

**TELFORD & WREKIN COUNCIL**

**PLANS BOARD**

**22<sup>nd</sup> August 2012**

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exclude the areas comprised within reserved matters application ref  
TWC/2010/0627 and within plots G4 and G5 as defined within the phasing  
plan drawing number 006 rev L from the effect of condition 16 (amended  
description)

**APPLICANT**

Henry Davidson Developments Ltd

**RECEIVED**

23/12/2010

**PARISH**

Dawley Hamlets, Great Dawley,  
Lawley and Overdale

**WARD**

Dawley Magna, Horsehay and  
Lightmoor, Lawley and Overdale,  
Wrockwardine

**PURPOSE OF THIS REPORT:**

The purpose of this report is to seek member's agreement to a variation of the  
existing S106 agreement for Lawley Sustainable Urban Extension for the  
development of Phase 6. This report needs to be read in conjunction with  
report TWC/2012/0419.

**BACKGROUND:**

Outline planning permission W2004/0981 was granted on 21<sup>st</sup> October 2005  
for Lawley Sustainable Urban Extension comprising of 3,300 dwellings,  
employment and commercial and leisure facilities, a new school and  
associated recreational space and landscaping. This application was  
accompanied by a S106 agreement which required amongst other things 255  
affordable housing with a split of 13% shared ownership and 12% social  
rented.

In December 2011 the outline planning permission was varied to alter  
condition 16 with regard to works to the motorway junction, this reissued the  
outline planning consent under reference TWC/2010/0828.

**PROPOSAL:**

This proposal seeks an alteration to the amount of affordable housing  
provision for Phase 6, with a reduction from 25% to 15% and to amend the  
mix from 13% to 10% shared ownership tenure and 12% to 5% social rented  
tenure. In addition to this there is a request to omit the affordable housing  
obligation for residential units above shops in the second phase of Lawley  
Square Local Centre, known as Buildings 1 and 2.

**SITE AND SURROUNDINGS:**

Lawley SUE lies to the west of Telford Town Centre, south of the M54 and  
east of 'old' Lawley Village. Phase 6 is located off Dawley Road and Lawley  
Drive. Buildings 1 and 2 are located to the west of the Local centre off West  
Centre Way and Lawley Drive.

**RELEVANT PLANNING HISTORY:**

W2004/0981 – Outline planning permission to include access for Lawley Sustainable Urban extension comprising of 3300 dwellings, employment, commercial and leisure facilities, a new school and associated recreational space and landscaping. – Approved October 2005

TWC/2010/0828 – Variation of conditions on outline application W2004/0981 with regards to timing of works to motorway junction improvements – Outline granted with amended decision notice

TWC/2011/0800 - Reserved matters consent for erection of 2 no. Three storey mixed use buildings Approved May 2012.  
TWC/2012/0419 – residential development at phase 6 to be considered at this plans board.

#### PLANNING POLICY CONTEXT:

Wrekin Local Plan  
H23 Affordable Housing

Core Strategy  
CS1 Homes

National Planning Policy Framework

#### PLANNING CONSIDERATIONS:

As members are aware the current economic climate is impacting on residents, businesses and Local Authorities. Against this backdrop the Council is trying to stimulate the economy and support growth within the Borough.

Ironstone Development Group (IDG) has nearly finished completion of Phase 1a and 1b and works are well underway on the development of the new Local Centre. Works have commenced on Phase 4, which is located to the north of the Local Centre.

Under the current S106 there is a requirement for 25% affordable housing with a mix of shared ownership and social rented. Last year, members agreed to revise this level of contribution for Phases 3 and 4 (434 dwellings) to 15% affordable housing provision with a split of 10% shared ownership and 5% social rented. This request was supported on the basis of a viability appraisal.

For phase 6, a similar viability appraisal has been undertaken, which demonstrates the scheme as being unviable with an affordable housing provision of 25%. This has been assessed by officers and its conclusions are considered acceptable and justify a reduction to 15% affordable housing provision.

Last year when members considered the proposal for the first phase of the Local Centre, which included residential above retail units, Board agreed to

amend the S106 agreement to agree a sum of monies to support the creation of an extra care facility elsewhere within the Local Centre (works are due to start imminently) rather than provide affordable units on this part of the phase. This was due to viability issue and limited interest from Register Social Landlords to acquire properties located above commercial units.

Members are now being asked to consider the provision of no affordable housing units in the final phase of Lawley Local Centre and no other alternative provision. This request has again been supported by a viability appraisal which demonstrates that any provision would not make this element viable. Given the viability appraisal details lodged, officers consider that the omission is justified on economic grounds. Moreover it would also enable completion of the local centre thereby assisting in securing additional community benefits through completion and provision of shops and services to the local community.

Officers consider that the continued support of the wider development of this Strategic site is paramount as the Council strives to maintain and increase housing supply within the Borough and to support the viability of the new local centre and the new school premises.

Given the uncertainty in the economic climate and the length of time that this phase will take to build out, it is considered prudent that the amended S106 agreement should also include a review mechanism to ensure that if there is any additional profit from future sales that either more affordable housing is provided on site, equivalent to the profit made, or funds are retained to be used on a further future phase or of site for the purpose of providing affordable housing. The S106 agreement of phases 3 and 4 includes such a review mechanism.

**RECOMMENDATION:** That the section 106 Agreement be varied so that the affordable housing provision be reduced to 15% in relation to the 388 units at Phase 6 and that no affordable housing be required for the 32 flats/apartments subject to appropriate review mechanisms.

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

Continuation of use of the site for car dismantling and scrap storage and installation of a baler machine and associated engine house (Retrospective)

\*\*\*\* Amended Plans and Information Received \*\*\*\*

**APPLICANT**

John Rice

**RECEIVED**

02/09/2011

**PARISH**

Dawley Hamlets

**WARD**

Dawley Magna

**COUNCILLOR BOULD HAS REQUESTED THAT THIS APPLICATION IS DETERMINED BY MEMBERS AT PLANS BOARD**

OBJECTIONS RECEIVED: Yes

**MAIN ISSUES:**

Scale and design of development, implications on intensification of use, Noise, Highways Infrastructure, Residential Amenity, Ground Stability

**THE PROPOSAL:**

The application seeks retrospective consent for the installation of a baling machine and associated engine house. The bailer is approximately 5.4m tall, and due to issues highlighted on the acoustic report, an 8m high wall has been recommended to enclose the baler. The erection of this wall is also part of this application.

The baler is located in the north eastern corner of the site, on an existing slab of hardstanding.

The proposal also seeks consent for the continuation of use of the site for car dismantling and scrap storage. The Local Authority requested the change of use application due to the previous planning history for the site, which highlighted the use of the site for car sales. As it is unclear as to when this use was implemented, or when the use ceased, the application seeks to resolve this planning concern and regularise the matter.

**SITE AND SURROUNDINGS:**

The site is roughly triangular, approximately 1.39 hectares in size situated to the north of the former disused railway line and the residential development at Leasowe Green.

The majority of the site is hardstanding, with a small level change from the northern part of the site to the centre; generally the levels outside of the site rise dramatically to the north. A large industrial building is situated within the centre of the site on the eastern boundary of the site abutting the highway. The entrance to the site is through a set of palisade gates on the northern boundary; this 3m high palisade fence continues around the northern and eastern perimeter. Abutting the northern boundary is an open area of car

parking. The site is screened from the highway by a scrubland type hedgerow, approximately 4m in height. Within the site, the skyline is dominated by telecommunication masts, and a pylon to the south.

A small area of Green Network is located in the north-western tip of the site, adjacent to the designated wildlife site that abuts the northern and western boundaries of the site; this is well screened by a row of deciduous trees which abut this western boundary. The wildlife site is also located opposite the site to the east.

The site is approximately 60m to the nearest residential property at Leasowe Green to the south of the site, 95m to the nearest residential property at Gravel Leasowes to the north west of the site and 100m to the nearest property at Holly Road, Little Dawley to the north east of the site. The site is located in a mixed residential and commercial/industrial area, with a number of other businesses located along Lightmoor Road.

#### PLANNING HISTORY:

W75/0102 Retention Of Use Of Existing Land And Buildings For The Garaging And Dismantling Of Motor Vehicles And The Storage and Sale Of Motor Spares; Approved 07/1975

W76/0604 - Retention Of Use Of Existing Land And Building For The Garaging And Dismantling Of Motor Vehicles And The Storage and Sale Of Motor Spares; Approved 01/1977

W78/0960 - Use Of Existing Land And Buildings For The Garaging And Dismantling Of Motor Vehicles And The Storage And Sale Of Motor Spares; Approved 06/1979

W84/0694 - Renewal Of Permission For Use Of Land And Buildings For The Garaging And Dismantling Of Motor Vehicles And The Storage And Sale Of Motor Spares; Approved 01/1985

W88/0041 - Continued Use Of Land For The Storage And Dismantling Of Scrap Vehicles, And Sale Of Motor Spares And Scrap Metal; Approved 04/1998

W93/0257 - Continued Use Of Yard For Car Dismantling And Scrap Storage, approved 07/1994

W95/0720 - Change Of Use To Retail Car Sales (part of the site); Approved 11/1995

W97/0832 - To Vary Condition No.5 Of Previous Permission W93/0257 By Allowing Scrap To Be Stacked To A Approximate Height Of 4.8m (Max) With North/West Portion Of Yard; Refused 04/1998

W97/0385 - Erection Of A Prefabricated Building To Accommodate Office Unit And Night Watchman; Approved 08/1997

W/97/0672 - Retrospective Application For Storage Of Scrap Cars & New Boundary Fence; Refused 04/1998

W2002/0216 - Residential Development (Outline); Refused 05/2002

W2009/0662 - Outline Application For Residential Development, Including Access; Withdrawn

TWC/2010/0146 – Residential Development (Outline) – No Decision to date

Various enforcement records between 1996- 2011;

Various Telecommunication records between 1998 - 2005

**PLANNING POLICY CONTEXT:**

National Planning Policy Framework (March 2012)

**Saved Wrekin Local Plan Policies**

EH14 Land Stability

UD2 Design Criteria

E4 Development on Unallocated Employment Sites in the Urban Area

T4 Development Principles

T22 Planning Obligations

OL2 Designated Areas

OL3 Green Network

OL4 Development in the Green Network

OL5 Extensions and Redevelopment in the Green Network

**LDF Core Strategy**

CS2 Jobs

CS3 Telford

CS9 Accessibility and Social Inclusion

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

**CONSULTATION RESPONSES:**

Dawley Hamlets Parish Council: Initially did not object to the proposal but required a condition that the noise emanating from the site is within an acceptable level agreed with Environmental Health. Following reconsultation on amended plans, the Parish Council objected to the proposal stating they have grave concerns that this site is meeting expected levels of noise containment. Even after equipment has been installed, continually receive complaints about noise levels from this site. Concerns also extend to nuisance caused by operating hours and vehicle movements (unsocial hours working).

Environmental Health: no objection subject to conditions, stating:

The major concerns on site are those revolving around noise and disturbance to neighbour amenity. The council is recently in receipt of significant levels of complaint and has worked cooperatively with the Environment Agency local area office (Shrewsbury) and the applicant to try to resolve any issues arising. In particular this has resulted in a series of noise reports that have been submitted to the planning officer. The reports deal with the impact of noise from site and the proposed mitigation measures aimed at addressing acceptable standards.

The planning application deals with the installation of a baling machine, and ancillary activities, but applies to the whole site in as much as it considers all the activities carried out therein. The permit application has requested an increase in throughput to 85,000 tonnes of waste per

annum. Given the EA position paper (noted above) it is clear that this could rise to circa 120,000 tonnes or more throughput of metal for the site if the non-waste stampings are excluded from the permit. As a general point, the more metal processed, the greater the potential for pollution (though this could be mitigated). Concerns were raised with John Rice – Metal and Waste Director over the possible significant intensification of the use and assurances were received that the site infrastructure limited metal throughput to approximately 50,000 tonnes per annum *and this is the basis upon which the recommendation and conditions are based.*

In respect of the planning application, the applicant's noise consultant noted restrictions on hours of use for the site in order to reduce impact of site activities. Operating times listed in the PACECONSULT noise report ref: PC-11-0390-RP1-RevF stipulate results for activities on site between the hours of 09.00hrs and 18:00hrs. No impact assessment for noise has been conducted outside these hours and there is no indication that such work is necessary.

For that reason it is requested that a condition restricting hours of use and delivery for the site is imposed - *08:00hours to 18:00hours Monday to Friday, 09:00hours to 13:00hours Saturday*

#### Noise from site activities

The PACECONSULT noise report ref: PC-11-0390-RP1-RevF makes the following recommendations (preceded by a tick) in respect of noise control for the baling machine and associated plant and equipment. Consultation responses for the planning application are noted below the PACECONSULT comment.

- ü The installation of a non reflective 8 m acoustic barrier at the North West area of the yard would reduce the likelihood of complaints up to levels of marginal significance consideration of BS4142.
- ü Installation of the baler and new noise barrier is expected to significantly improve the noise emissions from the site to a point where planning permission for the on-going use of the scheme should be granted.
- ü The 8 m barrier has been designed to minimize the effects of the noise sources at the nearest residential properties. Please note that this worst case condition has been taken in consideration for calculations purposes and it will not be the case in a daily basis yard operation.

In line with the above recommendations a condition for the full details of the proposed wall to be submitted and approved by the LPA before the operational use of the baling machine

Whilst in this instance the planning application deals with development associated baling machine, a consultation response to the permit

application ref: EPR/WP3897EJ/V002 has recommended that the agency have regard to this condition and considers similar barrier requirements for the part of the site not currently subject to the planning application (specifically in the southern area dealing with general metal waste). Observations of the site based on complaints made would indicate that general waste activities are capable of being easily distinguished in the environment and the area and are a source of complaint that would benefit from some form of acoustic barrier or other mitigation treatment.

ü L<sub>Amax,F</sub> calculation has shown that the levels are below minimum levels of unacceptable disturbance. L<sub>Amax,F</sub> 73 dB or L<sub>Amax,F</sub> 80 dB. These levels could be considered as a good threshold of noise related complaints as has been noted within relevant guidelines and research.

Noise data submitted by the applicant based on modelling has determined that the impact of noise emissions (after mitigation) from the site comply with the standards noted. The noise emissions for impact/event noise of particular concern as they have a startling character. There are no set levels for either maximum noise levels or average noise levels in the community, however, BS4142:1997 is routinely used to help determine acceptable noise levels, and standard set by the (now withdrawn) PPG24 Planning and Noise document, and WHO Guidelines on Community Noise are often used to provide thresholds for compliance. For that reason, the above recommendation that the site (after mitigation) can comply with the standards noted for maximum noise levels, and, the determination that levels of average noise from the site fall below the stated guidance it is noted that compliance with the following condition would provide appropriate controls for noise emissions from the site\* (see note2 below), and would therefore request the following condition:

*Noise generated by activities and operations on the site shall not exceed 53 dB L<sub>AEQ, 1hour</sub>, as determined at the nearest noise sensitive receptor.*

*For the lifetime of the operation of the site, no site generated L<sub>A,FM</sub>ax event shall exceed 73 dB as measured at the nearest sensitive receptor.*

In practice determining sources of impact noise on site for two differing noise control regimes would be incredibly difficult. It is strongly recommended consistency with the EA permit requirements are sought.

