensions and the 4 metre rear projection  
 would have an unduly harmful impact on neighbouring amenity. Officers do not  
 therefore consider that the second reason for refusal on the previous application has  
 been overcome by this application.

THE SITE AND SURROUNDINGS:

The application site comprises an existing 3 bedroomed two storey red brick and  
 part-painted/rendered semi-detached property with a hipped roof. The pair of semi's  
 has been altered with different canopies to frontage; however the form and design of

the property and other semi-detached properties in the street is principally symmetrical, with hipped roofs and a single central chimney. A number of properties in Sinclair Gardens have two storey side extensions, but the hipped roofed design and the general symmetrical form and pattern of development has been maintained. The hipped nature of the semi-detached properties is a strong street scene feature.

The property has a driveway to front and side and further informal parking of vehicle on garden frontage, with relatively long narrow garden area to rear. The dwelling has an existing upvc conservatory and garage to rear. The application site is located in an established residential area.

#### CONSULTATION RESPONSES:

Ketley Parish Council has expressed concern that the plans show the proposed extension located right up to the boundary, leaving no emergency access to the rear of the property.

The Council's Environmental Engineers recommend approval subject to conditions regarding shallow mineworking and landfill gas mitigation measures along with informatives relating to former minerals area, location of landfill gas and contaminated land.

#### PLANNING HISTORY:

W2009/0568 Erection of a two storey side and rear extension with porch to front  
Refused at Plans Board 23rd September 2009.

Other properties in Sinclair Gardens have had two storey side extensions – recent applications: W2000/0139 (No.6), W2001/0356 (17) and W2003/1209 (18)

#### POLICY CONTEXT:

National policy guidance  
PPS1 Delivering Sustainable Development

Wrekin Local Plan 1995 – 2006  
UD2 Design Criteria

Core Strategy  
CS15 Urban Design

#### PLANNING CONSIDERATIONS:

The development comprises two storey side, rear and front extensions which would project 2.3m at the side to the shared boundary with No.32 Sinclair Gardens, 4.1m at the rear, along the boundary with No.34 and 1 metre in front of the existing building. The extensions would provide ground floor accommodation comprising a large dining room at the rear and nearly 13m long garage with vehicular access points at both ends. The property already has 3 bedrooms, but the applicant wishes to extend the existing property rather than move away from the area they enjoy. The proposed extensions would result in 3 large bedrooms, study and bathroom on the first floor and a further 2 bedrooms in the roof space, resulting in the property having 5 bedrooms.

Officers have no objection to the erection of extensions of an appropriate scale, design and form and have indeed granted planning permission for a number of two storey extensions to other properties in Sinclair Gardens. However, in this instance it is the size, scale and overbearing nature of the proposed extensions that are of concern to officers.

Since determination of the previous application, the applicant has indicated what could be built without needing planning permission and officers have reassessed the plans against The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, with regard to what would constitute permitted development.

Under permitted development, the applicant could erect a smaller two storey rear extension that was 3m in length provided it was set 2m away from the boundary with No.34 Sinclair Gardens. However, the proposed two-storey rear extension (along the boundary with No.34) requires planning permission because it extends out with a 3 metre projection from the rear of the original property, it is only 0.3 metres from the boundary and the height of the eaves exceeds 3 metres.

With regards the two-storey side extension along the boundary with No.32 planning permission is required because the extension is located beyond the side elevation of the existing property; it exceeds 4 metres in height and comprises more than one storey.

With regard to planning policy, the relevant design policies at national (PPS1) and local level (UD2 and CS15) seek to ensure that development relates positively to its context, in relation to the scale, massing, form and materials etc. PPS1 states that *“Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted”*.

The substantial two-storey extension is considered to be disproportionate in scale in relation to the existing dwelling and the pair of semi-detached properties. Whilst the majority of the development would not be visible in the streetscene, the rear projection would have a significant detrimental impact on the amenities of adjoining residential properties, in particular the adjoining semi-detached property, No.34 Sinclair Gardens, as it would be overbearing and lead to loss of outlook to the neighbour.

Officers assess domestic extensions with regard to the “45 degree Code” guidance, which seeks to protect a reasonable area of open space outside windows of adjoining properties by ensuring that the proposed development does not impinge on angles of view measured from the neighbour’s windows. The proposal would not comply with the “45 degree code” guidance and officers consider the proposed scale and mass of the two storey extension would lead to a loss of outlook from their principle windows only 1 metre away at both ground and first floor due to the position and proximity of the two-storey element of the extension and have an overbearing effect on the residents of No.34 Sinclair Gardens. As such, the development does not comply with requirements of policies UD2 of the Wrekin Local Plan, CS15 of the Core Strategy and PPS1.

Officers acknowledge that the applicant would not require planning permission for a reduced two-storey rear extension (at the rear of the original dwelling only and located at least 2 metres from the shared boundary). The permitted development version of the extension would still breach the 45 degree Code; however with a 2 metre setback from the shared boundary, there would be a clear 4.5 metres from the quarter point of the principle window to the rear projection, and this would ensure a more acceptable area of open space, and would have less of an adverse impact on the adjoining residential amenity.

Officers also acknowledge that the applicant has amended the design of the side extension to incorporate a hipped roof so that it reflects the design of the property and those in the street. However officers do not consider that the amended roof design alone overcomes previous concerns. The overall scale and size of the combined extensions to the property would be inappropriate and the development as proposed would have an overbearing effect and severely reduce the outlook and amenities from windows at the neighbouring property (No.34 Sinclair Gardens).

**RECOMMENDATION:** to REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed extension is considered unacceptable by reason of its size and scale and the two storey rear projection would have a detrimental impact on adjoining residential amenity. The development would be overbearing and lead to a loss of outlook to the neighbouring properties, in particular No.34 Sinclair Gardens, and would not accord with the Council's "45 degree Code". The development would therefore fail to comply with Policy UD2 of the Wrekin Local Plan 1995 – 2006, Core Strategy policy CS15 and national guidance contained in PPS1.

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Notes

Agenda Type : A

W2009/0993 Erection of detached outbuilding to provide ancillary accommodation  
Coppice House, Rodington Heath, Shropshire. Recommendation Code: FG -  
Ward: Wrockwardine

APPLICANT:  
Mr Paul Knowles

RECEIVED ON:  
11/11/09

PARISH  
Rodington

WARD  
Wrockwardine

CASE OFFICER:  
Elizabeth Attwood

OBJECTIONS RECEIVED: No.

MAIN ISSUES: The principle of new residential development in the open countryside, impact upon the character and appearance of the area and residential amenity.

PROPOSAL:

This is a full application for the erection of a detached outbuilding to provide ancillary accommodation.

HISTORY:

W2009/0175 for an attached building (providing additional accommodation) was withdrawn prior to refusal as the proposed development could not be supported due to the scale, form, massing and design and detrimental impact upon the main dwelling house and the streetscene.

This application is a resubmission of a previously approved scheme W2009/0498 for the erection of detached outbuilding to provide accommodation ancillary to the dwelling.

The original application was approved with conditions including a personal permission and the building should be converted to an outbuilding/garage when it was no longer required by the applicant's dependants; this had been discussed on site and the applicants agreed at the time.

Restriction to ancillary accommodation was necessary as otherwise the development would be contrary to both local and national policy as it would amount to a 'new dwelling' in the open countryside. However, when the planning permission was received by the applicants they were not happy with the restrictions hence this second application which will include a legal agreement (Section 106) which will ensure that the building remains as ancillary accommodation to Coppice House but can be sold with Coppice House in the future but not as a separate dwelling.

POLICIES:

The following policies are considered relevant in determining this application:  
Wrekin Local Plan:  
UD2 Design Criteria.

Core Strategy:  
CS1 Homes,  
CS7 Rural Area  
CS15 Urban Design.

National guidance:  
PPS1 Delivering Sustainable Development.  
PPS3 Housing  
PPS7 Sustainable Development in Rural Areas.

#### SITE AND LOCATION:

The site is located in the Open Countryside as designated in the Wrekin Local Plan; Coppice House is a previously extended cottage occupying a reasonably sized corner plot. The cottage is rendered and painted white and has a plain clay tiled gable roof. The closest neighbour is a detached modern bungalow with 1.8m timber panel fencing along the common boundary and agricultural fields to the rear.

#### CONSULTATIONS:

A site notice and 3 direct neighbour letters have publicised the application; no comments or objections have been received.

The Council's Highway Engineer has no objections.

The Council's Drainage Engineers has advised that a Soakaway Test is undertaken to ensure that the ground has suitable for soakaway drainage of the surface water.

The Parish Council have no objections.

#### PLANNING CONSIDERATIONS:

Inter alia, policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively their context. It advises the Council to assess proposed development in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality.

Additionally, policy CS7 limits housing development in the rural area to High Ercall, Tibberton and Waters Upton and Moreover, policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment.

National guidance contained in PPS1: Delivering Sustainable Development, asserts that development should be of high quality design, respond to local context and should reinforce local distinctiveness. High quality design should add to the overall character and quality of an area, not just for a short time but over the lifetime of the development. Where proposals are inappropriate in their context or they fail to improve the character and quality of an area, the proposal should not be accepted.

Furthermore, PPS3 gives Government advice on new housing developments, amongst other issues it states that development should:

- maintain and improve local character,

- be easily accessible and safe,
- be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access,
- create, or enhance, a distinctive character that relates well to the surroundings.

Whilst PPS7 promotes more sustainable patterns of development, focussing most development in or next to villages and discouraging the development of 'Greenfield' land

The annex is required to provide accommodation for the applicant's daughter and her partner whilst they save for their own property. The proposed development is detached from the main dwelling house a set it back in the site to ensure that the original dwelling house is the dominant feature and the outbuilding is subservient.