ü An on-going commitment to noise management has been entered into by the operator and a noise management plan is being drawn up for this site.

The Environment Agency permit contains a proposal for a noise management plan. That noise management plan would refer only to the processing of waste. If the metal stampings are determined not to

be waste then, for consistency, noise management should be carried out for metallic non waste as well as the other waste materials on site. It is anticipated that requirements of the condition requested below would have regard to (and be consistent with) any noise management plan required by the Environment Agency, I would therefore recommend the following condition:

*Whilst the site is in operational use the site operator shall compile and update in accordance with any changes at the site, a noise management plan. This plan shall include:*

- *A survey of the site and identify any plant or equipment likely to give rise to noise. The survey shall specifically identify plant or equipment capable of being acoustically detected beyond the site boundary.*
- *A noise survey of the installation at times to be specified and agreed with the local planning authority (but not to exceed once per 12 monthly interval unless otherwise requested in writing by the LPA) in order to determine compliance with permitted noise levels, the results of which shall be submitted to the local planning authority within 4 weeks of completion.*
- *A statement of policy with regard to dealing with complaints*
- *A documented complaint procedure for the investigation, analysis, determination, and solution to noise problems*
- *A schedule of routine maintenance undertaken in respect of plant and machinery for the purposes of maintaining the efficacy of any noise mitigation measures installed*
- *A register of complaints regarding noise emissions from the site*

The operator shall provide the above information upon written request from the Local Planning Authority. All documentation required to be produced by this condition shall be retained on site for a minimum period of two years for inspection as necessary

It should be noted that the condition should apply site wide, not specifically to the baling machine or associated activities. To acoustically separate such activities from general site noise is impracticable in terms of mitigating overall noise impact from the site or determining compliance with noise conditions, hence the need to be consistent with the EA permit requirements. The proposed noise management condition above expands on the more general requirement in the draft permit proposed by the Environment Agency, providing additional guidance and direction as to what is required. It is anticipated that the planning condition and the condition for the environmental permit will substantively be the same.

#### Advice : CCTV

It is recommended that the applicant install a CCTV system capable of monitoring the site which has the ability to differentiate between site activities and log time/date. It is suggested that the system have the

capacity to retain recordings for up to 30 days. Such a system would be valuable in the identification and monitoring of particular issues and could be used to defend the site from unjustified complaint, particularly if the system had the capacity to record ambient noise as well as visual images.

Should the committee be minded to approve the application, it is recommended that the conditions noted above are applied to any decision notice.

Highways: No objections subject to conditions, stating:

The Authority had commissioned a consultant to undertake a comprehensive automatic traffic count of vehicular traffic using Lightmoor Road over a number of days in May 2012. From this data, site observations and historic records the following can be stated:

1. On the section of Lightmoor Road between Leasowe Green and the application site there are on average 76 two way HGV movements a day between 8am and 6pm weekdays. 62 of these being 2-4 axle vehicles and the other 14 being vehicles with 5 axles plus. This equates to generally one HGV movements every 8 minutes through this period. To note some of the vehicles recorded as 2 axle could well be vans with extended wheelbase but could also be 3 axle plus lorries with some axles hitched.
2. Across a full 24hr day on average just 5.6% of the total traffic on Lightmoor Road is that which is classified as HGV. The average total 2 way flow being 1,646 vehicular movements with 92 of these being large 2 axles plus. A typical range of HGV % on a rural nature highway with a national speed limit is usually accepted to fall somewhere between 2% and 20%.
3. Site observations have indicated that generally 75% of the HGV traffic using Lightmoor Road is directly associated with the application site. The other 25% has been seen to consist of general delivery vehicles, both private/council refuse vehicles and more significantly construction traffic associated with the new residential development on Frame Lane.
4. Site observations indicate that generally 3-4 axle vehicles bring material to the site and the 5 axle plus vehicles take material away. Data submitted by the applicant is consistent with these observations and also that data collected by our consultant.
5. There is no accident history recorded on Lightmoor Road itself over the past 5 years.
6. Any pedestrian movements along Lightmoor Road have been noted as minimal.
7. The general width of Lightmoor Road is 5m - 7m between the junction with the A4169 and the application site. Therefore the passing of two opposing HGVs is not considered to be a particular problem and observations on site have confirmed this.

8. Driver visibility at the site access on Lightmoor Road meets those standards required under DfT Manual for Streets.

9. The general condition of Lightmoor Road in terms of its construction and surfacing is good.

On a general note, under the Highways Act 1980 the Highway Authority must recognise that the fundamental role of the public highway is to permit the passage of all persons at all times, and the Highway Authority must ensure all sections of the community, including industry, have the underlying right to use the highway to go about their business. It also must be acknowledged that with the introduction of the NPPF 2012 it is now stated that development should only be prevented or refused on transport grounds where the residual cumulative impact of the development are severe and that improvements should be undertaken within the transport network that will limit the significant impacts of development to allow it to go ahead.

It is clear from the information recorded from the site that it would be difficult to present any technical evidence based case suggesting existing severe traffic conditions, neither are there likely to be in the future as a result of the installation of the bailing machine. However, in line with NPPF there are some issues which require suitable mitigation in order for the application to go ahead.

These being:

1. Larger HGV's do have to cross the opposing traffic lane and overrun a section of verge when entering and exiting the site. This has caused the verge area and general road construction to fall away at a point opposite the site access. The turning movements can at times also block the free flow of regular traffic, which in itself is more of a perceived inconvenience rather than one of highway safety, but it is noted vehicles do at times negotiate this section of Lightmoor Road at speed and should require notification of the possibility that HGV's could be turning ahead.
2. Road markings along Lightmoor Road and its junction with the A4169 either do not exist or are worn. This does lead to some poor driver discipline at times, particularly around the site access.

Therefore, it is requested that any approval of the application must be supported by the following grampian condition:

1. The development hereby authorised by this permission shall not begin until the Local Planning Authority has approved in writing a full scheme of works of highway improvement to include:
  - i) The full highway construction and associated carriageway strengthening of the vehicle overrun area adjacent to the site access at grid reference location 368240, 305836.
  - ii) Driver warning signs on the approach to the site access in line with Traffic Signs Manual Chapter 4 paragraph 19.3 and diagram 575.
  - iii) SLOW carriageway markings on Lightmoor Road on the approach to the site access in line with Traffic Signs Manual Chapter 5 paragraph 22.2-4.

- iv) Centre line carriageway markings on Lightmoor Road in the vicinity of the site access in line with Traffic Signs Manual Chapter 5 Section 4.
- v) Full reline of the Give Way junction between Lightmoor Road and the A4169 to include the associated ghost right turning lane into Lightmoor Road off the A4169.
- vi) Appropriate Give Way lining of the site access at its junction with Lightmoor Road.

And the approved works have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

The work shall be completed under a Highways Act S.278 agreement and the applicant is urged to contact the Highway Authority immediately after any planning approval to initiate this process.

Geotechs: With regard to the initial plans, the following comments were made: The principle of the design is acceptable however the positioning of the large baler and associated platform needs to be an appropriate stand off from the day level shaft and its associated system. A plan needs to be drawn to show the position of this shaft and the stand-off from it. However, following submission of amended plans which propose an acoustic wall on the edge of the spoil mound, the Geotechnical Engineers have raised concerns that the proposal needs to demonstrate that the development will not affect nor be affected by slope stability.

Drainage: No objection

Ecology: Support subject to informatives regarding Protected and priority species, and Trenches.

Sustainability: No comment

Environment Agency: No objection to the proposal, but makes the following comments:

- In January 2012, an application to vary the Environmental Permit of the site has been submitted to the Environment Agency (EA). Due to the ongoing issue of noise complaints from local residents, the varied permit will include pre operational conditions. These will require the submission to and approval by the EA of a noise management plan before the annual input to the site may be increased to 85,000 tonnes or the operational hours of the site increased beyond 9am to 6pm each day. Until EA agreement of an appropriate noise management plan for the site with the company, the pre operational conditions will not become active.
- The Noise impact assessment Rev E which forms part of the planning

application information has been referred to the Air Quality Modelling and Assessment Unit (AQMAU) for technical appraisal. The Impact Assessment appears to rely on a relatively short period of monitoring and one which did not include the period between 7.30am and 9am. As the company wish to be able to operate from 7.30am, It is likely that the EA will challenge the content of the noise assessment in this respect.

- It is likely that some of the material handled at the site at any time may not fall within the current classification of waste and therefore may not fall within the control of the Environmental Permit. Noise generated by the handling of any metal classed as non waste will not fall within jurisdiction of the Environmental Permit for its control.

35 neighbour consultation responses from 24 local residents and a petition containing 12 names have been received with the following comments:

- Intensification of operations and different activities compared with previous car scrapyard business
- Some of metal processed not classed as waste; therefore the capacity could be greater than 80,000 tonnes
- Significant increase in noise having adverse impact on residential amenities – cannot sit in gardens, have windows open, impact on health
- When TMS operated at the site, noise and vibration from activities caused cracks in properties close to the site. Local residents enjoyed the period of time and peace when operations ceased
- Previous application for residential development welcomed by local residents
- Highway safety issues – increase in traffic on unsuitable narrow road, vehicles queuing, difficulty for 2 vehicles passing one another, and turning in middle of highway, metal falling from trucks on highway. Damage to highway and verge
- Safety of pedestrians and cyclists, particularly children – no footway and volume of traffic
- Improvements to highway needed – footpaths, streetlights, speed restrictions, traffic calming, and remarking of junction with bypass
- Hours of operation – already outside permitted hours – all day, weekends and early hours. 7am each day is too early – should be 9am to 5pm with no working at weekends, or 9am to 12pm Saturdays
- Piles of metal are an eyesore in the area and are visible from Lightmoor Road
- Light pollution from security lighting
- Environmental impact on the Dawley Pools recreation area within 100 metres of the site
- Ground and water contamination from oil and other spills
- Ground stability issues – noise and vibration could impact on site of former mineral workings
- Present problems need to be resolved before planning permission is granted for new baler

- New baler with appropriate acoustic screening will not address increased level of noise pollution, particularly trucks tipping metal – all activities need to be within acoustic barrier
- Quadrupling of waste volumes will generate additional noise
- Concerns regarding content of noise report
- Business currently operates outside permitted licence thus may continue to operate outside any planning conditions imposed
- There are more suitable sites for such industry; and with new residential development, the character of area is predominantly residential
- Inconsistencies between application form and Design & access statement – number of employees, and queries regarding increased volume and vehicle movements
- Wider consultation of residents required
- Want to ensure application is determined at Plans Board

#### PLANNING CONSIDERATIONS:

The majority of the site has no land allocation in the local plan, being considered as 'White Land'; consequently the principle of this development is acceptable; furthermore there is an area committed for employment development to the east of the site, on the opposite side of Lightmoor Road.

The Local Plan specified under policy E3 that unneighbourly uses such as scrap yards would not be permitted where it caused material harm to neighbouring uses; this policy was not saved as it was deemed sufficiently addressed by PPS23 Planning and Pollution Control, more recently superseded by the NPPF. The NPPF addresses the issue through the prevention of new development contributing to unacceptable levels of pollution, including noise (para 109, point 4)

#### Use

Planning History for the site is a material consideration for this application; it is evident that a scrap yard of some description has been present on the site since 1975, just shy of 40 years. Consequently the principle of the use is well established. In 1993 the Local Authority approved an application for the continuation of use for the dismantling of cars and a scrap yard. This was approved as a permanent consent, subject to conditions. In 1995 an application for a change of use for the sale of cars was made and approved on part of the site, and evidence on the 1997 application demonstrates the use was implemented. Consequently an application to change this area back to a scrap yard is required. No evidence has been put forward to suggest this has deemed consent as it is an established use being present for more than 10 years; subsequently this application formalises that aspect.

It should also be noted that the site in its entirety benefits from an Environmental permit, provided by the Environment Agency, this restricts the throughput of the site to 25,000 tonnes waste annually. The permit regulates emissions from the waste activities; these include noise, dust, and odour. This level of maximum tonnage has been in place for a number of years and

as such the output on the remaining site could have achieved this. Subsequently the change of use formalised through planning would not impact this permit unless an application was made and approved by the EA.

As the use as a scrap yard has been on the site a significant period of time and the EA permit controlling waste materials throughput, the principle of the use is considered acceptable, however due to factors discussed below it is necessary to consider whether material factors outweigh this principle, or whether this can be adequately controlled through appropriate conditioning.

### Design

The proposed baling machine and associated engine house are located to the far north of the site. The proposed baling machine measures approximately 5.4m in height. There is an existing boundary wall approximately 3.2m in height screening the majority of the mass of the proposed baling unit. Other boundary treatment around the site, in addition to the vehicular access at the northern boundary, screens the baling machine from the public realm, namely that along the highway which runs along the eastern boundary of the site. The proposal is also screened from any residential properties, and as such it is considered that the proposed design and location of the baling unit and its associated outhouse does not harm the visual amenities of the area, in accordance with policies CS15 of the Core Strategy and UD2 of Wrekin Local Plan. Furthermore, the position of the proposed acoustic wall within the site and set back from the highway will not appear overly prominent in the streetscene and area. The proposed development will be in keeping with the context of existing structures on site.

### Noise

The consideration of noise is paramount to this application and the proposal's impact on residential amenities. The Environmental Health Engineer has reviewed a number of acoustic reports for the existing and proposed uses, and has also taken some spot checks from receptors outside of the application site following significant levels of complaint.

The latest acoustic report clarifies the position in relation to the activities on site. It identifies all the potential noise sources on site, and clearly outlines which noise sources are operating at what levels. The report compares those results with existing background and ambient noise levels in the area. Noise levels are noted to be provided for during the normal working day only, and it is envisaged that hours would be restricted to day time operation. The report deals with the existing noise levels and shows that there is a potential for disturbance, it also shows that, if the planning consent were implemented, those noise levels would reduce significantly. In particular it is clear that some activities like the use of a grab crane for loading metal into a 20tonne lorry would not be required, when the baling machine is operational. The report advises on a number of other materials handling efficiencies which would arise if the proposed activities were implemented. Calculations based on worst case show an overall increase of only 3dB (after barriers and other remedial measures are in place). It is noted that whilst noise level increases are not significant the character of the noise in the area would be distinct and

noticeable. The proposed conditions are designed to limit disturbance and reduce the likelihood of complaint. It is anticipated that between the planning controls requested and the environment agency permit requirements, noise impacts of the proposal can be mitigated.