The scale and detailing of the proposed building are considered respectful and sympathetic to its surroundings. The front elevation resembles a double garage and the double height glazed window elevation is not visible in the public domain.

Both local and national policy prevents new residential development in unsustainable rural locations, nevertheless, as the outbuilding is ancillary to the main dwelling house the proposal is deemed acceptable and the applicant has agreed to enter into a S106 agreement rather than conditions which will ensure that the building is not used as a separate dwelling and is only used for the immediate dependants of the applicants as outlined in the supporting information with the application.

Parking provision is not affected and adequate private amenity space is retained.

The Highway engineer has no objections and the drainage engineer has requested conditions in relation a soakaway test.

The siting of the proposed building has been increased from 900mm to 1500mm away from the common boundary on the request of the occupier of the neighbouring dwelling. Furthermore, there are no windows in the gable wall of the neighbouring property; as such there will be no significant impact on residential amenity.

Accordingly, the development is considered acceptable and compliant with both local and national policies and therefore recommended for approval with conditions.

**RECOMMENDATION:** Subject to the applicant entering into a Section 106 agreement with regards to the proposed development remaining linked to the main dwelling as ancillary accommodation, delegated authority is given to the Head of planning to GRANT PLANNING PERMISSION subject to the following conditions:

1. A3 - full with no reserved matters.
2. C68 - materials to match the existing building.
3. B65 - soakaway test.
4. B18 - details of doors and windows and finish.
5. D127 - restrictions of separate use (ancillary use only).
6. D131 - no additional windows or openings formed.

7. Sie22 (conditions)
8. Sie26 (reasons for grant of permission)
9. Sia6 (section 106 Agreement)

**REASONS FOR APPROVAL:**

The Local Planning Authority considers that the siting, scale, design and appearance of the proposed outbuilding is acceptable and will have no adverse impact within the streetscene or wider landscape. Furthermore, the use as ancillary accommodation is acceptable, and the imposition of a condition and signing of a S106 agreement will ensure that the building is not occupied as a separate dwelling due to its unsustainable location in the open countryside. Adequate parking and private amenity space is retained and there will be no detrimental effect upon residential amenity.

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Notes

## Agenda Type : A

W2009/1015 Erection of 20.no dwellings following demolition of existing barns (replacement of extant planning permission W2007/0213) Church Farm Yard, Preston Upon The Weald Moors, Shropshire. Recommendation Code: FG - Ward: Church Aston & Lilleshall

APPLICANT:  
A. Allen & G. Bushby

RECEIVED ON:  
20/11/09

PARISH  
Preston Upon the Weald  
Moors

WARD  
Church Aston & Lilleshall

CASE OFFICER:  
Anna Robinson

OBJECTIONS RECEIVED: No.

MAIN ISSUES: Principle of development, setting of Listed Building, extant commercial use, extant planning permission, design and appearance.

THE PROPOSAL:

The application seeks planning permission for the erection of 20no. dwellings following the demolition of the existing barns.

This is a resubmission of W2007/0213, which is an extant planning permission but which will expire in May 2010. Approval of the current application would enable the time limit for implementation of the scheme to be extended for another 3 years. The current application is a replacement of the extant permission and no revisions have been made to the approved design and layout.

Both the previous and current applications represent departures from respective local planning policy. The main change between approval of the previous application and this resubmission of the scheme is the adoption of the Local Development Framework Core Strategy in December 2007 with its further limitation on new residential development in the rural area. The other matters that are material to the consideration of the application remain, namely the extant commercial/industrial use of the buildings on site and the impact of these buildings on the Grade 1 listed Trust Homes. Whilst the commercial business has currently ceased on site, the permission lies with the land and the use could be rekindled. A number of commercial operators have carried out a variety of activities on the site including storage and distribution and light industrial use.

The principle issue for consideration is whether sufficient weight can still be given to these other material matters which would outweigh planning policy and therefore justify a departure from policy. Members also need to consider the "fallback" position - the 20 dwellings as approved by W2007/0213 could be implemented prior to expiry of the application in mid-May if pre-commencement conditions were discharged and development commenced before then. The approved scheme has not been implemented yet as the developer, Bentley Homes were taken into administration in October 2008. The current Applicants are the Joint Receivers of Bentley Homes.

#### THE SITE AND SURROUNDINGS:

The application site comprises a vacant, overgrown piece of land, with existing steel and asbestos farm buildings to the northwest corner and concrete roadway/yard. The site is bounded by metal security fencing and timber fencing, and is surrounded by lanes to the north, east and southern boundaries. The commercial use ceased in 2004 and the buildings have remained vacant.

The site is on the edge of the village of Preston, with the Church of St Lawrence located to the north east, and the Grade 1 listed Trust Homes site located on the western boundary of the application site, with agricultural land to the south. The private access track to the Trust Homes runs directly to the north of the existing substantial steel buildings, and new dwellings (which were enabling development associated with the restoration/conversion of the Trust Homes), face the buildings. The access to the Trust Homes is dominated by the steel buildings.

#### CONSULTATION RESPONSES:

There is no formal Parish Council in Preston; however the Chairman of the Village Meeting advised that at a recent village meeting, the local residents were very supportive of the proposal and has made the following comments:

- No changes from previous application, which was discussed in detail between the planners, local residents and applicants to establish a suitable scheme
- The Developers, Bentley Homes have gone into receivership and the site has been put up for sale
- Preston is not one of the settlements where rural development will be located (Core Strategy Policy CS7), thus contrary to policy
- Original application was contrary to policy, but there were exceptional circumstances, and the current buildings were harmful to the Grade 1 listed building
- Current barns pose significant health risk, constructed in asbestos
- Residents remain concerned that barns could revert to industrial/commercial use with associated traffic problems

The Fire Authority advises that sufficient access must be provided for emergency fire service vehicles, and water supplies for fire fighting purposes are required. In addition a sprinkler system would be beneficial and would reduce the rate of production of heat and smoke.

The Council's Highways Engineer confirms that in principle there are no highways objections to the proposal. The comments are made on the premise that the existing discharge of highways conditions are still in place

The Conservation Officer states that the proposals must be high quality development adjacent to a grade 1 listed building. She therefore considers it is essential that any consent includes stringent conditions to ensure the quality of detailing, materials and construction respect the original design concept. This includes the boundary treatments which were also a vital element of the original design. Overall the development must ensure a satisfactory form and appearance, having regard to the proximity of the site to the Grade I listed building, to protect the setting and character of the listed building.

Environmental Health advise that due to past uses on the site, land contamination is a material consideration and therefore a condition should be imposed regarding submission of a remediation scheme.

Landscape & Recreation has outlined the previous application would provide a commuted sum to the local school to develop community facilities, and therefore in line with the previous approval and WLP policies LR4 and LR6, they have requested a sum of £600 per property to enable provision of improved recreational facilities for the community.

The Environmental Planning Assistant states that there is potential bat foraging habitat in the local area and that bats and birds roosting in the buildings could be affected by the demolition. Surveys are required to establish whether protected species are present in the building.

The Environmental Policy Officer asserts the developer is required to provide a statement to demonstrate that the proposal is a valid and sustainable design solution which responds to PPS1 (social progress, protection of the environment, prudent use of natural resources and economic growth/ employment).

#### PLANNING HISTORY:

W2007/0213 Demolition of existing barns and erection of 20no. dwellings.

The application was a Departure from the Wrekin Local Plan (WLP) and was not in conformity with the Regional Spatial Strategy (RSS), but it was considered the removal of the existing commercial use on the site would be an improvement to the site and the setting of the adjacent Grade 1 Listed Building. It was approved by Members at Plans Board on 25<sup>th</sup> April 2007, subject to a S106 dated 18<sup>th</sup> May 2007 with the following contributions:

- £35,000 towards traffic management measures on the local highway network
- £16,000 towards education facilities
- £10,000 towards offsite leisure facilities
- 4no. rented social housing units

Development at adjacent Grade 1 listed building, Preston Trust Homes:

W2002/0107 & W2002/0108 Enabling development for conversion, retention and renovation of the listed building, including Conversion of the main building to 10 apartments and Erection of 5 new Dwellings with garaging

#### POLICY CONTEXT:

National guidance

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS7 Planning in the Rural Area

PPG15 Planning and the Historic Environment

Local Development Framework Core Strategy

CS1 Homes

CS7 Rural Area

CS14 Cultural Historic and Built Environment

## CS15 Urban Design

Wrekin Local Plan  
UD2 Design Criteria  
H24 Affordable Housing Rural Exceptions Policy

**PLANNING CONSIDERATIONS:**

National, regional and local policy outline new development should be focussed in sustainable locations which have the benefit of a range of services and facilities. Preston does not constitute a sustainable location, as it has limited services and facilities, other than a primary school and to this effect the village of Preston-on-the-Weald Moors is not one of the three key rural settlements in the Borough where development will be focussed to meet local needs, as set out in policy CS7 of the Council's Core Strategy, which was adopted in December 2007. Housing would only be considered acceptable in Preston where a proposal constitutes an exception, such as affordable housing where there is evidence of local need or dwellings for agricultural/forestry workers.

The previous planning approval was a departure to the RSS and WLP, with no demonstrable need established for affordable housing in the village. At that time Preston was not one of the listed rural settlements in the WLP policy H9. However, it was considered that there were material considerations sufficient to outweigh planning policy. It was considered that removal of a commercial business with its unsightly asbestos buildings and HGV traffic in the centre of the village would improve the amenities and living conditions of local residents and enhance the setting of the village itself. In addition the removal of the commercial buildings would significantly enhance the setting of the Grade 1 listed building, which adjoins the application site. The proposals were designed to have a careful sympathetic design and layout that was intended to replicate a model farm with traditional buildings. The proposal includes dwellings with the appearance of brick barns, estate cottages and farmhouse. The properties would have active frontages on to the existing lanes, reflecting the character of established development within the village.

Saved Policy H24 of the WLP refers to exception sites of 8 affordable dwellings within the rural area and this policy was in force when the previous application was approved. Whilst the application for 20 dwellings (then and now) is significantly greater than 8 dwellings and only 20% would be social/affordable housing (not 100%), this level of social/affordable provision was considered sufficient by the Housing Strategy Officer in considering the previous application, and no recent Parish studies have been carried out to establish if current local housing need has changed. Furthermore, achieving affordable housing provision for development in the rural area has not been very forthcoming, especially in this difficult economic climate; therefore, securing rural affordable housing still necessary.

Policy HE19 of the WLP regarding the setting of listed building has not been 'saved'; however the content of the policy is relevant in the consideration of the application, as previously. As outlined in national guidance PPG15, high or bulky buildings can affect the setting of a listed building, or alter historic views. In this regard, it is considered that the proximity and scale of the existing steel buildings are harmful to the setting of the Grade I listed building. The structures are located at the entrance

to the Trust Homes and create an overbearing and discordant feature within the village, particularly when combined with their extant commercial/industrial use. It is considered that their removal will improve the character and appearance of this area and enhance the setting of the listed building and the Church of St Lawrence, located opposite.

With regard to the design and layout of the scheme, this remains unchanged from the previous approval. The design and layout is still considered sympathetic and appropriate now in this location in close proximity to the listed building and historic church.

The Council's Housing Strategy Officer has confirmed that the previously agreed provision of 20% affordable/social dwellings is acceptable.

The Highways Engineer, Capital Planning Officer (Children & Young People) and Landscape & Recreation have confirmed that the respective financial contributions of £35,000 towards traffic management measures on the local highway network, £16,000 towards education facilities and £10,000 to provide offsite leisure facilities for the community are acceptable.

#### CONCLUSION:

Preston is not a chosen settlement for housing, under the Core Strategy; however this was the case under WLP policy H9 under which the previous application was considered. The proposal comprises 20 dwellings and would not provide 100% affordable housing (then and now). This was, and remains contrary to the rural exceptions housing policy (H24).

The 'fall back' position is that the previous extant application for 20 dwellings (with 20% affordable) could still be built, even with the Core Strategy in place. Whilst the numbers of dwellings exceeds 8 and does not propose 100% affordable provision, the material considerations that were relevant at the time of the previous application still stand today, namely removing unsightly commercial buildings and offering the opportunity to enhance the setting of the significant Grade I listed building, as well as removing the extant commercial use with HGV traffic through the village that will enhance the amenities and living conditions of local residents.

Therefore whilst Section 38 of the 2004 Planning Act requires development to be in accordance with the Development Plan, officers consider that there are material considerations in this instance that serve to justify the development even with some conflict with policy CS7 of the Local Development Framework Core Strategy and policy H24 of the Wrekin Local Plan. The application has been advertised as a departure.

**RECOMMENDATION:** Delegate Authority to Head of Planning & Transport to APPROVE PLANNING PERMISSION subject to the applicant entering into a S106 agreement to provide 20% social/affordable housing, £35,000 towards traffic management measures on the local highway network, £10,000 towards offsite leisure facilities and £16,000 towards education, and subject to the following conditions:

1. A3 - Time limit

2. Samples of all external materials for approval
3. Details of brick bond; sample panel brickwork
4. Details of exact mortar mix for approval
5. Joints shall be finished flush
6. All gutters, downpipes etc. to cast iron/cast aluminium
7. All doors/windows to be timber set back min. 75mm
8. Details of windows, doors, external joinery for approval
9. Details of roof windows for approval
10. Details of exterior pipes, rainwater goods, meter boxes etc. for approval
11. Details of proposed colour scheme/finishes of redecoration for approval
12. B19 - Details of enclosure
13. B23 - Landscape design
14. B26 - Landscape maintenance
15. B33 - On site construction
16. B34 - Mud on road
17. Contaminated land
18. B50 - Foul and surface water drainage
19. C75 - Tree Protection
20. D125 - Removal of permitted development rights
21. D129 - Use of garages

#### REASONS FOR APPROVAL:

The principle of residential development on the site has already been agreed in principle by the extant planning permission W2007/0213. The proposal is considered acceptable as the development of the site would remove the extant commercial use of the existing buildings and their harmful impact on the Grade I listed building. The layout, form and design of the proposed development will preserve the character and appearance and improve the setting of the listed building and adjacent properties in Preston-on-the-Weald-Moors.

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Notes

## Agenda Type : A

W2009/1030 Erection of 1no. retirement bungalow (Outline) Land to rear, 9, Bratton Road, Admaston, Telford, Shropshire. Recommendation Code: OLR - Ward: Wrockwardine

APPLICANT:  
Cllr A G P Williams

RECEIVED ON:  
08/12/09

PARISH  
Wrockwardine

WARD  
Wrockwardine

CASE OFFICER:  
Valerie Hulme

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Residential amenity, highway safety, backland development.

## PROPOSAL:

The proposal seeks outline consent for the erection of a detached bungalow to be used as retirement accommodation.

## SITE &amp; SURROUNDINGS:

The site is currently garden land to the rear of 9 Bratton Road, a modern detached dwelling forming part of a ribbon development at Bratton. The application site consists of the rear portion of the back garden measuring approximately 15.5 metres in width by 26.5 metres in length and would be accessed via an unmade single width track which abuts the western boundary of the development site and runs along the rear gardens of the eleven neighbouring properties and is off a track which serves Moors Farm and Moors Farm Cottage. The site is currently used as private amenity space; the applicant also owns a further piece of land measuring approximately 27m x 170m on the opposite side of the dirt track.

To the north of the development site amenity area associated with 8-10 Bratton Road is located. Immediately south of the development site a detached two storey dwelling is located fronting the access track. This has a relatively small rear garden which sites adjacent to the rear gardens of 11-14 Bratton Road. Amenity area for this dwelling fronts the dwelling, divided only by the access track.

Further west of the access track the urban boundary runs north to south as defined in the Wrekin Local Plan, segregating the development site to the open countryside. The area is considered semi rural, as per previous Inspector's decisions around the area.

## HISTORY:

There has been a long history of refusals for backland residential development on this site and the neighbouring properties.

## Site specific:

- Application W91/0539 for a 3 – 4 bed dwelling with alteration to the existing vehicular access to the rear of no.9 Bratton Road, refused on 24<sup>th</sup> September 1991. The proposal was considered contrary to the countryside policies of the Local Plan; visual intrusion into the open countryside,

inadequate access, effect on residential amenities, and the setting of an undesirable precedent.

- PE/2005/0899 for residential development in his rear garden; the applicant was advised on 29<sup>th</sup> November 2005, that the proposal was unlikely to be supported on grounds of backland development, contrary to character, access, and land in open countryside.
- W2006/0265 for the erection of 1 retirement home, refused 21<sup>st</sup> April 2006; and dismissed at appeal on 11<sup>th</sup> September 2007 on the grounds of backland development, harmful intensification of the of development and change of character of the area; and inadequate access to the site having detrimental impact on highway safety.

Surrounding area:

- W89/1079- Full planning for a detached bungalow in the rear garden of 21 Bratton Road. In addition consent was granted under planning application W89/0921 for a further bungalow to the rear of the curtilage of no.21. This latter permission had access directly from the roadway leading to Moors Farm.
- W89/0661- Outline application refused for the erection of a four bed two storey dwelling in the rear garden of no.11 Bratton Road; this involved the formation of a long drive from the track to Moors Farm. The application was refused on the grounds of undesirable backland development, intrusion into the open countryside, inadequate access, loss of amenity and undesirable precedent.
- W89/0989- An identical planning application was subsequently approved by Members of the Plans Board contrary to Officer Recommendation. The same reasons for refusal stated for planning application W89/0661 were given.
- W2002/0294 for the erection of a dwelling in the rear garden of no.16 Bratton Road was refused on 9<sup>th</sup> May 2002. The proposal was considered inappropriate backland development, which would result in an unacceptable relationship with the adjoining development contrary to the character and appearance of the area. In addition the access was considered unsatisfactory and insufficient information regarding the proposed drainage of the site was submitted.
- W2005/0708 Outline application for the erection of a dwelling to the rear of no. 18 Bratton Road was approved on 15<sup>th</sup> November 2005. This application was considered acceptable as the plot had a frontage onto an existing access road. Therefore, it was not considered to be backland development. Furthermore, the Council's highway engineer had no objections to the proposal as it was considered that the proposal would not intensify this area which was currently used as parking, and parking for the existing dwelling was relocated to the front of No 18.
- W2005/1019 Outline application for the demolition of no.21 Bratton Road and the erection of five dwellings was approved on 28<sup>th</sup> February 2005. This proposal which is to be accessed from Bratton Road was considered acceptable and complied with both national and local policy.
- W2006/0401 and W2006/0421, for the erection of dwellings in the rear gardens of no.8 and no.10 Bratton Road, either side of this site; these were both refused on 9<sup>th</sup> May 2006 on the grounds of backland development and highway safety.