### Intensification

The application form submitted by the agent specifies that the sites maximum annual throughput will total 85,000 tonnes, with the use of the baling machine. This is a considerable increase on what is originally and currently permitted for the site through the EA permit. There are no controls on the existing output of the site through planning restrictions; however the EA permit limits the sites waste throughput to a maximum of 25,000 tonnes per annum. The EA also hold records for the throughput of the site for more than 10 years; during this period the maximum throughput from the site was no more than 10,000 tonnes per annum.

The EA permit however relates to waste, and the EA clearly specifies that scrap metal stampings are not classified as waste, falling outside of the regulated framework. Consequently as the site handles such materials it is considered necessary for the local authority to control this element of the site, however there is a need for consistency with the EA to avoid confusion for the operation regulators and the public. In particular there is a need for the amount of waste throughput to be consistent, and as such the Councils EHO has requested the same conditions for the EA permit as that requested for the planning application.

A permit application has been made by the applicant to increase in throughput to 85,000 tonnes of waste per annum. Given the EA position this could rise to circa 120,000 tonnes or more throughput of metal for the site if the non-waste stampings are excluded from the permit. The EHO also notes that as a general point, the more metal processed, the greater the potential for pollution which would require mitigation. The applicant has met with officers and has confirmed that the site infrastructure limits this throughput to approximately 50,000 tonnes per annum.

In some circumstances the intensification of use may constitute a 'material change of use' requiring planning permission. Case law precedent, including the recent February 2012 judgement involving Herts CC and the applicant, Metal and Waste Recycling, emphasise that each case should be judged on its own merits as a matter of fact and degree. In that case it was concluded that the increase in tonnage from 121,000 tonnes to 232,000 tonnes of scrap metal throughput was not such intensification as to constitute a material change of use. Officers have therefore sought legal advice which supports the view that the increase in scrap throughput tonnage from 10,000 tonnes to either 50,000 or 85,000 tonnes is not in this case such intensification as to result in a material change of use of the site.

It is also recognised that the throughput from the site will be more efficient through the use of the baler; the same tonnage of material will enter the site in

the same number of vehicles, but the output through the use of the baler will increase the tonnage of material existing the site in the same vehicle. It is therefore considered the principle of the increased throughput is acceptable but will be need to be adequately controlled to ensure residential amenity and highway safety. Subsequently it is on this basis the EHO has requested this limit for both the planning application and the environment agency permit, based on limiting the harm to adjacent residential amenities.

#### Highway impact

Highway Engineers have carefully considered the implications of the use and development at the site, taking account of the current planning position and proposed utilising the bailing machine. This includes the collection of data of existing highways movements along this stretch of Lightmoor Road. This showed the average movements of HGV's on Lighmoor Road, of which this equated to only 5.6% of vehicular traffic, the road width maintains capacity for two HGV's to pass, and there is no accident history recorded on Lightmoor Road itself over the past 5 years.

Para 32 of the NPPF relates to developments that generate significant amounts of movement, stating that decision should take account of improvements which can be undertaken within the transport network that cost effectively limit the significant impacts of the development; development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Subsequently the Engineer concludes that the application can be suitably mitigated against subject to the strengthening of the carriageway to allow the HGV's to enter and exit the site; driver warning signs on approach to the site access, in addition to a number carriageway markings. Accordingly it is considered that proposal subject to conditions will not prejudice the safety or freeflow of highway users and takes account of local and national policy.

#### Ground Stability

Engineers previously raised concerns with regard to the baler and the associated platform, however now being aware that the platform has been in place for some years, they no longer raise issues with the stand off from the day level shaft and associated system. However they have raised concerns with regard to the stability of the proposed acoustic barrier and have requested the applicant demonstrate the sites stability associated with the spoil mound. Consideration should be made towards the NPPF which clearly indicates where a site is affected by contamination or land stability issues responsibility for securing a safe development rests with the developer and/or landowner. Decisions should however ensure that the site is suitable for its use and can be adequately mitigated against, this can be achieved through condition. Members attention is also drawn to the recent decision at Plans Board whereby a care home and residential development was approved without such information being present prior to determination as Members concurred tat this could be adequately controlled through condition. Subsequently officers consider that the application has been sufficiently addressed to comply with the guidance in the NPPF.

### Other environmental issues

No concerns have been raised by the Councils Drainage Engineer with regard to the impact on surface water drainage, and as such the proposal will not adversely affect the area by virtue of flooding.

Similarly the Councils Ecologist has raised no concerns with regard to the use of the baling machine and associated works, and as such it is considered that the proposal will not adversely affect the wildlife on the adjacent protected wildlife site. Furthermore, the development will not have a detrimental impact on the Green network designation given the established use of the site.

### Other issues

In response to consultation responses, officers would advise that Council officers in Planning, Environmental Health, Highways and Geotechnical Engineers, and the Environment Agency have been negotiating with the Applicant to seek to resolve the issues of noise, highway safety and slope stability. The amended plans indicate the baler and associated activities would be enclosed within the acoustic screen.

Officers are very sympathetic to residents' concerns and the impact that the existing activities have had on amenity. This has been exacerbated by the period of time when Telford Motor Spares' operations ceased and planning permission was sought for residential development. This required significant site investigation due to slope stability and unfortunately the previous Applicants did not wish to proceed with the investigations prior to determination of the application.

The principle of the use of the site has been established and whilst the scale of operations has changed from Telford Motor Spares' business, the site has planning permission for use as a scrapyards for metals as well as vehicles. Officers note residents' comments that the development and associated activities would be better suited to an industrial estate. However, the site is located in a mixed residential and commercial/industrial area; therefore the use of the site is in keeping with the mixed character of the area.

The revisions to the noise survey indicate that Environmental Health and the Environment Agency are working closely with the Applicant's consultants to ensure that the erection of the baler and associated activities do not lead to undue levels of noise and disturbance. It is considered that the development (baler and engine house) and the increase in the volume of waste can be controlled by appropriate conditions and the respective Environment Agency Environmental Permit.

It is noted that initially information was rather limited on the application; however officers have requested much more detail and are now in a position to assess the application. With regard to the level of consultation on the application; when planning applications are submitted, it is generally the case that only properties directly adjoining the site or access are notified. Given the nature of the development and its wider impacts, officers recognise that wider consultation should have been undertaken; however the application's

consideration at Plans Board ensures that the proposal has been thoroughly assessed and discussed and all comments taken into account.

In conclusion, whilst there is significant objection to the application, and the Council is sympathetic to the local residents concerns, a scrap yard has been present on this site for nearly 40 years, and as such the use is well established. Whilst the site has previously had a relatively low throughput over the past ten years, the proposed increase in throughput is not considered a material change of use of the site. As existing no planning controls exist across this site, and whilst waste output is controlled by the Environment Agency permit, there is currently no control over the scrap metal stampings as these are not classified as waste, falling outside of the regulated framework. Consequently as the site handles such materials it is considered necessary for the local authority to control this element of the site, however there is a need for consistency with the EA to avoid confusion for the operation regulators and the public; it is considered that this can be controlled by conditions relating to total annual throughput being limited to 50,000 tonnes, restrictions to hours of operation, maximum noise levels, noise management plan and the installation of CCTV to identify any issues should a complaint arise; thereby reducing the harm to adjacent residential amenities that that existing from the site. It is also considered that the proposal through a Grampian condition for highways works can reduce the impact of the existing and proposed use on highway safety. The issues with regard to stability lie with the developer, and can be adequately controlled through condition. Consequently it is considered that the proposed development complies with both local and national planning policy.

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

1. A04 Time limit
2. Bcustom Details of acoustic barrier before use of bailing machine
3. Bcustom Noise management plan before use of bailing machine
4. Bcustom Highways Grampian condition
5. Bcustom Ground stability
6. Ccustom CCTV
7. D04 Hours of operation 08:00hours to 18:00hours Monday to Friday, 09:00hours to 13:00hours Saturday, No working on Sundays or Public Holidays
8. DCustom Max levels of noise

Various informatives

**REASON FOR APPROVAL:**

Whilst there is significant objection to the application, and the Council is sympathetic to the local residents concerns, a scarp yard has been present on this site for nearly 40 years, and as such the use is well established. Whilst the site has previously had a relatively low throughput over the past ten years, the proposed increase in throughput is not considered a material change of use of the site. As existing no planning controls exist across this site, and

whilst waste output is controlled by the Environment Agency permit, there is currently no control over the scrap metal stampings as these are not classified as waste, falling outside of the regulated framework. Consequently as the site handles such materials it is considered necessary for the local authority to control this element of the site, however there is a need for consistency with the EA to avoid confusion for the operation regulators and the public; it is considered that this can be controlled by conditions relating to total annual throughput being limited to 50,000 tonnes, restrictions to hours of operation, maximum noise levels, noise management plan and the installation of CCTV to identify any issues should a complaint arise; thereby reducing the harm to adjacent residential amenities that that existing from the site. It is also considered that the proposal through a Grampian condition for highways works can reduce the impact of the existing and proposed use on highway safety. The issues with regard to stability lie with the developer, and can be adequately controlled through condition. Consequently it is considered that the proposed development complies with both local and national planning policy.

TWC/2012/0419 Lawley Phase 6, Dawley Road, Lawley , Telford, Shropshire.

Erection of 388no. dwellings including details of landscaping, layout, architectural appearance, siting, access, parking and scale (Reserved Matters) \*\*\*\*\*AMENDED LAYOUT AND ELEVATIONAL CHANGES\*\*\*\*\*

**APPLICANT**

Ironstone Development Group

**RECEIVED**

25/05/2012

**PARISH**

Dawley Hamlets, Lawley and Overdale

**WARD**

Horsehay and Lightmoor

OBJECTIONS: YES

MAIN ISSUES: Compliance with outline approval and design codes, design and appearance and impact on adjacent dwellings

**PROPOSAL:**

Reserved matters planning consent is sought for 388 dwellings including details of access, scale, mass and design of buildings and landscaping. The proposal also includes off site highways works to alter the design and layout of Dawley Road and includes traffic calming measures.

The proposal is for two access points into the site off Dawley Road and Lawley Road, creation of 388 two to three storey dwellings with a mix of 1, 2, 3, 4 and 5 beds, with associated gardens and parking.

**SITE AND SURROUNDINGS:**

Phase 6 is situated to the south west of the proposed sustainable urban extension (SUE) at Lawley. It is bounded by Lawley Drive to the east, Dawley Road to the south and the existing Lawley Village to the west. There are existing residential properties adjacent to the northern, north-western and western boundaries of the site. There is a NEAP and BMX facility with playing fields adjacent to the northern boundary, there is a new LEAP to the south of the site within Phase 1b of Lawley SUE.

The site was subject to open cast mining and therefore has status as brownfield land, and there are a number of mineshafts on site. The site is sloping, with the higher ground at the southern boundary and falling in a north-eastern direction. The site levels are currently being modified in accordance with a separate earthworks application for the site, which will create a more level site and reduce the requirement for retaining structures. There is single tree on site a memorial tree which is subject to a preservation order. There are a number of hedgerows either within the site or forming the boundary.

The surrounding area is predominantly residential in character, with single and two storey dwellings; a mix of semi-detached and detached dwellings set within large plots characterises the dwellings within the 'old' Lawley Village. There is a mix of newer developments in the area, which have widened the variety of the context with the inclusion of three storey buildings, along with

two and two and a half storey dwellings in traditional and contemporary designs with a mix of brick and render.

**PLANNING POLICY:**

National Planning Policy Framework

Core Strategy

CS1 Homes

CS9 Accessibility and Social Inclusion

CS11 Open Space

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan

UD2 Urban design

UD4 Landscape Design

H22 Community Facilities

H23 Affordable Housing

OL3 Green Network

OL4 Development in the Green Network

OL11 Woodlands and trees

OL13 Maintenance of open space

**RELEVANT PLANNING HISTORY:**

W2004/0981 – Outline planning permission to include access for Lawley Sustainable Urban extension comprising of 3300 dwellings, employment, commercial and leisure facilities, a new school and associated recreational space and landscaping. – Approved October 2005

TWC/2010/0828 – Variation of conditions on outline application

W2004/0981 with regards to timing of works to motorway junction improvements – Outline granted with amended decision notice

TWC/2012/0233 reserved matters enabling works application to create a development platform – Approved June 2012 These works are currently being undertaken.

**CONSULTATION COMMENTS:**

**Drainage Engineer:**

Whilst the drainage proposals are acceptable in principal, the following information is required prior to commencement on site: a detailed drainage statement and full drainage calculations.

**Parks and open space:**

The proposed development is adjacent to a Public Open Space – Lawley Playing Field - (designated Village Green / Green Network) and Neighbourhood Equipped Area of Play (NEAP) which will serve the development.

There is a buffer zone requirement of 30m from the edge of the NEAP (the nearest section is the fenced play area) to the boundary of the nearest residential property.

Access to the Lawley Playing field car park for grounds maintenance and public car parking is via Glendale. It is not clear from the proposal whether

this access will be impeded / affected in any way. P & OS are also concerned about access to maintain the POS and the public to park cars during the construction period. It is also clear that there will be a need to utilise a small area of village green / POS during construction of the adjacent lane / parking court. This encroachment is accepted in principle (subject to amount of area required) on the basis it is for a temporary (to be agreed) period and is reinstated to the satisfaction of P & OS. During construction public access to the building site from the playing field / NEAP needs to be prevented. As the playing field is used for a variety of recreational uses such as football there is a need to consider the impact upon existing use and H & S implications (footballs kicked into the development site).

This proposed development is significant and will inevitably generate further (and significant) use of the Playing Field / NEAP. The proposed access from the development to the playing field / NEAP is across a grassed area from a proposed new pedestrian gate. The access is likely to deteriorate very quickly with constant use and is likely to become a safety hazard requiring constant maintenance.

The proposal indicates that it is to place features on the POS (council owned) land in the form of an estate railings and gate. Fencing / gate is a good idea but this particular design would be inappropriate in close proximity to the play area as it is climbable by children (needs to meet EN1776). Flat top or knee rail would be more appropriate with a Medway monohinge self closing gate, but would welcome other options on fencing detail.

There are a number of trees / shrubs / POS within the proposed development and it is not clear who is to manage these without a conveyance plan which shows Highways adopted areas as well as individual property boundaries and IDG's management. Areas of highway with shrubs / trees within them will require additional commuted sum monies for their maintenance should the council adopt. The landscape management plan does not identify a maintenance schedule and appears to miss a number of basic operations such as litter collection which would have a clear impact upon quality. This needs to be amended to reflect appropriate maintenance operations and approved by the LPA.

Fire Service No objection subject to standard informative

Geotechnical Engineers:

Opencast Mining -The majority of the site has been affected by opencast coal mining. An earthworks operation has been planned to ensure that the development platform is suitable for the proposed development. This has been dealt with by the separate Earthworks application ref TWC/2012/0233. The current development layout shows that it is intended to develop over the opencast high walls. We will need to see the detailed foundation design for these plots prior to development commencing.

Shallow Mining - Outside the opencast, the site is likely to be affected by shallow mining. It is proposed to proof drill and grout the housing footprints. A condition should be placed on the consent to this affect. Within the opencast, there is the potential for shallow mine workings to exist beneath the base of the opencast. Therefore it will be necessary to investigate the potential for workings beneath the opencast prior to development commencing.