**POLICIES:**

Telford & Wrekin Core Strategy DPD 2007

CS1 Homes

CS15 Urban Design

Wrekin Local Plan 1995-2006 (Saved Policies)

UD2 Design Criteria

H6 Windfall development in Telford & Newport

National Policies

PPS1 Delivering Sustainable Development

PPS3 Housing

PPG13 Transport

**CONSULTATION RESPONSES:**

The Councils Highway Engineer has objected to the development on the grounds that the access leading to the site is substandard in that the junction it makes with Bratton Road has restricted visibility, and any intensification in its use would be of detriment to highway safety. Based on observed vehicle speeds of 20mph at the point where the private access meets Bratton Road, the visibility splay at this junction when following Manual for Streets guidance should be 2m x 25m. Due to third party land implications to the left of the junction this splay cannot be achieved. On site observations demonstrate that any exit manoeuvre from this junction is almost blind for the driver to vehicles approaching from the left. The actual measured visibility splay to the left is 2m x 2m which is significantly less than the Manual for Streets guidance. Bratton Road to the north of the junction serves in excess of 20 residential dwellings meaning there is notable traffic movements from this direction travelling south across the junction especially at an AM peak hour. The private access does serve a number of existing dwellings but it is considered that intensification in the use of this substandard access as a result of this application would be of detriment to highway safety and therefore a material consideration in the determination of this application. This is consistent with those comments made by the Planning Inspectorate regarding W2006/0265.

The Councils Drainage Engineer has raised no objections to the development subject to full drainage details to be submitted at the reserved matters stage. Furthermore development should be restricted to Greenfield runoff rates in line with the requirements of PPS25, such details should also be submitted at the reserved matters stage.

The Parish Council reiterates the fact that the property has already had a refusal for a similar development W2006/0265 was refused and subsequently appealed.

Three letters of objection have been received from two local residents on the grounds of:

- **Poor access:** Single track, unable to allow 2 cars to pass; poor state of repair – and significant hazard for anyone with disability; no material change since previous refusal and appeal decision; inadequate access for emergency vehicles; poor visibility; Inspector commented that normal max

is 5 units for shared access. This will have more than 5 units on a private access which is longer than a normal private drive.

- **Set precedent for other developments:** as per adjacent applications which were refused at the same time as the appeal.
- **Loss of Privacy and impact of noise** for increased use of the areas to rear of private gardens.
- **Backland development:** detrimental to the essential character and appearance of the area; create new pattern of development; harmful intensification of the area
- **Inadequate design and access statement:** does not state how this will affect local people; lack of compliance with the Wrekin Local Plan; lack of consultation; inadequate access – does not address reasons for refusal.
- **Restriction on occupancy:** previously rose at the hearing, as there was no restriction on occupancy the house is a standard dwelling house.
- **Consideration of the application** following refusal and the dismissed appeal two years previous; appellant had chance to challenge the decision at High Court and chose not to pursue this. This is considered an attempt to circumvent the legitimate legal process.
- **History of other refusals** on this track in addition to this site.

One letter from a neighbouring property has been received raising no objections, but would not expect any repercussions regarding noise complaints regarding his workshop which has existed close to the site for the past 25 years.

Two letters of support have been received from local residents on the grounds of:

- The applicants health has deteriorated over recent months and is now in **need of increased care**; the proposal will enable the applicant to remain in Bratton amongst familiar surroundings, her family, friends and neighbours.
- Proposal will **provide needed housing** for the increasing over 65 population.
- Proposal **will not increase the amount of traffic or create additional noise**
- Subject to retention of existing hedge, proposal will not have detrimental impact on visual amenities or outlook to adjacent property.
- **Existing dwelling** already located on this track, this has not caused any problems due to its location.

#### PLANNING CONSIDERATIONS:

The previous application refused in 2006, and dismissed at appeal was refused for

the following reasons:

1. The Local Planning Authority considers that the residential development in the rear garden of number 9 Bratton Road constitutes inappropriate backland development, and the subdivision of the existing curtilage would lead to an undesirable intensification to the detriment of the essential character and appearance of the area. Accordingly, the proposal is

deemed contrary to Policies UD1, UD2 and H6 of the adopted Wrekin Local Plan 1995 – 2006.

2. The Local Planning Authority considers that the proposed development is inappropriate as the means of access off the unmade track is unacceptable due to its restricted width, construction and sub standard visibility; as such it is unsuitable to serve any further residential development, as it would be prejudicial to the safety of users of the track and the Public Highway. Accordingly, the proposal is deemed contrary to Policies UD2 and H6 of the adopted Wrekin Local Plan 1995 – 2006.

The application was subsequently dismissed at appeal, a copy of which can be found in the attached appendix.

There is no material change between the refused and the proposed application.

The site outlined for development has no formal allocation in the Wrekin Local Plan, and lies just within the built up Boundary of Telford as defined in the Wrekin Local Plan. The following polices were previously considered and remain relevant for this planning application:

PPS1 outlines that design must be appropriate in its context and should improve the character and quality of an area, and that if a development fails to achieve this, it should not be accepted.

PPS3 states that; Good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. It continues by saying amongst other issues that, matters to consider when assessing design quality include the extent to which the proposed development:

- Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.
- Creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

'Saved' policy H6 states that housing development will be permitted on land within the built up area, on sites less than 0.4hectares subject to meeting the following criteria:

- The site can be adequately accessed and parking provided;
- The site can be adequately drained;
- The site can be adequately remediated regarding issues of land stability and contamination;
- The proposal does not have an adverse impact on the local environment, especially in relationship with adjacent land uses; and
- The proposal shows a high quality of design.

'Saved' policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively their context. The Council will assess it in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access and spatial quality.

Since the date of the dismissed appeal additional policies contained within the Core Strategy have been adopted. Guidance contained in policy CS1 asserts that housing development will seek to provide every household in the Borough with an affordable, decent and appropriate home. CS15 states that development should positively influence the appearance of the local environment, strengthening local identity and projecting a positive image, reinforcing the Councils stance on Urban Design.

The Design and Access statement submitted with the application does not address the previous refusal reasons, nor the Inspectors comments. Alternatively it creates its case by describing the site, the surrounding area and its access. The statement asserts that there is a need by the applicant to build a retirement home for himself and his wife, whilst the dwelling will be occupied by the family of the applicant. The application has however been submitted as an outline application for a dwelling, with no reference to annex accommodation to the dwelling, having no connection to the main dwelling accessed separately and subdivided from the main dwelling. In line with the Inspector's comments whilst described as a retirement home, as there is no restriction on the type of occupancy, the dwelling is actually a dwelling house which can be sold on the open market when no longer required, and sold separately to No 9 Bratton Road. Consequently as the proposal has not materially changed since the last application, which was dismissed at appeal by the Planning Inspectorate, and both local and national planning policy not only remains the same but has been reinforced by the Core Strategy, there are no substantive issues to overcome the grounds of refusal.

Subsequently it is officers opinion, in line with the previous refused applications and the Inspectors decision that the proposal will have a detrimental impact on the 'semi rural' character of the surrounding area, introducing a new pattern of development, and setting a precedent for further development along this access track, causing harmful intensification of development and changing the character of this area. Furthermore the proposal will generate sufficient traffic to prejudice the highway safety of users on the grounds that the proposed access has inadequate visibility and is of considerable length which is one car width, with insufficient passing opportunities. Consequently the proposal is contrary to Local Planning Policies H6, UD2, and CS15, in addition to national planning policies PPS1, PPS3, and PPG13.

**RECOMMENDATION:** to REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed development in the rear garden of No 9 Bratton Road will be located in a quiet buffer zone between farmland and the adjacent ribbon development of Bratton Road, subsequently the proposal will constitute as inappropriate backland development, creating a new pattern of development in this semi-rural area. Furthermore the proposal will set an adverse precedent for further development on this track, and would cause a harmful intensification of development and detrimentally change the character of the area. Accordingly the proposal is contrary to 'saved' policies H6 and UD2 of the Wrekin Local Plan, CS15 of the Core strategy and guidance contained within national planning policy statements PPS1: Delivering Sustainable Development and PPS3: Housing.

2. The proposed development is inappropriate as the means of access off the unmade track is unacceptable due to its restrictive width, construction and substandard visibility; furthermore the existing private drive is currently used by five dwellings, the normal maximum allowed for use of a shared private access; subsequently the proposed intensification of use would prejudice the safety and freeflow of highway users. Accordingly the proposal is contrary to 'saved' policies H6 and UD2 of the Wrekin Local Plan, and guidance contained within national planning policy statements PPS3: Housing and PPG13: Transport.
- 

Notes

Agenda Type : A

W2009/1031 Provision of block paved surface to form car parking area, erection of boundary fence \*\*\* AMENDED PLANS RECIEVED \*\*\* Old Police Station, New Street, Dawley, Telford, Shropshire. Recommendation Code: FG - Ward: Dawley Magna

APPLICANT:  
Mrs L Burrell

RECEIVED ON:  
09/12/09

PARISH  
Great Dawley

WARD  
Dawley Magna

CASE OFFICER:  
Elizabeth Attwood

THIS APPLICATION IS TO BE DETERMINED AT PLANS BOARD AS THE APPLICANT IS THE WIFE OF CLLR STEVEN BURRELL.

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Highway safety, impact upon the character and appearance of the area and residential amenity.

THE PROPOSAL:

This is a retrospective application for a block paved surface to form a car parking area, and the erection of boundary fencing.

HISTORY:

W2009/0685 Change of use of former parish council building to office use – Approved 24.09.09

This application is submitted as The Old Police Station, however in September the building was referred to as The Old Library.

THE SITE AND SURROUNDINGS:

Formerly a library, a police station, a Scout Hut, meeting rooms for the Parish Council and a hairdressers, the building occupies a prominent corner position in New Street. The site is located within the Secondary retail Zone as defined in the Wrekin Local Plan. Planning permission for a change of use to offices was approved Plans Board on 23<sup>rd</sup> September 2009.

The building is constructed in red brick and has a steeply pitched gable roof and is bounded by low walling. There was a small grassed area within the walled area which has been block paved without the benefit of planning permission and amongst other issues is the subject of this retrospective application.