Foundation Design - The foundation schedule for the housing plots will need to be submitted prior to development commencing on site. Where piled foundations are to be utilised we will need to see confirmation that the pile design takes into account the possible presence of shallow mine workings.

Mineshafts - A mineshaft investigation is currently taking place on site. This will determine the exact standoffs from the shafts; until this investigation has been completed it is not possible to approve a formal development layout. It may be necessary to amend the plot layout to take into account the findings of the investigation.

Inundation Settlement - It is proposed to construct an attenuation pond on the site as part of the SUDS scheme. This pond must be fully lined to prevent water entering into the opencast backfill and causing inundation settlement. No soakaway drainage should be allowed on the site.

Soil Gases - The ground investigation has identified that gas protection measures are required. Condition C22 should be included in the planning consent.

Urban Design Officer has agreed the broad principles of design and requests various amendments to the details of the layout and dwelling types during the application to ensure the design code standard of dwellings does meet the design code criteria and to create lively active frontages, with distinct character along the Dawley Road and Lawley Drive areas in particular.

Planning Ecologist – no objections in principle. However, there are a number of issues comments on landscape management plan and request that these are considered and an :

- Can the proposed culvert under Lawley Drive be made clear on the landscape map?
- Could do with a more hedgerow planting – there are gaps in connectivity e.g. along the western boundary
- Can the bat and bird box locations be added to the landscape map?
- Landscape management plan section 2 should also mention the treatment of trenches in terms of wildlife
- Deadwood and leaves should be retained e.g. near the hibernacula or around the wetland areas, and not removed from the site (section 4)
- Is a cut in August the best time for the wildflower areas?
- 'Bat and bird boxes will be fixed to new trees within the attenuation basin area and to existing trees within the hedgerow on the north-eastern boundary' – Need details on number and type of boxes. Why not attach some boxes to buildings too? New trees will be far too small to attach boxes too; need mature trunks
- Invertebrate boxes should also be erected
- Hedge and tree cutting/trimming must take place outside bird nesting season – this isn't stated anywhere in the management plan
- The variety of mowing regimes talked about in 6.4.vi – where are the details of this?

Once the landscape management plan has been amended I suggest the following conditions:

- Implementation of the landscape management plan and planting scheme
- Lighting strategy
- Phased vegetation clearance

- Possible retention of the hedgerow

West Mercia Police:

No objection to the proposal. However there are opportunities to design out crime and /or the fear of crime and to promote community safety. Request planning condition. The applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment; the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured by Design is implemented.

Highways Engineer:

Recommends refusal of plot 377 as the vehicular access and driveway to Plot 377 is located within 17 metres of the stop-line at the adjacent, and future traffic signal controlled, junction with the A5223 Lawley Drive. It is likely that under traffic signal control exiting traffic will queue and block any inbound right-turn into this access with the potential for further blocking back of inbound traffic from the A5223 Lawley Drive. Subject to the concerns with plot 377 being addressed no objections in principle subject to further details to be controlled through conditions relating to technical constructional details for roads and junctions including programme of works. Program of works of installation of traffic signals, details of temporary access arrangements, details of bin collection point areas, minimum sizes for parking areas a parking carports, and no gates or doors to open onto the highway. There is no agreement to the materials and will be subject to technical approval as per conditions, realignment works need to be secured un Section 278 of the Highways Act 1980, limits of highway for adoption need to be set and agrees under Section 38 of the Highways Act 1980 and any parking spaces with adopted highway land will not be available for allocation to individual properties.

Dawley Hamlets Parish Council – No comments

Lawley Parish Council - We feel that the road safety issues will be made worse by the removal of the island on Dawley Road and understand that this decision has been made by Highways not the developers and feel it should be looked at again.

Shropshire Wildlife trust:

While the site has been surveyed the Trust has concerns over the level of survey effort, and the extent to which the findings of the survey report have been taken into account in the design of the development and the management plans for the site. For example the report states that suitable habitat for reptiles are present but that a survey was not conducted due to a lack of historical records and recent disturbance in the area. A lack of historical records is certainly not a good reason to forgo a survey. It is well known that only a relatively few sites across the county have been subject to thorough survey. The majority of areas, especially away from designated sites, have not been fully studied. Historical records can certainly provide a

valuable indication of species that may potentially be present but not to suggest an absence when suitable habitat is present. To enable an informed decision and avoid doubt the Trust would recommend a reptile survey is undertaken. The hedge in the 'north east corner of site' is identified as an "important hedge" and has the potential to form an important part of the local ecological network. The proposals do not make it clear how this feature is going to be treated. Suitable conditions should be included to ensure the long term survival of the hedge and also its function as a wildlife habitat and corridor. Hedgerows are included in the method statement, landscape management plans, etc. but clarity is needed especially when they will form part of private gardens. It is hard to see how suggested management operations could be carried out in these circumstances and what constraints can be place on private land

Six letters of neighbour objections received and comment can be summarised as follows:

- Proximity of new properties to existing properties
- Loss of semi rural character and wildlife.
- Loss of play facility.
- The housing density is excessive and is not in keeping with the existing village.
- Adverse impact on privacy due to overlooking.
- Loss of direct access from gardens onto the site and use of footpaths.
- Use of Greenfield site.
- No need for housing as existing Lawley sites are struggling to sell.
- The promised tree buffer planting is not occurring and existing trees have been removed.
- Impact on main and storm drains
- Increase in pollution, noise, nuisance and overcrowding.
- The 3 storey houses are being proposed in a mature and established area of the village and are completely out of character and not at all in keeping with the existing houses.
- The mature hedge which forms the boundary between existing properties and the field is to be retained as owned by existing residents. As this hedge will form part of the proposed properties boundary too – we want a guarantee that this will not be damaged / destroyed or altered by any future residents.

- The island / boundary at junction with Bartholomew road with the purpose of blocking traffic, is a great idea, would this be raised enough or Trees planted to stop this being used as a future car parking area.
- The development needs to minimise impact on existing residents by ensuring adequate boundaries to act as barriers to noise, dust and to preserve privacy

Three letters of neighbour support have been received and comments can be summarised as follows:

- Welcome the plans for the much needed traffic calming on Dawley road. Would also support a 20mph speed limit and possibly use of speed cameras to reduce speed on this busy road.
- Would welcome these calming measures being extended further along Dawley Road to the junction with Glendale Road.

#### PLANNING CONSIDERATION:

This report needs to be read in conjunction with the report for amendments to the S106 agreement for the revised outline planning consent TWC/2010/0828. That report seeks to revise the affordable housing requirements.

#### Background

Outline planning permission for Lawley SUE was granted in October 2005 for 3300 houses, a new local centre, new school and leisure and recreational facilities. This outline was amended last year under application TWC/2010/0828. As part of the outline planning proposals a Development Framework Plan and Design Codes were prepared and approved, these were both subject to extensive public consultation and set down the principles of the layout and design of Lawley SUE.

The development framework plan denotes the areas for development and areas for either new or retained landscaping. For Phase 6 this plan indicates a green square of planting in the south west of the site and an area for housing development to the north of the site located between the existing playing field and NEAP and housing in Bartholomew Road.

Prior to the submission of this application the Ironstone Development Group requested flexibility with the Council with regards to siting of the residential blocks within the area. The development framework included a pocket of development on an existing tree belt at the north of the site adjacent to properties in Bartholomew Road. This block has difficulties in being developed due to gaining access and this land is now sought to be retained as an enlarged playing field/landscaped area for community purposes. The master plan was also revised to reduce the area of planting in the south west corner of the phase to assist in compensating for the loss of residential development land.

#### Layout

Phase 6 is defined as forming part of the Lawley Village Character area and as such is to reflect a tranquil and leafy gardenesque neighbourhood with high

density housing, to be expressed with a network of village greens interlinking the existing village green with the most southerly part of Lawley Village. The Lawley design code also shows phase 6 as predominantly containing informal lanes, with an informal street running through the site to connect Dawley Road with Bartholomew Road.

The proposed layout does not include a vehicular link but does propose a pedestrian cycle link between Dawley Road and Bartholomew Road. Officers consider that this is acceptable this proposal will alleviate concerns of congestion and creation of rat runs through the development from Dawley Road. The primary access into the site is now from junction 8 along Lawley Drive, with a secondary access proposed off Dawley Road.

The proposal also seeks to amend the designation of Dawley Road to an informal lane this is to overcome issues and concerns with current excessive speeding along this route. The proposed works include the removal of a small traffic island at the junction with the church and re-modelling of the carriageways to include traffic calming measures, raised tables and crossing points.

Officers consider that the proposed alterations to the Dawley Road layout are acceptable and will assist in the inclusion of Phase 1b by create safe crossing and walking routes to wider Lawley area, and reduce speeds to create a safer environment.

The proposal also includes the creation of a 'green route' through the site, which includes the larger of the proposed square feature within the development and links the dwellings south of Dawley Road to this new phase and existing dwellings to the north, Lawley Centre and primary school beyond that. Officers consider that the creation of this route offers some mitigation for the earlier tree loss in this locality, and create an attractive leafy backdrop to the development in keeping with the character area.

The Lawley design codes require the layout to be formed of blocks which are irregular in shape, be generally orthogonal or straight sided occasionally with one sided arced. Like earlier phases, Phase 6 adheres to the design codes with the creation of irregular blocks in shape, and arranged irregularly and off set from one another.

The design code defines the roundabout at the south east corner of the site as a key landmark. The phase 6 response to this is the creation of 3 three storey detached units, with strong character created by the gabled roof design, with overhanging eaves and simplified window design, and are characteristic of similar properties on phase 1b (which is the same character area). Officers consider that the dwellings proposed in this location, as amended, does create a suitable landmark and has similarities to plots on other phases to be reflective of the character area and is therefore considered to comply with the design codes.

The design codes require key public spaces in the form of a large and small green square and trees in less formal areas. The proposal has created these spaces as discussed further in the landscape section and along with the swales on the frontage, they give a green backdrop to the proposal in accordance with the design aspiration of the Codes, as well as responding to urban design criteria in the Wrekin Local Plan and Core Strategy in terms of creating a layout which strengthens local identity and makes a positive contribution to the site and surrounding context.

The context of the outline planning consent sought to make the best use of the brownfield site and introduce higher densities than previously adopted at an average of 38 dwellings per hectare. This was further defined in the design codes, which defines phase 6 and a medium density area, which equates to 38-44 dwellings per hectare. This proposal achieves a density of 38 dwellings per hectare, in accordance with the design codes, whilst responding to issues on earlier phases with regards to dwelling size and associated garden sizes to create better garden facilities but still efficiently using the land available.

The Council's Highways Engineer has raised an objection to the siting of the garage and parking in relation to Plot 377, due to the potential conflict with the traffic signals on Lawley Drive. As the drive is only 17m from the stop line at the traffic signals there is potential that the access to driveway will be blocked on entering the site from Lawley Drive and other traffic backing up through the signalised junction and adversely impacting on highway safety. The applicants have considered a number of alternatives to overcome this objection, including alterations to the plot and moving parking to the rear court yard. The change to the plot would mean a less substantial building on this key gate way entrance to the development, this was considered detrimental to the overall street scene and officers could not support these solutions. With regards to the moving of parking to rear parking courtyard, This could be achieved, but the likelihood is that occupiers of this property would park vehicles to the front of the property in roadway (as demonstrated on other phases where such scenarios have arisen) and create a permanent obstruction in close proximity to the traffic signals. Therefore officers notwithstanding comments from highways engineers support the siting of on plot parking for plot 377, which is considered to have less impact to highway safety than alternative parking arrangements and to retain the overall character and appearance of the development.

Local residents have raised concerns with regards to issues of overlooking and loss of privacy. The outline development framework and codes set the development to be a mix of 2 to 3 storey dwellings. The proposal has incorporated this mix of dwellings. The council does not have adopted distance separation standards for the siting of new dwellings, (there is an industry standard of 21m between rear faces of buildings) but does consider the orientation of buildings, level of boundary screening, and distances between the faces of buildings when considering the impact on existing dwellings. Officers consider that the proposed development achieves in excess of 21m separation between main facing rear elevations, some plots also benefit from additional screening created by substantial hedges and trees along boundaries and therefore it is considered that the proposed dwellings will not have an adverse or detrimental impact on the amenities of occupiers of existing dwellings in terms of overlooking or loss of privacy.

#### Scale/Mass and Design

With regards to the scale of development, the design codes state that a variety of building heights coupled with a range of dwelling types and densities will ensure that Lawley has a rich urban form. The codes defined phase 6 to have buildings of 2 to 3 storey buildings for the majority of the site, with three storey dwellings along the phase frontage (Dawley Road and Lawley Drive) facing the NEAP and around the green square. The proposed

development does not incorporate as many three storey dwellings as indicated in the design codes. The two main frontages contain a mix of 2, 2.5 and 3 storey, however the design of the dwellings and natural topography of the site will give the definition and legibility that is the guiding principle behind the design codes. Within this phase there is a mix of dwelling heights, and the use of taller buildings marks the culmination of views, key corners as well as the frontages. This has retained the legible markers within the scheme to facilitate wayfinding around the development, and a good sense of enclosure of the streets is still achieved, and provides for functional front garden and allows for porches.

In terms of design and appearance due to the change in the economic climate since the outline was granted, the developers have requested a relaxation of some of the design and materials criteria and use of standard house types to continue to deliver new homes and maintain a viable scheme. Officers consider that the continued development and building program of this strategic site is paramount in supporting and delivering growth of Telford. It is for this reason that there has been support to some properties not being designed to full code standards.

In order to address potential characteristic difficulties in a scheme including design coded and developer standard products a transitional coded product is proposed to blend the transitions between the character areas and so overall the design is less contrived.

The key frontage is formed of largely design coded dwellings, which include paired dwellings, irregular rhythm of doors and windows, with larger proportioned windows, the use of render, and weather boarding and projecting bays to create character and vertical emphasis to the street scene. There is a strong emphasis on gables within the frontage. On the entrances there are corner turning plots for surveillance and varying roof heights and chimneys to create an attractive roofscape to exploit long views of the site, from a number of elevated locations elsewhere within Lawley.

The transitional house types still include some larger windows, limited use of render and weather boarding, chimneys and canopies. The standard house types have smaller windows and proportions, are largely all brick buildings, less gable feature and no chimneys.

In terms of detailing and materials, the development uses a mix of bricks, render and weather boarding to create an organic nature and evolutionary feel to the development. The submission did include a materials plan, but this has not been updated with changes to the layout and some of the details, i.e. roof tiles and grey render are not acceptable in principle. Furthermore, in contrast to earlier phases of the same character, officers are supporting to a variation of window materials to allow UPVC on this more traditional phases, with grey UPVC features on key buildings along the main frontages to reflect the more contemporary style of properties opposite the site on Phase 1b. Officers therefore consider that details on materials can be adequately covered and controlled through conditions.