This section of New Street has double yellow lines on both sides of the road and a lamp post close to the vehicular access.

CONSULTATION RESPONSES:

Dawley Parish Council has no objections.

The Council's Highway Engineer has advised that he has no objections subject an increase in the width of the existing dropped kerb and widening of the access.

The occupier of the nearest neighbouring dwelling has advised that are very pleased that the peace of Mind Homecare are using the building for their offices, and "have done a good job at tidying-up the whole site". However, the company did not consult with the neighbour about the parking area and due to historic problems with drainage the neighbour considers it necessary to satisfy his concerns to safeguard against any future damage to his property.

The issues raised are:

- the land has been built up in the centre of the drive and is sloping towards 1 New Street, which may cause excess water to run in the direction of no.1,
- there is no mention of where the soakaways have been dug, are there any to protect no.1 or just the application site,
- the cellar belonging to no.1 is directly adjoining the boundary of this new parking area, could there be any damage to the wall or cellar caused by the extra loads on the parking area,
- there are no barriers or curbing to protect the gable wall of no.1 should any vehicles roll, overshoot or skid whilst on the parking area.

#### POLICY CONTEXT:

In the consideration of the application, the following policies are considered relevant:

National guidance:

PPS1 Delivering Sustainable Development.

PPG13 Transport

Core Strategy:

CS15 Urban Design.

Wrekin Local Plan

UD2 Design Criteria

#### PLANNING CONSIDERATIONS:

PPS1 sets out the criterion which guides the Council's decision making in assessing proposals. It seeks to encourage the highest quality of design appropriate to the locality. In considering whether or not a development is of an appropriate design quality, and relates positively to its context, the Council is required to assess it in relation to its scale, form, proportions, materials and spatial quality.

Policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment.

Moreover, policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. Inter alia, it advises the Council to assess proposed development in relation to access, parking, hard and soft landscaping, boundary treatment, spatial quality, relationship with adjacent buildings.

The works which have been carried out include the block paving of the land to the east of the building, with a 350mm planted boarder running parallel to the boundary walling, the erection of black painted vertical bar railings on top of the existing boundary walling.

Furthermore, the erected railings are vertical bars and the submitted drawings indicated bow topped railings. Therefore, amended drawings have been submitted to accurately shown the situation on site. In additional further amended drawings have been submitted which have widened the vehicular access and removed the proposed gates.

Comments raised by the neighbour are noted however, the finished levels are below the Damp Proof Course of the neighbouring property, and therefore lower than the original grassed level. A French Drain exists adjacent to the neighbouring property which was already in-situ having been installed by the neighbour at an earlier date. New rainwater goods have been installed to ensure that the situation is an improvement in terms of the neighbouring wall. It is not considered that additional loading on the land would be detrimental to the structural integrity of the wall or cellar. Any future damage to the wall or damage by vehicles would be a private civil matter and is not material in considering this application.

In respect of access, the Case Officer observed the difficulties on the site visit encountered when entering the site in a vehicle; the driver of a car visiting the site had to reverse into the wrong side of the road (on the bend) to enable him to enter the site and avoid the lamp post.

The Council's Highway Engineer also visited the site and confirmed that there were several issues which need addressing before the proposal was acceptable in highway terms. These being:

An extension of the existing dropped kerb to accommodate a single turn manoeuvre off the public highway without mounting a full faced kerb.

- The need for a slightly wider access.
- The removal of the proposed gates; only gates sited 5m from the rear of the public highway are permitted and this cannot be achieved.

Accordingly, the proposal has been amended to address the above concerns and is acceptable and will have no adverse impact on highway safety.

The materials and finish used in the development are considered acceptable and do not detract from the character and appearance of the area, and therefore are deemed appropriate.

Therefore, the development is considered satisfactory and compliant with both local and national guidance and therefore recommended for approval with conditions.

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

1. C120 - Compliance with amended plans.
2. None standard within one month increase dropped kerb in width.
2. SIE22 - Informative - Conditions.

3. SIE26 - Informative - Reasons for the grant of planning permission.

REASONS FOR APPROVAL:

The development is considered acceptable and will have no adverse impact on the visual amenity of the locality and no adverse effect on residential amenity or highway safety.

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Notes

Agenda Type : A

W2009/1046 Refurbishment of existing public toilets and new pitched roof Public Conveniences, The Parade, Wellington, Telford, Shropshire. Recommendation Code: FG - Ward: College

APPLICANT:  
Telford & Wrekin Council

RECEIVED ON:  
09/12/09

PARISH  
Wellington

WARD  
College

CASE OFFICER:  
Elizabeth Attwood

OBJECTIONS RECEIVED: No.

MAIN ISSUES: Impact upon the security, amenity and character and appearance of the building and the area. Provision of community facilities

PROPOSAL:

This application seeks planning permission for the refurbishment of existing public toilets and a new pitched roof.

POLICIES:

The following policies are considered relevant in determining this application:

Wrekin Local Plan:

UD2 Design Criteria.

Core Strategy:

CS15 Urban Design,

CS10 Community Facilities.

National guidance:

PPS1 Delivering Sustainable Development.

SITE AND LOCATION:

The toilet block is located off The Parade adjacent the Bus Station and railway line; the single storey building is finished in brown facing brick and has a peculiar mono pitch /north light roof and has not been used for several years.

CONSULTATIONS:

A Site Notice has publicised the application; no representations have been received.

The Town Council has no objections.

PLANNING CONSIDERATIONS

Policy UD2 of the adopted Wrekin Local Plan is the key reference point for the Council in considering the design quality of all development.

In making its assessment the Council are guided to test it against adopted urban design principles ensuring that development, respects and responds positively to its context, enhances the quality of the local environment.

Additionally, Policy CS15, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment.

National guidance contained in PPS1, states that design which is inappropriate in its context, or which fails to improve the character and quality of an area, should not be accepted.

Policy CS10 advises that the provision of new community facilities or improvements to existing community facilities will be supported.

The building has been the subject to continued wilful damage over the years (due in part because of the roof arrangement which makes it easy for vandals to climb up on to and smash the northern lights) and is boarded up; it appears tired and shabby and has a detrimental impact upon the character and appearance of the area.

The current public toilet provision is managed by the Town Council and is located in Larkin Way, adjacent Wellington Leisure Centre. As part of the Wellington Regeneration Scheme the proposal includes the demolition of these Public Conveniences to facilitate the new library. Therefore, it has been agreed with the Town Council that the Authority will refurbish The Parade toilets in preparation of the closure of the ones at Larkin Way.

The refurbishment includes the re-fitting and alterations to the internal layout with new cubicles and new sanitary ware and baby change facilities in both the male and female areas, aesthetic/ natural light improvements to the front elevation, separation of public and attendant accesses and the re roofing with a pitched tile roof, which will improve the security of the building .

With the above in mind the proposed development is considered acceptable and a vast improvement to the existing situation in terms of public convenience and visual amenity and will have a positive impact. Accordingly, is deemed compliant with both local and national policy.

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

1. A3 - (time limit).
2. C118 - (development in accordance with approved plans).
3. sie22 (conditions).
4. sie26 (reasons for grant).

**REASONS FOR APPROVAL:**

The proposed development will result in an improvement to the area in terms of public convenience, visual amenity and building security.

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Notes

Agenda Type : A

W2009/1048 Erection of two and a half storey building for 5 flats and formation of access and parking 95, Haybridge Road, Hadley, Telford, Shropshire.  
Recommendation Code: FG - Ward: Hadley & Leegomery

APPLICANT:  
Ajit Building Contractors

RECEIVED ON:  
10/12/09

PARISH  
Hadley & Leegomery

WARD  
Hadley & Leegomery

CASE OFFICER:  
Phil Baker

HADLEY AND LEEGOMERY PARISH COUNCIL HAS REQUESTED THAT THIS APPLICATION BE CONSIDERED BY THE MEMBERS OF THE COUNCIL'S PLANS BOARD

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Design, Appearance, Access, Parking.

THE SITE AND THE PROPOSAL:

This planning application relates to the erection of a two and a half storey building to provide 5 flats, together with the formation of a new vehicular access and parking area, at 95 Haybridge Road, Hadley. The site, which lies on the corner of Haybridge Road and Halldene, formerly contained a bungalow which has now been demolished.

The proposed development comprises 2 one-bedroom flats and 3 two-bedroom flats. There would be two units each on the ground and first floors and one unit in the roof space of the building. 7 parking spaces would be provided at the rear of the building that would all be accessed off Halldene, which is a cul-de-sac road that leads off Haybridge Road. A cycle store and a bin store will also be provided at the rear of the site.

An existing hedgerow along the Halldene frontage would be retained, except where it is necessary to construct the vehicular and pedestrian accesses into the site. The existing pedestrian access at the front onto Haybridge Road will be retained, and additional landscaping and planting will be carried out around the site.

The application site lies on the southern side of Haybridge Road. To the west of it is a row of semi-detached houses, to the south, and on the opposite side of Haybridge Road, are modern blocks of flats, and to the east is a small Local Centre containing four shops.

CONSULTATION RESPONSES:

No neighbour consultation responses have been received.

The Parish Council has objected to the application on the grounds of (a) the resulting density of the development would generate additional vehicle movements which will

put pressure on the available parking spaces, and (b) reduction in the space for cycle storage compared with the previous application.

The Council's Highways Engineer has no objections subject to a condition relating to the car parking being provided before the flats are occupied.

The Council's Geotechnical Engineer has no objections subject to a condition relating to landfill gas mitigation measures.

The Council's Drainage Engineer has no objections subject to a condition relating to the submission of full drainage proposals.