In relation to car parking, the developers have sought to increase parking ratios for the dwellings. The Design Codes require overall parking ratio of 1.5 spaces per dwelling. This has proved unworkable in the earlier phases, particularly with larger dwellings and has resulted in more on-street parking. In this phase the proposal is for an increase ratio of parking to minimise issues

of on street parking. Furthermore, whilst the streetscene does result in continuity, it differs from earlier phases in that more detached properties are introduced to accommodate more on-plot parking, which is screened in key locations. This has also resulted in minimising the number of rear parking courts, which are considered to be a less popular feature of phases 1a and 1b.

The layout, design form and materials are broadly acceptable and in keeping with the design codes with some elements such as materials to be refined through conditions.

#### Highways

The proposal is for the creation of two access points one off Lawley Drive, at Junction 8 which will be controlled with traffic signals and is considered the primary access to the site and a second vehicular access off Dawley Road. There are no vehicular links to the adjacent existing residential properties in Bartholomew Road and Glendale Road, to prevent issue of creation of rat runs through the development. There are however pedestrian and cycle links to give permeability and interconnection with the existing village without creating traffic and congestion issues.

The Design Codes from the Lawley outline planning application detail that the smaller roundabout at the junction with the church was always intended to be removed and Dawley Road altered to facilitate development and to provide a more suitable residential road between the Phase 1b and Phase 6 sites

As part of the Phase 6 site development, the proposal includes the removal of an existing traffic island on Dawley Road and a wider traffic calming scheme which replaces this with a new roadway, which is split in places, is sinuous in shape and includes a number of traffic calming measures, which consists of both vertical and horizontal alignment changes along a significant length of Dawley Road along with the provision of a controlled (zebra) pedestrian crossing. Officers consider that the proposed scheme is compliant with the aims and principles of the design codes in creating a pedestrian friendly environment with a residential road and consider that the amendments to the road will overcome existing issues of excessive speed (40mph) in this residential area

#### Landscaping and Ecology

The Lawley design code indicates that phase 6 should have two open spaces within it. Due to the retention of an existing open space within the adjacent recreational ground; these two internal spaces are smaller. The first space is accessed off the Lawley Drive main vehicular access to the site; this is a predominantly hard surfaced area with shared surfaces and a few street trees to create a sense of place and character.

The second space forms part of a wider green link between the LEAP off Dawley Road through the site to the recreational ground. It is a shared surface space with grassland, trees and shrubs. This planting also includes a new Elm tree as a publicly accessible alternative memorial tree to compensate for the existing protected tree being retained, within the private amenity space of a dwelling. The wider route has numerous trees either in street or garden and all front boundaries include hedging to create this distinct green route through the site to assist and encourage safe and attractive walking routes to the local centre, school and other facilities.

Along the site frontages of Lawley Drive a new space has been created with the swales, which introduces a wetland edge to the scheme. The alterations to the highway form along Dawley Road is also an opportunity for additional tree planting and assists in reinforcing the green link through the site.

As the site abuts the existing village green and play facilities, the proposal seeks to link to this and create a new boundary to the space. Estate railing was originally proposed, however officers in Parks and Open Space raised objection to this type of boundary treatment and it has been amended to a knee rail style with gateway, as per the officer's recommendation. The design of the fencing is appropriate within this setting.

Neighbours have raised a few issues relating to landscaping, firstly the impact of the development on the existing hedge with forms the boundary to the western boundary. This is to be retained, but will include trimming, full details of works to this hedge shall be controlled through conditions prior to commencement of works to this hedge. The outline planning consent also restricts new owners permitted development rights to remove boundaries including hedges to ensure long term retention of this important hedgerow. Another issue relates to the detailing of the planting feature to prevent through traffic to Bartholomew Road. The landscaping plan shows three trees and other shrubs to make a substantial planted buffer, and be of a density to ensure no issues of parking or other uses.

A final issue relates to the loss of park or village green land. Currently when viewed on site the fenced area which is mowed grass and contains the Memorial Tree is accessible to the public, but this was never the long term use as designated within the development framework plan attached to the outline consent. The extent of land to be considered for residential development is a principle issue and was determined at the outline stage. For the purpose of this application the proposed development does not encroach on the area designated as village green or designated for informal and formal play within the outline development framework plan. Whilst the community consider that the development will create a shortage of recreational facilities. Officers do not concur with this view; the outline application was accompanied by a strategic open space master plan, which ensures an adequate level of provision for the development as a whole and spaces land and equipment appropriately to serve the community. Furthermore, this proposal has resulted in the creation of more green spaces through retention of the tree belt to the north of the playing field, and creation of pond and surrounding open space along the frontage on Lawley Drive.

With regards to landscape maintenance, the application is accompanied by a management plan; however some elements of works are missing.

Accordingly, it is considered appropriate to condition the submission of a revised management plan.

Officers consider that the proposed landscaping accords with the Lawley Design Codes and incorporates protection of existing key features and is supported by well structured additional planting accordance with Wrekin Local Plan policies UD2 and UD4.

The site is generally considered to be of low ecological value, however there are some important hedgerows which are species rich and worthy of retention along with a single protected tree 'the memorial tree'. There is also a substantial mixed species hedge along the north western boundary which is

also to be retained for landscaping and screening purposes. The proposal seeks to create new habitat with the creation of swales and attenuation basin offering new grass land species and suitable locations for hibernacula for reptiles. There is additional ecological mitigation with the introduction of bird and bat boxes. Overall the development enhances the overall ecological value of the site.

#### Drainage

The proposal will utilise sustainable urban drainage techniques. Surface water will discharge by gravity to a surface water attenuation feature at the lowest part of the site in the North-east corner of the development. The attenuation basin has been designed to accommodate flows from a 1 in 100 year storm event plus 30% for future climate change. This drainage is in accordance with the approved drainage model for Lawley Village.

The foul water drainage will again be by gravity to the existing public sewer in the northern corner of the site adjacent to Lawley Drive, and is again in accordance with the overall drainage model.

Whilst the drainage proposals are acceptable in principle, additional detailed information is required prior to commencement with regards to final details and calculations to support and ensure that the design is suitable.

The drainage proposal is acceptable and will not result in flooding issues and therefore complies with guidance in NPPF.

#### Ground Conditions:

The site has largely been affected by opencast mining. A separate earthworks application has been approved which seeks to create a suitable development platform and overcome the sloped nature of the site, which is a legacy of the former use. The siting of housing and details of foundation design are required due to the former ground conditions, these can be controlled through conditions, along with issues of soil gas measures.

There are mineshafts on the site which have been fully investigated. Remedial works will need to be undertaken to ensure the stability of dwellings in close proximity to these features, again this can be controlled through conditions.

#### Affordable Housing

Due to the economic climate the developers are unable to meet the requirement of outline permission to provide 25% affordable housing and are offering 15%. This is split 10% shared ownership and 5% social rented. Full details are dealt with in application TWC/2010/0828 as this affects the S106 agreement attached to the outline planning consent. Members will note from that report, the reduction in affordable housing provision is justified.

For the purposes of the reserved matters the affordable housing is pepper-potted throughout the development and the design of buildings ensures that these properties are tenure blind to appropriately blend with the open market dwellings and character and appearance of the overall development.

#### Other Issues:

Residents have raised concerns about pollution impacts. It is recognised that building works operations can create noise and disturbance through dust etc, but this is a short term impact which can be mitigated through working

practices and control on hours of operation. The outline consent includes a condition which adequately covers these issues.

#### Conclusions:

The outline planning consent granted the principle of development on this brownfield site. The accompanying development Framework and Design codes set the parameters for each phase.

The layout and design of the development at phase 6 has evolved through a series of pre-application and during application meetings. It has taken into account the lessons learnt on phases 1a and 1b, the need to provide a high quality development and yet remain viable to build. The development is largely in accordance with the Development Framework and Design Codes and any departures are considered to be acceptable and will retain the unique character and appearance of the Lawley development.

The development will continue to provide a high quality housing area, which integrates and respects relationships with adjoining residential properties and open land and will contribute to the development of Lawley as a strategic housing development to meet current housing needs within the Borough.

**RECOMMENDATION:** Approval of reserved matters subject to the following conditions:

1. A02 Time Limit Reserved Matters
2. BCustom Details of materials including sample panels
3. BCustom Protective fencing tree and hedges
4. BCustom Full details of hedge works
5. BCustom Foundation schedule and designs for each block
6. BCustom Drainage Statement
7. BCustom Drainage Calculations
8. BCustom The SUDS drainage system shall be fully lined to ensure no water permeability and ground settlement issues.
9. BCustom Highways technical and construction details
10. BCustom A programme for the construction and completion of the Dawley Road re-alignment
11. BCustom A programme for the installation and commissioning of the A5223 Lawley Drive junction traffic signals
12. BCustom details of any temporary vehicular access arrangements
13. BCustom Locations of bin collection points to be agreed
14. B140 Lighting Strategy
15. C22 Soil gases
16. CCustom Notwithstanding submitted details a revised landscape management plan to be submitted and agreed prior to occupation of first dwelling.
17. CCustom Aim to achieve Secured By Design Standard
18. CCustom No occupation until drainage scheme implemented
19. C38 Development in accordance with plans

#### Informative

- I06 S106 agreement
- I0 Outline Planning conditions
- I11 Highways
- I16 Surface Water Drainage
- I32 Shropshire Fire Service
- I40 Conditions
- I43 Reasons for Approval

#### Reason For Approval:

This proposal is for erection of 388 dwellings and forms phase 6 of the Lawley Sustainable Urban extension as set out in the approved Development Framework and design Codes approved under outline planning permission TWC/2010/0828. The design and layout of this phase is broadly in accordance with the principles set out in the development Framework and design Codes. Any modifications have been in response to either lessons learnt on earlier phases, i.e. alterations to parking requirements or to take into account the current difficult economic climate in terms of using standard housing types, and is fully justified in the supporting design and access statement. The development will continue to provide a high quality housing area, which integrates and respects relationships with adjoining residential properties and open land and will contribute to the development of Lawley as a strategic housing development to meet current housing needs within the Borough.

TWC/2012/0423 9 Bayswater Close, Priorslee, Telford, Shropshire, TF2 9GY  
Proposed two storey front extension and the conversion of the loft in to habitable space

**APPLICANT**  
Metro Home Ltd

**RECEIVED**  
24/05/2012

**PARISH**  
St. Georges and Priorslee

**WARD**  
Priorslee

THIS APPLICATION WAS DEFERRED AT PLANS BOARD ON 1<sup>ST</sup> AUGUST 2012 FOR A SITE VISIT.

CLLR VERONICA FLETCHER HAD INITIALLY REQUESTED THAT THIS APPLICATION BE DETERMINED BY PLANS BOARD

Members are reminded of the update which was issued at the previous meeting:

#### ORIGINAL UPDATE

Since the report to members; neighbours of Bayswater Close have submitted a document summarising their objections:

1. Loss of privacy; in particular for No's 8 & 7 Bayswater Close
2. The proposed extension is approximately 20.5m away from No.8 and approximately 17m away from No.7 and is therefore in breach of the 'minimum regulatory distance of 21m.
3. Overdevelopment of the property – size and profile not in keeping with the rest of the development in respect to height, frontage, floor area and number of bedrooms.
4. Access to the site restricted to a narrow corridor between the neighbours' property and No.9
5. Concerns over disruption during construction; in particular the construction vehicles, construction equipment and potential obstruction of shared access.
6. Adverse impact on available car parking – increase in number of vehicles, unable to comfortably achieve the on site parking identified on the submitted application plans.
7. Devaluation of property

The document includes copies of the original objection letters, photographs taken by neighbours showing existing parking arrangements, a petition signed by 8 neighbours objecting to the proposed developments (including No's 2, 3, 4, 7, 8, 11, 12 and 14 Bayswater Close).

Officer's response to the above issues:

1. As detailed in the report; the Local Planning Authority have assessed the potential impact on neighbouring properties and are satisfied that

- there will be no significant loss of privacy, given the orientation of the properties and the distance away from the proposed development.
2. Telford & Wrekin Council use the mentioned 21m separations distance as a guideline only and not as a standard minimum distance as each case is assessed on its own merits. The proposed two storey front extension will be approximately 20.5m away from No.8 and approximately 18m away from No.7. As explained above, given the orientation of the properties and the distance away from the proposed development, the Local Planning Authority is satisfied that there will be no significant loss of privacy.
  3. As detailed in the report; officers are satisfied that given the size of the existing property and the plot on which it stands, the proposed development will not amount to overdevelopment of the site. Adequate amenity space will be retained to the front of the property and the amenity space to the rear of the property will remain unaltered.
  4. As detailed in the report; the applicant has a legal right of way to provide access to their property. The proposed on site parking is within their boundary and should not therefore have an adverse affect on existing parking provisions. It is worth noting that the pictures submitted within the document show vehicles which are owned by both applicants (No.9) and neighbours at No.8.
  5. The proposed development represents a minor form of development and the Local Planning Authority does not consider it appropriate to apply site management conditions.
  6. The submitted plans have clearly demonstrated that a total of five on site car parking spaces can be achieved. There are currently four on site spaces – two spaces provided within the attached double garage and a further two in front of the garage. The applicant has demonstrated that a third space can be created, providing a total of 5 car parking spaces which is considered acceptable for a 6 bedroom property.
  7. The matter of devaluation of property is not a material planning consideration.

With regards to the above the officer's recommendation to GRANT planning permission remained unchanged.

#### ADDITIONAL INFORMATION

Since the previous meeting, new additional information has been received from Mr Kevin Francis (No.3 Bayswater Close) who is acting on behalf of the residents objecting to the proposed development. This information is summarised below:

- Members are advised that they were misled in information relating to the precedent for such extensions having already been set. This is inaccurate as no property in Bayswater Close has been extended beyond their original front building lines.

- During the meeting the presenting Officer stated that several properties in Bayswater Close had been extended to their front. This was demonstrated by referring to the submitted plans, specifically choosing No.3 to illustrate this point. What was picked out was not an extension to the front of No.3 but the double garage at the front of the house. This double garage is single storey and was built with the house as part of its original construction.
- Objectors to the planning application were not able to challenge this inaccurate information during the meeting and it is stressed that no property on Bayswater Close has to date been extended beyond the original front building line. If members decide to grant permission for the application at No.9 Bayswater Close, this would be the first such application to be approved on Bayswater Close.

Officers advise that members will be making a site visit and will be able to assess this for themselves.

In light of all of the above information there is no change to the officer recommendation:

RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:

A03	Time Limit
C01	Matching Materials
C38	Development in accordance to submitted plans
Informative I17	Minerals Area
Informative I25k	Bats & Birds
Custom Informative	Site Management

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### ORIGINAL REPORT

OBJECTIONS RECEIVED: YES

MAIN ISSUES: Impact on residential amenity, street scene and on site parking provision

#### THE PROPOSAL:

This full planning application relates to the erection of a two storey front extension and the conversion of the attic to habitable space by creating a dormer in the west facing roof pitch. The proposed extensions would provide the dwelling with an extended lounge at ground floor level, a new master bedroom with en-suite at first floor level and a further two new rooms at second floor. All external materials for the proposed extension would match the existing ones.

SITE AND SURROUNDINGS:

This is a two storey detached dwelling situated on a sizeable plot at the head of a cul-de-sac which forms part of a larger established residential area in Priorslee. The property sits on the largest plot of Bayswater Close and enjoys spacious amenity to the front and rear.

This is a modern four bed property finished in red facing bricks, painted render at first floor, concrete interlocking roof tiles and white upvc windows. An attached double garage sits to the side of the property with two car parking spaces available in front of the garage, providing a total of four on site car parking spaces.

Access to the property consists of a shared driveway which leads off Bayswater Close. This driveway is shared by No's 7, 8, 9 and 10 to provide access to the properties.

To the West of the property is a mature tree belt which provides privacy, amenity and acts as a buffer to the highway beyond. Neighbouring properties are of similar age, size and design with several properties having various forms of extensions. No.8, opposite has a detached double garage with a pitched roof which is situated alongside the applicant's front boundary.

#### PLANNING HISTORY:

W2003/1380 - Erection of a first floor extension over existing garage and erection of a single storey rear extension - Full Refused (12/01/2004)

#### PLANNING POLICY CONTEXT:

National Planning Guidance  
National Planning Policy Framework (NPPF)

Saved Wrekin Local Plan Policies  
Policy UD2 – Design Criteria

LDF Core Strategy  
Policy CS15 – Urban Design

#### CONSULTATION RESPONSES:

St Georges & Priorslee : Object  
*The proposal would create over development of the site*

Geotechs : Support, Add I17 (Minerals Area)

Ecology : Add Wildlife Informative I25k (Bats & Birds)

A site notice and 13 direct neighbour letters have publicised this application.

10 letters of objections have been received by the following neighbours at No's 2, 3, 4, 6, 7, 8, 9, 10, 11 and 14 Bayswater Close:

- Insufficient parking available / Impact on shared driveway access

- Overlooking/Loss of privacy (No.8)
- Out of character with neighbouring properties
- Concerns of impact on existing drainage provisions
- Overdevelopment of the site
- Setting a precedent for other neighbouring properties
- Devaluation of property values
- Disruption during construction – noise, dust, construction vehicles
- Requests for members to carry out a site visit

#### PLANNING CONSIDERATIONS:

This full planning application relates to the erection of a two storey front extension and the conversion of the attic to habitable space by creating a dormer in the west facing roof pitch. The proposed extensions would provide the dwelling with an extended lounge at ground floor level, a new master bedroom with en-suite at first floor level and a further two new rooms at second floor. All external materials for the proposed extension would match the existing ones.

The proposed two storey extension extends approximately 5m from the existing front elevation and will create a new gable end which will look out on to Bayswater Close. The proposed development will alter the existing access in to the property, with the removal of the existing porch currently at the front of the property, with a new doorway in the new extension. The existing bay window serving the study room will be removed and relocated to serve the new extension which will provide views out on to the close.

Whilst the two storey element will provide greater floor space, the property sits on a spacious plot which can readily accommodate an extension of this size without a significant adverse impact on the existing amenity space. Neighbouring properties on this cul-de-sac are relatively spread out and the extension will be a minimum of 20.5m away from the nearest neighbouring property, No.8. This neighbouring dwelling is set at an angle to the application site and in between these two dwellings is a detached double garage with a pitched roof. Officers therefore consider that over the distance of 20.5m and with the neighbours' detached garage being positioned in this location, there will be no significant loss of privacy or light to either property as a result of the development. Other neighbouring properties will not be detrimentally affected as a result of this development as they are not facing the extension and are all located over 20m away.

The proposed loft conversion will require the installation of a dormer in the west facing roof pitch. Under permitted development it is possible to install a dormer in a detached property with a total floor space of 50m<sup>3</sup> providing the materials match. Whilst the proposals will create a floor space of approximately 100m<sup>3</sup>, the dormer will look directly out on to the mature tree belt which lies between the residential area and the highway. No side windows are proposed and neighbouring properties will not be affected and similarly neither will the street scene be affected as this part of the development will not be readily visible.

Officers appreciate that the proposed development will turn the dwelling from a four bedroom property into a six bedroom property however, given the size of the existing property and the plot on which it stands; the proposals do not amount to overdevelopment.

The applicant intends to create a new parking space in front of the property, adjacent to the existing spaces and with the attached double garage. This in turn will provide a total of 5 on site parking spaces which is considered more than adequate for the dwelling. Officers therefore consider that the applicant will be able to comfortably park their vehicles on their own land without blocking the shared driveway or causing other highway related problems.

Officers have taken in to account the objections received from both the Parish Council and neighbouring properties. For reasons already explained, the Local Planning Authority disagrees with the Parish Council that the proposed development constitutes overdevelopment of the site. Officers have assessed the potential overlooking but are satisfied that mutual privacy can be achieved given the proposed two extension will be a minimum of over 20m away from neighbouring properties. Similarly, despite the creation of an additional three bedrooms, it is considered that the provision of five parking spaces is more than adequate for a seven bedroom property. The Council's drainage engineers are not usually consulted on householder applications however if they consider proposals have the potential to affect the existing drainage provisions, this is brought to the attention of the planning officer. No objections have been raised by the drainage engineers relating to this application.

Having assessed other neighbouring properties in this residential area of Priorslee, it is clear that the precedent for such extensions has already been set and this is not therefore a cause for concern.

Finally, matters relating to any potential impact on property values or disruption caused during the construction of the proposed works are civil matters and should not be considered as part of this application. Most development causes some degree of disruption and possible inconvenience to those living nearby. Had the development constituted permitted development (and hence not required planning permission and no contact with the planning department) the delivery of materials, construction vehicles and so on would still be delivered to the site. Because of this, it is not considered necessary in this instance to condition the management of the site, however an informative will be applied to advise the applicant to be considerate of neighbours' need to access their properties without undue difficulty. However, officers note that irrespective of who owns what section of the shared driveway, the applicant has a right of access leading directly from Bayswater Close to the front of their property which would allow for deliveries of materials, parking of construction vehicles. However, as previously stated these are civil matters between the neighbours of the cul-de-sac and are not matters for the determination of this planning application.

The design of the overall development is considered to be acceptable and compliant with policies UD2 of the Wrekin Local plan and CS7 of the Core Strategy. Whilst the aspect of the dwelling will differ to its existing form, the design is in keeping with the existing dwelling as well as the neighbouring properties on this cul-de-sac. The use of matching materials and similar roof pitch will allow the development to be in character with the immediate area and although the street scene will alter, officers consider this will not be to its detriment.

Officers consider this application to be acceptable. The design of the extension is in keeping with the character of this residential area and will not have a significantly adverse impact on immediate neighbouring properties in terms of any undue overlooking, loss of light or any overbearing impact. Sufficient amenity space will be retained as well as ample on site parking provisions. The street scene will alter however this will not be to its detriment. Accordingly, the application complies with policies UD2 of the Wrekin Local Plan and CS7 of the Core Strategy and should therefore be approved with conditions.

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

A03	Time Limit
C01	Matching Materials
C39	Development in accordance to submitted plans
Informative I17	Minerals Area
Informative I25k	Bats & Birds
Custom Informative	Site Management

TWC/2012/0487 Land adjacent, 55 Manor Rise, Arleston, Telford, Shropshire  
Erection of a three bedroom detached dwelling

**APPLICANT**

Mr Stuart Bebbington

**RECEIVED**

21/06/2012

**PARISH**

Wellington

**WARD**

Arleston

OBJECTIONS RECEIVED: No

**COUNCILLOR MCCLEMENTS HAS REQUESTED THAT THE APPLICATION IS CONSIDERED BY MEMBERS AT PLANS BOARD.**

MAIN ISSUES: Scale and Design, Character and Appearance, Impact on Adjoining Residential Amenity, Highway Safety.

THE PROPOSAL: This application seeks permission to erect a three bedroom dwelling at land to the side of number 55 Manor Rise. The proposed layout has been arranged so that the house would face southwards, overlooking the existing driveway. The proposed garden area would be positioned to the side and parking would be located to the south west.

The house would sit approximately 36m back from the main road and positioned between 4.7m and 14m north of the adjacent property. The house would sit between 1.9m and 2.6m off the rear boundary fence and would position 0.90m in from the east facing side fence. The house would measure 5.7m wide, 8.5m deep and 7.20m high.

The garden would measure approximately 9m wide and 7m deep, providing a resultant garden area of approximately 63s.qm. The garden would be enclosed by means of a 1.8m high fence. A turning area and parking for two cars will be located south west of the house and refuse bins would be located within the rear garden. In addition it is proposed to remove 5 conifer trees.

The house would provide a kitchen/dining and lounge at ground floor and three bedrooms and a bathroom at first floor. The house would provide a lean-to-canopy roof over the main entrance, brick cills and lintels and a brick work dentil course along the ridgeline of the proposed pitched roof. It would be built using facing brickwork and interlocking tiles with white UPVC windows. The proposed parking area will be surfaced using stone/block paviers.

**THE SITE AND SURROUNDINGS**

The site relates to area of land to the side of number 55 Manor Rise; this estate is residential cul – de- sac. This property lies adjacent another house which are orientated in their position so that there principle elevation faces eastwards. These houses are located off a driveway that joins with Manor Rise. The site is slightly lower in ground level to main road and the driveway slopes downwards as you travel away from the road in a north direction.

The site is very well screened by means of 1.8 fencing along the rear and side. Additionally there are a row of conifer trees located at the driveway entrance and along the east side of the driveway boundary. These conifer trees are approximately 5m high and cover a length of 35m.

In a north and east direction is an area of open space that too comprises of landscaping along its western boundary which lies opposite the application plot.

#### CONSULTATION RESPONSES

Wellington Town Council: no objections

Shropshire Fire Service: Informatives for Access for Emergency Service Vehicles and installation of Sprinkler Systems

Drainage: no objections subject to conditions B61 and B74

Geotechs: no objections subject to a C27 Gas Mitigation Measures and informatives I17 and I20.

Arboricultural: No comment

Highways: no objection to the proposal subject to conditions C12 Access and Car parking

Parks and Open Spaces: no objections

Ecology: no objections subject to conditions and informatives

13 Neighbours have been consulted and no comments have been made.

#### PLANNING HISTORY:

W2006/0478, erection of retaining wall, granted 13<sup>th</sup> June 2006.

W76/0502, erection of dwelling houses, granted 17<sup>th</sup> May 1977

Adjacent site:

W2009/0035 change of use open public space for creation of childrens bicycle trail, granted 2<sup>nd</sup> March 2009.

#### POLICY CONTEXT;

Core Strategy:

CS1 Homes

CS5 District and Local Centres in Telford

CS15 Urban Design

Wrekin Local Plan:

H6 Windfall Sites in Telford and Newport

UD2 Design Criteria

OL11 Woodland and Trees

## National Planning Policy Framework

### PLANNING CONSIDERATIONS:

This site is situated within the urban area of Telford where the principle of residential development is considered acceptable providing the proposal continues to comply with all local and national policies.

The site remains an undeveloped piece garden land where Policy H6 advises that housing development will be considered acceptable providing the site can be adequately accessed and parking provided, when the site can be adequately drained and the proposal does not adversely affect the surrounding amenity.

Furthermore the proposal is located near Arlestone Centre, near to Wellington Town centre and is therefore a considerably sustainable location that complies with guidance contained in the National Planning Policy Framework.

This dwelling would not situate directly opposite number 55 therefore no undue impacts of dominance or loss of privacy will be created. Although the proposed layout is not ideal the layout would ensure that number 55 would retain sufficient private amenity space that would not be overlooked as well as adequate parking provision.

The dwelling will feature UPVC framed windows with brick lintels and cills. The ridge will include roof dentil brickwork, which are all characteristic features of the area and featured in the neighbouring dwelling.

The dwelling would provide a foul drain route into the rear garden and nearby existing manhole. The drainage officer has confirmed no objections subject to conditions. The garden would be bound along the west and southern boundary with 1.8m high timber fencing. The plot will provide an adequate sized garden and sufficient parking provision.

Officers are aware that it is the applicant's intention to remove 5 out of 12 existing conifer trees. The arboriculture officer does not object to the removal of these trees however the LPA consider that these trees provide a buffer between the houses and the adjacent open space as well as contribute to the area's visual character. Therefore a condition will be imposed on the decision to retain the remaining trees. Further to this the plans do not show any landscaping therefore the decision notice will be condition accordingly.

Although the dwelling does not wholly reflect the layout of properties 55 and 53, the layout would appear similar to other properties (13 -51) within Manor Rise, that also face southwards. In addition the property would be located within a cul de sac positioned several metres back from the road and therefore out of view from the main street scene. The design somewhat reflects the style of the surrounding dwellings and is therefore considered acceptable. However, in order to ensure privacy and amenity is controlled and protected permitted development rights for extensions will be removed from

this property. The proposed scheme complies with policies H6, UD2 of the Wrekin Local Plan and policies CS1 of the Core Strategy.

To summarise, the principle of residential development on the site is acceptable as it is in a highly sustainable location within walking distance of local shops within Arleston and facilities within Wellington Town Centre. The scale, layout and appearance of the proposed will not have an adverse impact on residential amenities of nearby dwellings. Therefore, the proposal is considered compliant with both local and national policy and recommended for approval with conditions.

For the above reasons, it is considered that this application is acceptable and it is recommended for approval subject to conditions.

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

- A04 Time Limit
- B011 Samples/Details of Materials
- B046 On-site Construction
- B047 Mud on Road
- B061 Foul and Surface Water
- B074 Brownfield Run Off Rates
- B121 Landscaping Design
- C007 Windows set in 75mm
- C012 Car Parking
- C073 Tree Boundary Protection
- C38 Development in accordance
- CCUSTOM Bad boxes Prior to Occupation
- D01 Removal of permitted Development for extensions
- I22 Protected Species
- I25e Trenches
- I25g Enhancement Planting
- I32 Fire Authority
- I33 Removal of Permitted Development
- I40 Conditions
- I41 Reasons for Grant
- RACustom – Reason for Approval

**REASON FOR APPROVAL:**

The principle of residential development on the site is acceptable as it is in a highly sustainable location within walking distance of Wellington Centre. The scale, landscaping, layout and appearance of the proposed will not have an adverse impact on residential amenities of nearby dwellings. Therefore, the proposal is considered compliant with both local and national policy and recommended for approval with conditions.

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

Demolition of existing buildings and redevelopment of the site to provide a multi-storey car park, replacement surface car park, public realm improvements and associated works including highway works

**APPLICANT**

Telford & Wrekin Council

**RECEIVED**

27/06/2012

**PARISH**

Great Dawley, Lawley and Overdale

**WARD**

Lawley and Overdale, Malinslee

OBJECTIONS RECEIVED: No.

**MAIN ISSUES:**

Highway impact and parking, regeneration, scale, mass and design, and public realm and landscape.