## PLANNING POLICY

The following statutory policies are relevant in the determination of this application:-

Wrekin Local Plan

H6 – Windfall sites in Telford and Newport

UD2 – Urban design

LDF Core Strategy

CS5 – District and Local Centres in Telford

CS15 – Urban design

## PLANNING HISTORY:

In March 2009 a planning application (ref: W2009/0065) to demolish the existing bungalow and erect a three storey block comprising 6 apartments was withdrawn before being determined.

In July 2009 planning permission (ref: W2009/0431) to demolish the bungalow and erect a two storey building to provide 4 apartments was approved.

## PLANNING CONSIDERATIONS:

The principle of redeveloping this site has already been established by the granting of planning permission in July 2009 for a two storey building that would contain 4 apartments.

The size, shape, height, design, layout, and appearance of the proposed building are almost identical to the previous permission. The main changes centre around the provision of an additional apartment in the roof space that has necessitated providing a flat roof dormer window on the rear roof slope (to enable a kitchen and bathroom to be installed), and the insertion of 6 roof lights. As the rear dormer window is for a bathroom and kitchen, and a condition will require the bathroom window to be obscure-glazed, there will not be any significant overlooking or loss of privacy to adjacent properties, considering the separation distances and the presence of the parking court.

The proposed building has been designed to appear as a pair of semi-detached dwellings and amended plans have been received that further enhance this by the insertion of two entrance doors on the Haybridge Road elevation. As a result, the

appearance of the building relates positively to its street scene context, and reflects and respects the prevailing character and appearance of the surrounding area and, in particular, the form and design of the existing semi-detached properties to the west of the site. The building is a similar height to these houses, and contains rendered and timber-framed gables, bow windows, hipped roofs, a central chimney, and an arched porch – all features which are exhibited on these adjoining houses. The types and colours of the materials used on the adjacent houses will also be used on this building.

A parking court with 7 spaces will be created to the rear of the building and accessed off Halldene. This parking layout is a similar configuration to that approved with the four flats. Whilst PPG13 does not give residential parking standards the Council's slightly outdated Parking Standards, as set out in the Wrekin Local Plan, are a guide to parking requirements and indicate 1.5 parking spaces for two-bedroom units and 1.25 spaces for one-bedroom units. This produces a requirement of 7 spaces for the 5 flats, which is exactly the number that would be provided and the Council's Highways Engineer considers that this number of spaces is acceptable. The proposed cycle store would accommodate 5 cycles.

The principle of replacing the bungalow with a two storey building for 4 flats has already been established by the grant of a previous planning permission. The creation of a fifth flat in the roof space does not enlarge the footprint and height of the property from that already approved, and the addition of a dormer window on the rear roof slope, and the insertion of 6 roof lights, do not significantly alter the appearance of the building from that which was previously approved. The proposed development would not adversely affect the character and appearance of the site and the surrounding area, or have a detrimental impact on the residential amenities presently enjoyed by the occupants of adjoining and existing development by virtue of any undue overlooking, loss of light, or any overbearing effect.

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

1. A3 – Full permission
2. C120 – Amended plans
3. B15 – External materials
4. C70 – Reveals
5. C86 – Car parking and finished before the flats are occupied
6. B33 – Materials storage/personnel parking
7. B34 – Mud on road
8. B50 – Foul and surface water drainage
9. C100 – Landfill gas mitigation measures
10. Provision of cycle parking
11. C75 – Tree protection during construction
12. C76 – Tree protection – no burning
13. C78 – Hedge protection
14. B23 – Landscape design
15. C80 – Landscape implementation
16. D131 – No further windows
17. Bathroom window obscure glazed
18. Full details of the bin store

REASONS FOR APPROVAL:

The appearance of the building relates positively to its context, and reflects and respects the prevailing character and appearance of the surrounding area and, in particular, the form and design of the existing properties to the west of the site.

The proposed development would not have a detrimental impact on the residential amenities presently enjoyed by the occupants of adjoining and existing development by virtue of any undue overlooking, loss of light, or any overbearing effect.

The car parking provision meets with the Council's parking guidelines set out in the Wrekin Local Plan.

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Notes

## Agenda Type : A

W2009/1055 Erection of glazed frontage and entrance lobby following demolition of existing entrance frontage Windmill Primary School, Beaconsfield, Brookside, Telford, Shropshire. Recommendation Code: FG - Ward: Brookside

APPLICANT:  
Director of Education & Culture

RECEIVED ON:  
11/12/09

PARISH  
Stirchley & Brookside

WARD  
Brookside

CASE OFFICER:  
Elizabeth Attwood

OBJECTIONS RECEIVED: No.

MAIN ISSUES: Design, scale and appearance.

**SITE AND SURROUNDINGS:**

The 4.4 hectare (10.89 acres) application site is an existing primary school and childrens centre, in was opened in September 2006 and was created from the amalgamation of two former schools and comprises of single and 1 1/2 storey buildings. The buildings have a mixture of mono and duo pitched roofs and is finished in a red/brown facing bricks with blue and white doors and windows. The site located within the Brookside housing estate and is accessed via a gated entrance and is bounded by 2.0m green trident topped palisade fencing and hedging. Staff and visitor parking is located to the north of the building with the playground to the east and a large playing field to the west.

**PROPOSAL:**

The proposed alterations will form the second part of a phased planned development to the internal and external structure of the west elevation, with the eventual construction of a new 'Family Centre'. (Members approved the first phase in November 2009 – W2009/0904). The works include the restructuring of the existing Nursery to provide enhanced accommodation, with the provision of a new glazed frontage and secure glazed entrance lobby and the provision of a new entrance lobby. The new building will provide 7sq.m. of accommodation.

**POLICIES:**

Wrekin Local Plan  
UD2 Design Criteria.

**Core Strategy:**

CS10 Community Facilities,  
CS15 Urban Design.

**National guidance:**

PPS1 Delivering Sustainable Development.

**CONSULTATIONS:**

A site notice and 96 direct neighbour letters publicised the application; no comments or objections have been received.

Stirchley and Brookside Parish Council have no objections.

#### PLANNING CONSIDERATIONS:

Policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. It advises the Council to assess proposed development in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality.

Policy CS10 inter alia, asserts that new community facilities or improvements to existing community facilities to meet the needs of local residents will be supported. Moreover, policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment.

National guidance contained in PPS1, asserts that development should be of high quality design, respond to local context and should reinforce local distinctiveness. High quality design should add to the overall character and quality of an area, not just for a short time but over the lifetime of the development.

The proposed external alterations are similar to the previously approved works, and will be located on the front elevation of the building; however the development will not be highly visible within the public domain due to the orientation of the building within the site and existing boundary treatment. Nevertheless, it has been designed taking elements from the existing fenestration (window) details. This together with the vertical Cedar boarding is considered an enhancement of the building. The existing building has a footprint covering 2982 sq.m. and the additional floor space created by this application is 7 sq.m. Accordingly, the scale of the proposed development is deemed appropriate and relatively minor when viewed in context.

The alterations will increase the natural light within the building and improve safety and thus will have a positive impact upon the working/learning environment. The proposed development also involves internal works including the removal of stud walls and replacement with Ash glazed screens to allow the spread of natural light.

The proposed development will not result in any loss of car parking, playground or playing field and therefore will have no adverse impact upon the amenities on the school. There are no nearby residential properties.

Accordingly, it is considered that the proposed development is compliant with both local and national guidance and therefore recommended for approval with conditions.

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

1. A3 - Full with no reserved matters.
2. C118 - Compliance with approved plans.

3. SIE22 - Informative - Conditions.
4. SIE26 - Informative - Reasons for the grant of planning permission.

REASONS FOR APPROVAL:

The proposed development is considered to be acceptable and will have a positive impact on the amenity of the school and no adverse impact on the character and appearance of the building or the surrounding area. There will be no impact upon the school playing fields, car parking or the residential amenity of the nearby dwelling houses.

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Notes

## Agenda Type : A

W2009/1064 Provision of gated access for occasional vehicle access High Ercall Primary School, Church Road, High Ercall, Shropshire. Recommendation Code: FG - Ward: Ercall Magna

APPLICANT:  
Telford & Wrekin Council

RECEIVED ON:  
16/12/09

PARISH  
Ercall Magna

WARD  
Ercall Magna

CASE OFFICER:  
Tom Lewis

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: The principle of development and impact on the neighboring properties amenities, its impact on the character and appearance of the area and the highway.

THE PROPOSAL:

The provision of a gated access for vehicle access for grounds maintenance, emergency vehicles and possible future construction traffic.

THE SITE AND SURROUNDINGS:

High Ercall Primary School comprises two blocks; a two storey Victorian school building to the north east of the site and a larger, modern single storey flat roof main building to the south west. To the front of the Victorian school building is an area of hard play which runs to the front of the site, adjacent to the single vehicular and pedestrian access which leads to the present entrance area. There is a demountable timber building currently used as a pre-school nursery, situated on the grass area adjacent to the school car park.

The main access is off Church Road and runs alongside the Victorian School Building. A temporary access was approved to the north west of the site off the B5062 Shrewsbury Road which was required due to restricted access off Church Road due to Severn Trent works.

The playing fields are located to the south-east, south and west of the site, bounded by a mixture of fencing and hedging. The area to the south-east is currently used as a multi-play pitches area and there is an existing running track south of the school buildings. To the north-west the playing fields consist of a grassed area only. The site has an area of approximately 1.8ha.