**THE PROPOSAL:**

The application is for the demolition of existing buildings (library and fairshare) and redevelopment of site to provide:

- A Multi storey car park (MSCP) providing 697 spaces
- A new class A1/A2/A3/B1 of 186 sq.m. within the MSCP
- Associated highway works.

A new library is proposed elsewhere within Southwater as part of the new community focussed building (Community Hub). A temporary library is to be provided for the period between demolition of the existing library and the expected opening of the Community Hub and library facility in 2014.

Full planning consent was granted by Plans Board in March 2012 for a 7 level multi storey car park and this formed part of a wider application for a multi screen cinema, hotel and seven class A3/A4 retail units at Southwater Square. The multi storey car park was proposed to provide 604 spaces but was designed in such a way as to enable a further horizontal and vertical extension to take place at some later stage if required. The opportunity is available to bring forward the vertical element now. This would avoid the significant operational disruption that would inevitably occur if the structure was built and then extended. The design, access and operational proposals set out in the previous application do not change significantly.

The 8 level Multi Storey Car Park is to be located adjacent to Coach Central with access/egress via a left in and left/right out arrangement. The facility is to provide a total of 697 spaces, including 30 disabled spaces and 12 parent/child spaces, 10 motor cycle spaces and 26 cycle spaces. The structure also includes one/two flexible use units which fronts Southwater Square, and management office space within the building. This aspect of the

proposal takes account of the proposed infrastructure changes to the Box Road. As part of these proposals, Coach Central is to be downgraded to Urban Street Design including a 20mph speed limit.

The total proposed new gross internal floor space including the car parking areas, retail and management office amounts to 18,076 sq m. The development as proposed meets the original height parameters set by the outline permission, as revised of 181.00m

Planning permission was granted at the same time as the Leisure Hub for a replacement surface car park for Meeting Point House between the MSCP and Meeting Point House comprising of 27 spaces including 2 disabled spaces.

#### BACKGROUND:

Outline planning permission was granted for a mixed use development on the wider Southwater Master plan Area in June 2010 (outline permission Reference W2009/0914). The application site is located within the north-western area of the wider Southwater area. The master plan agreed on the outline application split the area into 12 Development Zones with a specified mix of uses within each zone and parameters for maximum building sizes in terms of footprint and height. This site sits within Zone 2 of the outline master plan.

As the design of the outline scheme development has progressed, there have been a number of modifications made to the layout, land use and design principles from that detailed and approved at outline stage, due to policy changes with the adoption of CTAAP and following market testing to ensure deliverability of the scheme. Whilst the design, and land uses are broadly in accordance with the overall master plan, the proposal does not conform to the parameters plan agreed at outline. One of these changes relates to the location of the multi storey car park which has been relocated from Southwater Square to the proposed new site adjacent to Coach Central

This application is the fourth that has been submitted this year for the Southwater scheme alongside the extension and refurbishment of the ice rink, new play barn and new restaurant (reference TWC/2012/0085), the slightly smaller MSCP, hotel and cinema including restaurants (reference TWC/2012/0008 and the community hub (reference TWC/2012/0472).

The fifth and final detailed application which will be considered this evening is for public realm and landscaping works associated with the community hub, leading to the Town Park around Southwater Lake.

#### SITE AND SURROUNDINGS:

The application site is 0.47 hectares and is located in central Telford, south of Telford shopping centre. The site is designated as the Town Centre Character Area within the Central Telford Area Action Plan (CTAAP). The site is currently occupied by the Town Centre Library, Fairshare Building and a surface pay and display car park with provision for 77 vehicles, and areas of

open land, flat and grassed with pavements, which have been prepared for development in relation to the engineering application, which included the draining of Southwater Lake. There is a sloped land with significant tree coverage which lies between the Library and Coach Central/St Quentin Gate. The ground level difference is approx 7m with Coach Central set down in relation to the Southwater area.

The site lies within the Town Centre core. To the north of the site is the main shopping area, which is accessed through an enclosed bridge link, and also forms part of the shopping centre. The bus station is located to the North West of the site, further along Coach Central. Immediately to the east of the site is the existing Meeting Point House, bingo and bowling and ice rink facilities, beyond that is the recently extended Telford International Centre, (works undertaken in accordance with the outline masterplan). To the south of the site is the former Southwater lake which has been drained and engineering works have been undertaken, along with part of the site in preparation of development within Southwater; beyond that is Telford Town Park, with more formal garden, play facilities and new visitor centre as the closest facilities to the site. To the west are two substantial retail units, and the former Toybox crèche, (which was subject to an application for a new retail unit approved recently at Plans Board). Beyond these retail units is the Brown Elm surface car park.

Vehicle access to the site is gained from Coach Central .

#### RELEVANT PLANNING HISTORY:

W2009/0914 - Outline planning application with means of access (part) for a mixed use development comprising Offices and Civic offices (B1a/sui generis); Residential (C3) (up to 330 units); Retail, Cafes/Restaurants, Financial and Professional Services, Drinking Establishments (A1,A2,A3,A4); Learning and Media Centre (to include the replacement of Meeting Point House), Leisure Pool, Cinema, Hotels, Energy Centres, Conference and Event facilities including outdoor events space and a Medical Centre (C1, D1, D2 and sui generis); associated landscape improvements to the public realm, replacement and construction of Southwater Lake, boundary treatment and new and reconfigured access; construction of basement, undercroft, surface and multi storey car parking; and all associated and ancillary works. Retention, refurbishment and extension of the existing ice rink building and extension to bowling and bingo building. Retention of existing hotels (the Holiday Inn and International Hotel) and Event Centre, Outline Granted, 17/06/2010.

TWC/2010/0446 - Engineering operations comprising foul and surface water drainage works and the draining of Southwater lake, earthworks to facilitate a Main Street and new Southwater lake, demolition of Spout Farm House and the Town Park Ranger Base, Highways improvements to existing and reconfigured accesses, replacement and creation of surface car parking, landscaping, retaining structures and all associated and ancillary works, Full Granted, 28/10/2010.

TWC/2011/0037 - Provision of public realm improvements to facilitate a new main street, new public squares and access to include street furniture, CCTV, lighting, flagpoles, boundary treatments, landscape improvements and water features and associated and ancillary works, Full Granted, 10/03/2011.

TWC/2012/0085 – Retail, Ice Rink refurbishment and Soft Play Facility. The refurbishment of the ice rink included provision for an Energy Centre which will house Southwater’s district heating system.

TWC/2012/0472 – Erection of Mixed Use Building incorporating First Point (A2), Library (D1), restaurants and cafes (A3) and flexible office space (A2 & B1) for a range of community, voluntary or public sector uses and associated public realm. Reserved matters Approved 6 August 2012.

#### PLANNING POLICY CONTEXT:

National Planning Policy Guidance March 2012

Paragraphs 17, 18, 19, 20, 23, 32, 35, 39, 40, 41, 56, 57, 61, 63, 69 and 95

Emerging national planning policy, draft National Planning Policy Framework: The Shropshire and Telford & Wrekin Joint Structure Plan 1996-2001 (adopted 2002)

Joint Shropshire and Telford and Wrekin Structure Plan 1996-2011 represents the strategic planning framework pending replacement by the LDF; it is however dated, but contains “saved” policies that are considered relevant to the consideration of this proposal. The Plan outlines a strategy that seeks to:

- Conserve resources and the environment by reducing reliance on car travel and length of journey, fostering bio-diversity and the conservation of natural resources
- Improve the quality of life by: protecting the natural and cultural assets of the area; improve employment prospects; and tackle levels of deprivation
- Achieve a sustainable environment by careful location of development; improve access and maximise use of previously developed land and existing infrastructure; and
- Foster a prosperous economy, support for the rural economy and encourage inward investment

The saved policy of relevance to this proposal includes:

- Policy 31 Sustainable Transport Strategy

The Wrekin Local Plan (1995-2006) – This Plan together with the above Structure Plan form part of the ‘Development Plan’ (along with the Core Strategy) The Structure and Local Plans however are becoming increasingly dated and they are currently being superseded by LDF documents. However the “saved” policies of the Local Plan (some 88 in total) will continue to have weight in the determination of planning applications for the timebeing.

Relevant Saved Wrekin Local Plan Policies  
EH7 – Land Contamination

EH8 – Remedial Action on Contaminated Land  
EH14 – Land Stability  
UD2 – Design Criteria  
UD4 – Landscape Design

#### Local Development Framework Core Strategy (CS)

Telford Core Strategy -The Core Strategy Development Plan Document (DPD) was adopted in December 2007 and is the key strategic LDF document that sets out the vision and spatial development strategy for the area and for subsequent DPDs to follow.

CS4 – Central Telford  
CS8 – Regeneration  
CS9 – Accessibility and Social Inclusion  
CS15 – Urban Design

#### LDF Central Telford Area Action Plan:

TC1 – Town Centre Core  
SA2 – Southwater  
CT1 – Mixed Use  
CT2 – Retail  
CT3 – Employment  
CT6a – Leisure, Culture and Tourism  
CT6b – Establishing the Evening and Night time economy  
CT6c – Managing the Evening and Night-time Economy  
CT7 – Greyhound Link  
CT8 – Box Road  
CT9 – Other Highway Network Improvements  
CT10 – Parking  
CT12 – Public Transport  
CT14 – Environmentally sustainable buildings  
CT15 - Design  
CT17 – Public Realm  
CT18 – Storey Heights and Tall Buildings  
CT19 – Biodiversity  
CT20 – Landscaping  
CT23 – Developer Contributions for Delivering Infrastructure

#### CONSULTATION RESPONSES:

Highways Section: no objections in principle subject to conditions. The proposal is a slight variation to the car park approved previously providing an additional deck and increase in car park spaces. The access to the car park is linked to works to the box road and follows the principles indicated on Pell Frischmann Option 1 drg. No. Q30053-C-10. The proposed car park will sit over an area of adopted highway which is the turning area for the retained Meeting Point House; the Highways Section suggests a slight alteration to the MPH car parking layout to assist in service delivery turning. Conditions to include:

- 1) Full road/footway/cycleway construction details including longitudinal sections, materials, drainage, street lighting, and a satisfactory means of draining roads to an acceptable drainage outfall.
- 2) Parking facilities before use.
- 3) Timing of replacement surface car park

Highways Agency: No objection: As part of the previous outline consent the Agency negotiated a level of development which could be undertaken before triggering a requirement for specified mitigation works. This was secured via a condition. The total quantum of development for this application does not exceed the original schedule of development and therefore there are no objections to the proposal or requirements for mitigation. Given that there has been a change to the overall scheme and different phasing, the agency will continue to liaise on scheme and a new trigger point for highway improvements to the M54 will need to be agreed.

Lawley and Overdale Parish Council: No Objection

Great Dawley Parish Council: No objections.

Drainage – No object subject to condition. Whilst the FRA that has been submitted has assessed the likelihood of flooding on the existing site, further information on how surface water will be dealt with as part of the proposed development is required:

Shropshire Fire Service: No objections subject to informatives. Access for Emergency Fire Service Vehicles - It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. 'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

Geotechnical Engineers: Retaining Walls: The design of the retaining walls must be submitted for approval by the LPA, supported by appropriate slope stability analysis prior to determination of any reserved matters application. Foundations: Due to the variable nature of the ground conditions and the nature of the proposed developments on the site it is likely that foundations will need to be designed taking in to account actual on site ground conditions including the depth of made ground and superficial material.

Sustainability Officer: No objections.

PLANNING CONSIDERATIONS:

## Principle of development

Members will appreciate that this proposal is a variation to that approved under TWC/2012/0008. The application has been informed by the technical reports and assessments provided for both the outline application for the wider Southwater area and the cinema/hotel/MSCP etc approved in March 2012. The proposals are in accordance with the Design Guide that preceded this application.

The site is within the heart of Telford Town Centre and Primary Shopping Area which has been allocated for leisure/recreation/cafes/restaurants/hotel/events and community related uses within CTAAP. CTAAP in turn requires the provision of at least a 300 space car park. The Core Strategy's long term development vision will see the transformation of Telford's centre into an 18 hour, seven days a week focal point for recreation, leisure, and cultural services and facilities. It will provide new jobs, new opportunities and new wealth, to transform the image and perceptions of Telford. This is supported by policy CS 4, which states that Central Telford area will be the main focus for major housing, employment, retail, recreation, leisure service and mixed development by creating more shops, offices, cafes and restaurants, sports, recreation and leisure. Accommodating a mix of uses to encourage people into the town at different times of night and day, making the area an easier, safer and more pleasant place to walk and reduce impact of the car and enhance the role of the Town Park is a key feature of this scheme and important to this strategy is the provision of adequate car parking facilities. Clearly this provision is essential to the investment decisions of those private and public sector developers currently building out at Southwater.

The proposal is for a multi storey car park that will serve a mix of uses, including, the proposed cinema, hotel, shops, bars and restaurants and community hub in addition to the Bingo, Bowling, Ice Rink and other leisure uses and town park. The proposal is in accordance with Policy SA2 of CTAAP. Specifically, developments at Central Southwater are expected to demonstrate that they will create an area of vibrant mixed uses, establish a high quality public square and improve visual and physical connections with the Town Park, Telford International Centre and existing shopping centre.

The proposed MSCP has been designed in accordance with the approved Design Guide, which sets out design principles associated with height and massing (CTAAP Policies CT16 & CT17). This proposal represents the redevelopment of a predominantly brownfield site, within an urban area, with good access to the local highway network. The land is currently under utilised and the proposal provides the opportunity to contribute towards the creation of a vibrant mixed used scheme in accordance with NPPF.

It is considered that the principle of redevelopment of this site for a mixed use centre is in accordance with planning policies and guidance in NPPF, the Wrekin Local Plan, the Core Strategy and CTAAP.

### Layout, scale and design

The main change from the Masterplan is the movement of the MSCP to the north of the site adjacent to Coach Central. This change allows for more active frontages to be created within Southwater, which helps address the square and streets. The site lies to the north west of the Southwater development and is aligned with the east of the pedestrian walkway linking the Southwater to the Shopping Centre via the arcade bridge.

Vehicular access to the car park is from St Quentin Gate as it merges with Coach Central with egress onto Coach Central. The site has a significant change in level between Coach central and the shopping arcade bridge. The lowest two car park levels are set into the bank. A new flight of stairs rises from Coach Central to the level of the shopping centre entrance and arcade bridge. The proposed retail/restaurant/office fronts the walkway into Southwater Square helping to provide interest active frontage at this location. The main pedestrian core is sited at the north west corner of the car park with two passenger lifts and pay stations at exit level.

The building has been designed to facilitate the possibilities of extending horizontally to the east, which could provide an additional 450 spaces in future, if required.

The MSPC is over nine levels and exploits the existing ground level differences of approx 7m between Coach Central and Southwater. The new building is a maximum of 180.72m. To get an understanding of the scale, approximately the first four levels of the structure would be to the height of the top of the existing arcade bridge link which forms part of the shopping centre and links the centre with Southwater, when viewed from Coach Central.