The surrounding area is predominantly residential in area and consists of a mix of houses of various periods and styles. To the south are the semi-detached neighbouring properties of Talbot Fields, whose rear gardens are partly obscured from the school by a number of mature trees on the school fields. To the north west of the school are the various detached neighbouring properties along Church Road, which back onto the school grounds. North-east is the B5062 Shrewsbury Road. St Michael's Church is located at the end of Church Road, to the north of the school and in close proximity to the school entrance. To the east are open fields and to the

west neighbouring properties are situated 150m from the existing school buildings, separated by the playing fields.

The driveway, Victorian school building and the playground to the front of the school are located within the High Ercall Conservation Area; however, the majority of the site including the proposed access would not be within the Conservation Area.

#### CONSULTATION RESPONSES:

The Council's Highways Engineer has raised no objections to the proposal subject to the placing of conditions with regards to the resurfacing of the access where it joins the public highway; that the gates are hung to open inwards; and finally that the access is only used for grounds maintenance, emergency vehicles and future construction as stated in the design and access statement.

Three neighbour objections have now been received which raise objections with regards to:

- The need of an access and a possible precedent.
- The principle of an access onto a busy road.
- The impact of the new access on the character and appearance of the area.

Comments from the Ercall Magna Parish Council are awaited and will be provided for Committee by an update sheet.

#### PLANNING HISTORY:

W2002/0577 – Provision of single storey demountable on the existing school field with linked corridor – Full Granted – 05/08/2002

W2005/0689 – Extension to existing car park – Full Granted – 14/07/2005

W2007/0778 – Relocation of existing nursery demountable for a temporary period of 5 years – Full Granted – 19/07/2007

W2008/0573 – Erection of a single storey extension to provide 2no. classrooms, staff room, boys/girls WC and reception area – Full Granted – 23/06/2008

W2008/0800 – Formation of temporary vehicle access and road way from Shrewsbury Road – Full Granted – 22/08/2008

#### POLICY CONTEXT:

In the consideration of the proposals, the following National Planning Guidance is considered relevant:

PPG13 – Transport

Along with the following core strategy policies are considered relevant:

CS 15 – Urban Design

Also the following Wrekin Local Plan saved policies are considered relevant:

UD2 – Design Criteria.

LR1 – Outdoor Recreational Open Space

T4 - Development Principles

**PLANNING CONSIDERATIONS:**

The planning application seeks to retain the rear access to the school off the B5062 Shrewsbury Road as a permanent feature to create an occasional access for the use of grounds maintenance access, access for emergency vehicles and an access for possible building works in the future,

The access is currently constructed in temporary form, from when it was required for its temporary use in 2008, however the application seeks to not only make this permanent but create a more attractive entrance. The entrance to the property is currently bounded from the road by temporary metal fencing; the application seeks to replace this with a traditional five bar timber fence. This will be a more characteristic appearance to that existing and will therefore respect and respond positively to the context of the area and therefore comply with policies UD2 of the Wrekin Local Plan and CS15 of the Core Strategy.

Objections have been received from local neighbours with regards to the access and concerns that the retaining of this access to be dangerous. The Council's Highways Officers have however raised no objections to the proposal subject to the placing of conditions; these would ensure that the gated access would only be used for specific uses and will therefore ensure only occasional use. They have also requested that the gates are conditioned to be hung so they only open inwards onto the site leaving room for vehicles to pull off the highway before opening the gates. A concern was raised that the access was in need of repair and the Highways Officer has requested a condition to mitigate this that the works to the surfacing is carried out. The proposal therefore produces a positive spatial structure, producing a safe and secure environment, consequently complying with policies contained within PPG 13: Transport.

Objections were also raised with regards to the education facility having two accesses, the principle of two accesses, and the need of a second access along with the possibility of this setting a precedent. The applicants have stated the need for the access is due to the only other access to the rear is across the school car park and this can be restricted at peak times. The possibility of a precedent will not be set as the site is large and many other properties would not have the space to create further accesses, furthermore each application is assessed on its own merits.

As the accesses will be in keeping with the surrounding area and street scene, and will not be of detriment to the safety of highways users it subsequently complies with policies UD2, T4 and LR1 of the Wrekin Local Plan and CS15 of the Core Strategy along with national policy contained within PPG13.

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

1. A3 – Statutory time limit.
2. A0 – Non-standard – Gates to open inwards onto site.
3. A0 – Non-standard – Within 3 months of permission works should be carried out to the surfacing.
4. A0 – Non-standard – The accesses are to be only used for grounds maintenance, emergency accesses and for future construction.

REASONS FOR APPROVAL:

The design and location of the access will respect the character and appearance of the surrounding area and does not have any detrimental impacts on the amenities of the neighbouring properties. Furthermore the proposed access restricted by conditions to only occasional use would not prejudice the safety and free flow of highways safety.

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Notes

## Agenda Type : A

W2009/1066 Change of use of existing playground into car parking area and playground for the nursery and formation of a new playground on existing green field and new footpath links Donnington Wood Infant School, Baldwin Webb Avenue, Donnington, Telford, Shropshire. Recommendation Code: FG - Ward: Donnington

APPLICANT:  
Telford & Wrekin Council

RECEIVED ON:  
18/12/09

PARISH  
Lilleshall & Donnington

WARD  
Donnington

CASE OFFICER:  
Elizabeth Attwood

OBJECTIONS RECEIVED: No.

MAIN ISSUES: safety, loss of playing field and the existing day level shaft.

**SITE AND SURROUNDINGS:**

The 0.4 hectare (1 acre) application site is a shared site comprising of an existing Infants School and children's centre facility (providing a nursery, health care facility, family learning group, parent support and speech therapy). The building is mainly single storey with a mono pitched roof and is finished in a buff/brown facing bricks with white doors and windows. The site located in the centre of a housing estate and has three entrances off the estate roads and is bounded by 2.0m green palisade fencing, and 1.8m timber picket style fencing within the site. The hard surfaced area to the north of the building is shared between car parking for the children's centre and playground for the nursery and the Infants school, with the playing field to the south of the school building.

**PROPOSAL:**

The proposed alterations will create separate a car park and a secure/fenced playground for the existing nursery to the north of the building and a new playground for the Infant's school with improved pedestrian access links to the south of the building.

**POLICIES:**

Wrekin Local Plan  
UD2 Design Criteria,  
EH 14 Land Stability.

**Core Strategy:**

CS10 Community Facilities,  
CS15 Urban Design.

**National guidance:**

PPS1 Delivering Sustainable Development.  
PPG 14 Development on Unstable Land.  
PPS17 Planning for Open Space, Sport and Recreation.

**CONSULTATIONS:**

A site notice and 67 direct neighbour letters publicised the application; no comments or objections have been received.

Lilleshall and Donnington Parish Council have no objections.

Highways Engineer has no objections.

Sport England has no objections.

Geotechnical Engineers have provided advice and recommendations in respect of the mineshaft.

#### PLANNING CONSIDERATIONS:

Policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. It advises the Council to assess proposed development in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality.

EH14 states that the Council will permit development proposals with in mining areas providing that the proposal demonstrates that;

- Where active systems exist, the instability shall not be exacerbated by the development,
- The development can tolerate the ground conditions by special design.

Policy CS10 inter alia, asserts that new community facilities or improvements to existing community facilities to meet the needs of local residents will be supported.

Policy CS13 advises that development which has a detrimental impact on the environment will be resisted if satisfactory mitigation can not be achieved.

Moreover, policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment.

National guidance contained in PPS1, asserts that development should be of high quality design, respond to local context and should reinforce local distinctiveness.

PPG 14, states that land stability is a material planning consideration and places the onus on the developer to demonstrate that the site is suitable for the proposed development. It also states that the developer should provide at his own expense such evidence as is required by regulatory authorities to indicate that clearly that the problem has been addressed satisfactorily.

PPG17 acknowledges that open spaces, sport and recreation all underpin people's quality of life. Well designed and implemented planning policies for open space, sport and recreation are therefore fundamental to delivering broader Government objectives. In advance of an assessment of need, local authorities should give very

careful consideration to any planning applications involving development on playing fields, where a robust assessment of need in accordance with this guidance has not been undertaken, planning permission for such developments should not be allowed unless:

- i. the proposed development is ancillary to the use of the site as a playing field (e.g. new changing rooms) and does not adversely affect the quantity or quality of pitches and their use;
- ii. the proposed development only affects land which is incapable of forming a playing pitch (or part of one);
- iii. the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location;
- iv. the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.

The proposed alterations will be located at both the front and rear of the building; however, the development will not be highly visible within the public domain due to the orientation of the building within the site and existing boundary treatment.

The existing playground is used by both the school and the nursery group which is not acceptable and non-compliant with the nursery curriculum which requires the provision of equal time spent inside and outside. Moreover, the current situation requires visitors to cross the playground to access the children's centre which is not ideal and has potential safety concerns. Furthermore, there is an existing untreated day level shaft on the existing playground area; a day level shaft is a vertical mineshaft on the line of an underground drainage culvert which interconnects historic flooded mine workings at depth. The day level culvert runs underground between Telford Town Centre and the MOD site at Donnington. The culvert drains the flooded mineworkings by flowing under gravity and 'daylights' (comes to ground surface) to flow into an open water course. There are a number of shafts along the alignment of the culvert. One such shaft is located in the site and was covered over by a steel plate in the 1980's. It is not appropriate to treat day level shafts in the conventional manner of filling, drilling and grouting, as this would lead to blockage of the culvert which in turn would lead to flooding elsewhere upstream. It may be possible to create a partial treatment by constructing a suspended cap over the open shaft column. However, this bespoke solution would be costly, would require Coal Authority permission and the conveyance of the shaft (the latter being something the Authority should look to avoid).

It should be noted that the area is currently a play ground and there is no actual 'development' proposed on the shaft. Nevertheless, as a precautionary measure the car park/playground layout has been amended and the playground element moved away from the shaft.

Although the car park layout has been amended, the number of spaces provided is improved, and the Council's Highway Engineer has confirmed that he has no objection.

The relocated playground for the infants school is proposed on an under utilised grassy bank at the rear of the school adjacent the existing playing fields. The new

playground will not result in the loss of any playfield currently available for the children, but will provide a secure all weather playground for them. Furthermore, the inclusion of a disabled access path to the playground will also enable improved disability access to the school fields. Moreover, Sport England has confirmed that they have no objection to the proposed development.

The proposed development also includes a 'French drain' which will ensure that the area is not flooded from any run-off from the adjacent playing fields or the new playground.

There are no nearby residential properties.

Accordingly, it is considered that the proposed development is an improvement to the facilities currently provided at the school; it will result in an improvement to the safety of the children using the site and will have no adverse impact upon the character and appearance of the locality. The proposal is therefore compliant with both local and national guidance and therefore recommended for approval with conditions.

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

1. A3 - Full with no reserved matters.
2. C120 - Compliance with amended plans.
3. SIE22 - Informative - Conditions.
4. SIE26 - Informative - Reasons for the grant of planning permission.

#### INFORMATIVES

1. sie17 – exercise caution.
2. sie20 contaminated land.

#### REASONS FOR APPROVAL:

The proposed development is considered to be acceptable and will have a positive impact on the amenity of the school and children's/pupils safety and no adverse impact on the character and appearance of the surrounding area. There will be no adverse impact upon the car parking provision or the residential amenity.

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Notes

## Agenda Type : A

W2009/1069 Provision of a single goal end for recreational football and basketball with 1m-3m high fencing Public open space off, Wallshead Way, Church Aston, Shropshire. Recommendation Code: FG - Ward: Newport South

APPLICANT:  
Telford & Wrekin Council

RECEIVED ON:  
17/12/09

PARISH  
Newport

WARD  
Newport South

CASE OFFICER:  
Elizabeth Attwood

OBJECTIONS RECEIVED: No.

MAIN ISSUES: Character and appearance of the area, residential amenity.

PLANNING APPLICATION:

It is proposed to construct erect a single goal end for recreational football and basketball with 1m- 3m high fencing.

The proposed play / recreational facilities are intended to be used predominately by local children and young people (aged between 3 &16) for football, basketball and cricket. The proposed enhanced recreational venue could also provide opportunities for occasional small localised events to promote healthy activities.

SITE AND LOCATION:

The Council owned site is Public Open Space which currently contains a children's equipped play area, informal kickabout area and amenity grass, and has been in use for approximately 20 years. The roughly square shaped site is within a residential area and has several access points around the perimeter. It is surrounding by residential properties located in Wallshead Way, Andrews Way, Newtown, Silverdale Close, and Brookside Avenue. Usage levels are unknown, but are currently estimated to be relatively low as the facilities require modernising and the kickabout becomes wet and muddy for many months of the year. Current hours of use are dawn to dusk.

POLICIES:

Wrekin Local Plan:  
UD2 Design Criteria,  
LR4 Outdoor recreational open space,  
OL6 Open Land.

Core Strategy:

CS9 Accessibility and Social Inclusion,  
CS10 Community Facilities,  
CS11 Open Space,  
CS15 Urban Design.

National guidance:

PPS1 Delivering Sustainable Development.  
PPS17 Planning for Open Space, Sport and Recreation.  
National design guidelines (Fields In Trust – formally the National Playing Fields Association - NPFA)

**CONSULTATIONS:**

Nineteen direct neighbour notification letters and a site notice have publicised the application. No representations have been received.

No comments have been received from either Newport Town Council or Church Aston Parish Council at the time of writing this report; any comments will be reported to Members at Plans Board.

**PLANNING CONSIDERATIONS:**

Policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context.

Policy LR4 seeks to achieve National Playing Fields Association minimum targets for outdoor recreational open space including both formal playing pitches and children's play areas.

Policy OL6 states that the Council will protect open land that has a value as recreational importance.

Policy CS9 aims to improve social inclusion and accessibility by making sure that everyone is afforded reasonable opportunity to access recreation and open space and sports facilities.

Policy CS10 inter alia, asserts that new community facilities or improvements to existing community facilities to meet the needs of local residents will be supported. Policy CS11 seeks to protect and enhance areas of formal and informal open space.

Moreover, policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment.

National guidance contained in PPS1, asserts that development should be of high quality design, respond to local context and should reinforce local distinctiveness.

PPG17 acknowledges that open spaces, sport and recreation all underpin people's quality of life. Well designed and implemented planning policies for open space, sport and recreation are therefore fundamental to delivering broader Government objectives.

Fields in Trust (FIT) is the only independent UK wide organisation dedicated to protecting and improving outdoor sports and play spaces. Through their work they have been improving the health and well-being of millions of people nationwide and strengthening communities since 1925.

Fields in Trust was founded in 1925 as the National Playing Fields Association by King George V who was dismayed by the poor sport and play facilities available to children.

The new goal end facilities will be adjacent the current existing play equipment. National design guidelines (Fields In Trust – formally the National Playing Fields Association - NPFA) in relation to children's play require a minimal set distance of 30 metres from the edge of the proposed facility to the boundary of residential properties. The proposed site location meets this standard. The nearest existing ball court is in Norbroom Park, Newport some 2 kilometers away. During consultation with key partners Police and TWC Leisure Services / youth services / Church Aston Parish Council, Ward Councillor indicated a preference for creating new provision at this location. The location for an upgraded NEAP at Wallshead Way for this area is supported by Telford and Wrekin councils adopted Play Strategy. All boundary sides of the facility are currently public open space which is overlooked by nearby housing.

The layout / design of the goal end facility have been chosen within a set remit given by TWC Landscape & Recreation Services with regard to safety, maintenance and security using the FIT design guide. The detailed locations of facilities have been determined by the size of the proposed facility, its connection to the existing uses, and its conformity to the Fields In Trust (FIT) design guide (with particular reference given to the proximity of the nearest residents). The nearest existing housing on the southern perimeter of the open space is over the recommended guideline distance suggested by FIT to residential property from the proposed location.

The location (and to some extent design) has had to balance the need to ensure the facilities were supported by adjacent / overlooking residents by not being too close to infer nuisance (preference not to be seen) with that of the security of the site by the user (the need to be overlooked). The difficulty in this open space is that all the site is overlooked by residential property. The specific location has chosen a site which is a fair distance from residents but is overlooked (at a distance) by some properties; and both retains the 30m buffer and the current kickabout area.

This facility is proposed to serve the local Church Aston area. There are no other NEAPS / Ball Courts / Goal Ends serving this local community. The site is accessible by the local community from their homes without the need for public transport. The proposed site is adjacent and compliments the existing Playing Field. Choosing this location minimises the impact that increases in the movement that a new facility can give rise to, because existing users already use these routes. The proposed access routes utilises the existing bicycle / pedestrian access, whilst the new footpath will assist in directing users to the site from this direction. The anticipated amount of increased usage to the open space and its existing / proposed facilities is likely to increase the feeling of security / safety of the open space through this increased usage. The facility is set back from any highway for added safety reasons.

The land is currently within recreational / play use with the land classed as open space, and sits slightly lower than Wallshead Way. Recreation is an important part of open space use. The proposed use is not out of keeping with the current usage designation as the new Goal End contains a number of recreational uses. Views to the site are at a distance or screened (by trees) from several of the nearest / overlooking residential properties on Wallshead Way. The current western view

(from the nearest housing) is of the existing play area / football goals located in grass and would be replaced with green gridweld metal ball stop fencing (with brown posts).

The layout of the Goal End has been designed to accommodate all 3 types of user (football, cricket and basketball). The location is orientated to ensure that safety is maximised by preventing glare to users and by ensuring leaf litter which can cause slippage on the surface is minimised through locating at a distance from existing trees. Safety experts (RoSPA) have advised the council on the location / design of the facility and have advised on the distance between the proposed facility and the existing play area and the height of fencing for this side of the proposed facility. They have also suggested the relocation of the pedestrian gate to the play area to the western side of the current fence. This is proposed to be done should the application be acceptable. The land proposed for the Goal End is currently on amenity grass. The new facility will incorporate a new tarmac footpath, tarmac surfacing to the goal end (a requirement for basketball), a safety sign and a litter bin. Access to the site and within it will aim to meet DDA legislation to ensure inclusive access to this free to use public facility. The open space is flat, but the land to the eastern perimeter of the site contains a sloped embankment interspersed with amenity trees. The proposed new footpath to access the site will go across and down the embankment to reach the proposed facility. Both the footpath and the tarmac goal end tarmac pad will be slightly raised (15cm and blended into the existing landscape) to ensure that the facility and access to it does not become flooded (and therefore incapable of use). Much of the surrounding boundary land is a large predominately flat open space including the adjacent children's equipped play area. There are no known services (sewers) in this area but the proposed works to ground levels are minimal and should not affect the proposal. There is no wildlife designation or wildlife value of this play area and which is managed by the council through twice weekly visits to enable recreational / play use.

This new facility is much needed in this area and the agent has advised that this type of facility has been consistently requested by young people / other local agencies.

With the above in mind, it is considered that the provision of these facilities for local children and young people in the Church Aston area should be supported.

There will be no adverse impact upon the character and appearance of the area or residential amenity. Therefore, the proposed development accords with both local and national policy.

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

1. A3 - Time limits for development
2. C118 in accordance with approved plans.
3. Sie22 - conditions.
4. Sie26 - grant of planning permission.

**REASONS FOR APPROVAL:**

The facilities will improve the outdoor sports and play spaces for local children and young people in the Church Aston have no adverse impact upon the character and appearance of the area or residential amenity.

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Notes