The form of the building is largely rectangular, and includes an external staircase to link Southwater Square and Coach Central. This link is 3m wide to give sufficient footway width and sufficient public realm presence and incorporates planted areas to soften the effect. In addition the building has a glazed element along the footway and stepped areas to ensure overlooking and provide security for this link. The lower levels of the building are solid brick, with the upper levels in attractive modern aluminium mesh in rotated panels, which follow the rise and fall of the slopes so that natural light can enter the structure and provide opportunities for attractive night-time lighting onto the building façade which will give differences in appearance between night and day times. The aluminium palette of materials is designed to create the impression of a wave across the façade, which helps considerably to break up the mass of the building.

Within Southwater Square the MSPC building has one or two retail units and a pedestrian entrance, at ground level (equivalent to level 3 within the

structure) with a continuation of the solid brick at this level and then four storeys of mesh material building above. Officers are happy that the design from Southwater Square is acceptable now that a retail unit has been incorporated at (Southwater) ground level (level 3).

It is considered that the scale, mass and design of the proposed multi storey car park is acceptable and assists to create an attractive and distinctive place, with the use of contemporary architecture and well connected spaces. Is well integrated and preserves active frontages in important elevations and therefore complies with CTAAP policies CT15 and CT10, and CS15 of the Core strategy and UD2 of the Wrekin Local Plan.

In conclusion, the development creates a vibrant mixed use area, with an appropriate density of development. The design and appearance of the development is in keeping with Policy CT15 of CTAAP, as it creates an attractive, distinctive and recognisable place within the Town Centre. The use of high quality and contemporary materials and architecture, is fit for purpose and officers consider that they are attractive and create attractive and well connected streets and squares. Moreover, the building heights create a distinctive appearance and skyline, which create a clear and recognisable Town Centre, in accordance with policy CT18 of CTAAP. The proposed development will help support the Council's ambitions to create a "rich cultural fabric" through the creation of a vibrant quarter and night time economy in Telford Town Centre. In addition, the design assists in creating and sustaining safe places, which strengthen local identity and is likely to have a positive influence on the local environment in accordance with policies CS14 and CS15 of the Core Strategy and UD2 of the Wrekin Local Plan.

#### Public realm and landscaping

Development must conform to the principles set out in the CT17 Public Realm. Following the grant of outline planning permission for the Southwater Masterplan, there was a full application submitted for the public realm works to create Southwater Square, and Lake together with the introduction of a 'Main Street'. A part of the ongoing review of the proposals, and given the changes to the locations of building and associated uses, it was considered appropriate to review the design of the public realm and landscaping. A design guide was drafted to accord with the Council's vision to create a contemporary, flexible and functional urban space at the heart of Southwater, with accessibility for all users and robust palette of materials which are contemporary, high quality and low maintenance, to create a suitable transition to the Town Park.

The northern part of the site has a substantial tree lined slope; these trees will need to be removed to accommodate the new MSCP. The recently approved proposals include replacement trees with street trees along 'Market Street' to provide a visual and physical link to Town Park. A landscape management plan has been prepared for the wider Southwater area, to ensure effective management.

## Highways

The proposed car park is in accordance with Policy CT10 of CTAAP, in that car parks with excess of 300 spaces will be in multi storey form. A parking accumulation exercise has been undertaken to ensure that the proposed multi storey car park will meet the needs required by the scale of the proposed development. The Council's Highways Engineer is satisfied that this level of parking provision is acceptable for the amount of development proposed by this scheme. It is therefore considered that the parking and cycle standards contained within Policy CT10 of CTAAP have been complied with.

A traffic impact assessment was undertaken previously and has informed this application, the results show that the junctions will operate within acceptable levels for the first year and some improvement schemes may be necessary to enable the highway network to operate with the planned committed development traffic. The development will only have a very slight impact on the highway network.

## Ground Conditions:

A Geotechnical inspection report was undertaken as part of the engineering works application (TWC/2010/0446). This identified no significant levels of contamination and reported no mining activities close to the site. The site is subject to a cut and fill exercise, as part of the engineering/enabling works application.

The Council's Geotechnical officer has raised no concerns with the proposed works, however given the sloping nature of part of the site the MSCP structure incorporates significant retaining wall and retaining basement structures. Details of these retaining walls, and slope stability analysis are required to ensure ground stability issues are adequately addressed. Furthermore, as the site will be subject to a cut and fill exercise, it is necessary to agree foundation detail to take account of actual on-site ground conditions and depth of made-up ground. Both of these issues can be adequately addressed through the imposition of appropriate conditions, which will ensure that the development complies with policies EH14 in the Wrekin Local Plan and CS13 in the Core Strategy.

## Drainage

The site is classified within Flood Zone 1 and PPS25 states that there is no restriction on the types of development that can occur within this zone.

The enabling works included a drainage solution for the wider Southwater area and the drainage solution for this development will be implemented in accordance with the 'as built' drainage. This means there is no individual attenuation within each plot, but an overall attenuation scheme. The Council's Drainage Engineer has no objections to the proposal, subject to a condition for details of the drainage connections to the as-built solution. The

development is therefore considered to comply with guidance in NPPF and policy CS13 in the Core Strategy.

### Ecology:

Following extensive ecological surveys as part of the outline planning submission for the wider Southwater Masterplan, it was identified there was a need for an Ecological Mitigation Strategy. This was conditioned and details supplied and agreed in November 2011.

The Strategy established guiding principles for appropriate mitigation and enhancement in relation to each development Zone, as identified in the outline consent. This work included the identification of specific impact and appropriate on and off site measures for implementation to mitigate and provide enhancement. Many of the mitigation recommendations have been triggered by the commencement of the engineering works application which resulted in the loss of many trees and including the draining of Southwater Lake. The mitigation to off-set this impact has already been implemented.

This application is accompanied by an Ecological Statement to summaries the mitigation which has already occurred and details of how the specific design of the proposals have considered opportunities for enhancement.

For prudence, up to date bat screening and investigation has been carried out, which confirms the site in terms of buildings or trees has little opportunity for roosting bats. However, works for tree removal will need to occur outside of bird nesting season. Demolition works are therefore going to occur under unlicensed methodology, however timing will be such to minimise any potential disruption to ecology.

The statement concludes that the proposed development is in accordance the overarching Ecological Mitigation Strategy for Southwater and that the following mitigation is necessary for these proposed works:

- Installation of bat bricks/ boxes within the cinema, hotel and MSPC
- The implementation of sensitive lighting scheme for buildings and public spaces
- Incorporation of planting within public realm to provide bird and bat nesting habitat and increase foraging and connectivity.
- The development and implementation of a Construction Environmental Management Plan.

The Council's Ecology team are satisfied with this level of mitigation for this proposal and this commitment can be secured through an appropriate condition. The proposal is therefore considered to comply with policy CT19 of CTAAP.

### Noise

The Council's Environmental Health team previously developed a noise model for Southwater and require that data from each individual developments coming forward should be inputted into the overall noise model. A noise assessment has been undertaken to support the application, which concludes that the proposed development will not have an adverse impact on the amenity of local residents. There are no properties within the vicinity of the site which will experience noise levels of 68 dB(A) or above. It is acknowledged that in the future there might be some noise increase, however, this is negligible and within acceptable tolerances.

To ensure that the completed development cumulatively is acceptable, all tenants will be provided with noise limiting criteria for operational noise break out and plant noise emissions. Officers consider that the development is therefore in compliance with policy CT6b of CTAAP.

The proposal will result in changes and increases in traffic follow. It is considered that the less than 10% change in the opening year of development will have a negligible impact.

During the construction and demolition phases there will be temporary issues with noise and vibrations, however, these are not sufficient to warrant refusal of a scheme and can be minimised through careful mitigation, including

- Selection of working methods and programme
- Positioning equipment behind physical barriers
- Restricting hours of site operation, and
- Using regularly maintained and silenced equipment

Officers consider that this level of mitigation of the demolition and construction phase is acceptable and can be controlled though a suitable condition. It is therefore concluded that the proposal is in compliance with guidance in NPPF.

### Air Quality

The application is accompanied by an air quality assessment, which has considered the impacts on air quality from the creation of increased traffic and pollution from the construction activities.

Existing conditions within the study area show good air quality, well below the air quality objectives. There are no industrial or waste management sources within 1km of the site. The operational impacts of the development will not impact on air quality, and the scheme produces only small increases in traffic volumes, which result in an imperceptible increase in concentrations of nitrogen oxide and therefore impacts will be negligible.

Officers considered that as the overall air quality impacts of the proposed development are insignificant, there are no requirements for mitigation for finished development. However, during the construction phases it will be necessary to impose a condition to minimise dust emissions. The

development is therefore considered to comply with the policy requirements of CS13 of the Core Strategy and guidance in NPPF.

### Lighting

The lighting assessment details the proposed lighting for the MSCP and surface car park, which will include anti vandal light fittings. The top deck lighting for the MSCP will be suitably located to ensure no direct glare beyond the car park area. The lighting strategy for the car parks accords with policy CS9, which requires proposals to increase safety and address issues of crime and fear of crime through design and lighting.

### Planning Obligations

Policy CT23 of CTAAP requires development proposal in Central Telford to provide for the delivery of infrastructure which arises from the new development, including both site related and strategic demands. This matter was given very careful consideration at the time of the application for the Leisure Hub (MSCP, Hotel and Cinema etc); the section 106 contributions have been assessed and re-apportioned accordingly between the various developments.

This proposal by itself will not result in a definable increase in traffic movements; but a re-assessment of the previously required contribution results in this proposal generating a requirement for £8,702 which will be required to contribute to a series of highways improvements.

A contribution is also required to monitor the financial and planning implications which arise from the proposed development of £3,500.

The policy also considers other issues such as public realm and art, which would be relevant to this scale and type of development, however, this is being provided as part of the Community Hub proposal so a financial contribution is not required as part of this development. This is acceptable.

The proposal is therefore considered to be in compliance with policy CT23 of CTAAP. As the land owner for the site is the Council, the Council cannot enter into a Section 106 agreement (mechanism for securing planning obligations) with itself, so a memorandum of understanding is undertaken to secure obligations and if the land is sold, a clause in the sale will require the new developer to enter into a S106 agreement, if financial contributions have not been met as part of the sale proceeds.

### Economic and regeneration benefits

The redevelopment of Southwater overall represents a substantial construction cost, which will aid regeneration and bring further investment to the area. It will help create a much needed leisure hub, and will greatly improve the night-time economy with the Town centre in accordance with the Council's overall vision for the Town. The overall development represents a

very significant economic development opportunity for the area and will lead to some 255 new direct jobs for the local area, as well as supporting the construction industry during the development.

This sustainable development is considered to accord with the underling principles of the emerging government guidance in the draft National Planning Policy Framework, which urges local planning authorities to 'attach significant weight to the benefits of economic growth'

### Conclusion

The principle of development of this site was established by the outline masterplan for the wider Southwater area, which was granted in June 2010 for mixed use development, including leisure uses and public realm. Whilst this scheme has resulted in a change to the location of land uses from areas agreed at the outline stage the quantum of development has not changed nor the guiding principles to develop the site.

This proposal will help to support the delivery of much needed leisure uses, which are currently lacking within the Town Centre and will improve the night-time economy, in line with policies within CTAAP. In addition to meeting policy requirements the development will bring regeneration benefits through the redevelopment of this underutilised brownfield site, employment benefits, sustainability benefits and customer benefits through increased choice and competition.

The proposed redevelopment has been fully considered and assessed to be in accordance with guidance in NPPF, the RSS, the Core Strategy policies and Wrekin Local Plan policies.

The proposed building is of suitable scale, mass and design, which respects and responds positively to the site context and surrounding environment and meets the Urban Design policies contained within the adopted Wrekin Local Plan and Core Strategy. The site layout creates and reinforces pedestrian linkages to produce a safe and secure environment in accordance with the urban design policies in the Core Strategy and Wrekin Local Plan. The traffic movements generated by the development can be accommodated without detriment to highway safety. The layout also provides adequate car parking and bike storage provision, and to support sustainable modes of transportation to the site. A financial contribution is necessary to support long term objectives of highways improvements in the CTAAP area.

The development includes the creation of new landscaping to complement the new building structure and create links. This includes tree planting and landscaping. Issues of ground conditions, flooding, drainage, ecology, noise and pollution have been fully assessed and it is considered that any impacts can be adequately mitigated through the imposition of suitable conditions. The proposal creates a demand for additional off-site requirements, which can be adequately mitigated through planning obligation contributions.

**RECOMMENDATION:** that subject to the Council as landowner agreeing that the land will be bound by the obligations in respect of the provision of a sum of monies comprising a contribution of £8,702 for highway works and £3500 for planning/financial monitoring **GRANT PLANNING PERMISSION** subject to the following conditions:

1. A04 Time Limit Full
2. B10 Details of materials
3. B12 Samples brick panel of materials
4. B30 Means of access
5. B59Custom Foundation details
6. B59Custom Retaining walls
7. B62 Surface water drainage – amended
8. B121 Landscape Design
9. B126 Landscape Management Plan
10. B150 Site Environmental Management Plan
18. C38 Development in accordance with deposited plans

#### Informatives

- I06 Section 106 agreement
- I35 Definition of development
- I22 Protected Species
- I25a Nesting Birds (pre-construction)
- I25f Replacement planting
- I25g Enhancement planting
- I25n Lighting
- I32 Fire Authority
- I40 Conditions
- I41 Reason for grant of permission

#### REASON FOR GRANT OF PERMISSION

The proposed development has been fully considered and assessed to be in accordance with guidance in NPPF, the RSS, the Core Strategy policies and Wrekin Local Plan policies.

The proposed building is of suitable scale, mass and design, which respects and responds positively to the site context and surrounding environment and meets the Urban Design policies contained within the adopted Wrekin Local Plan and Core Strategy. The site layout creates and reinforces pedestrian linkages to produce a safe and secure environment in accordance with the urban design policies in the Core Strategy and Wrekin Local Plan. The traffic movements generated by the development can be accommodated without detriment to the highway safety. The layout also provides adequate car parking and bike storage provision, and to support sustainable modes of transportation to the site. A financial contribution is necessary to support long term objectives of highways improvements in the CTAAP area.

The development includes the creation of new public realm to complement the new buildings and create links. This includes tree planting and landscaping. Issues of ground conditions, flooding, drainage, ecology, noise and pollution have been fully assessed and it is considered that any impacts can be adequately mitigated through the imposition of suitable conditions. The proposal creates a demand for additional off-site requirements, which can be adequately mitigated through planning obligation contributions.

TWC/2012/0549 Land at Southwater, Telford, Shropshire  
Construction of pedestrian circulation routes, new "pocket park", landscaping works and recladding of existing retaining wall in relation to the wider southwater public realm improvements.

**APPLICANT**

Oliver Smith

**RECEIVED**

19/07/2012

**PARISH**

Great Dawley

**WARD**

Malinslee

OBJECTIONS RECEIVED: No.

**MAIN ISSUES:**

Public realm and landscape.

**THE PROPOSAL:**

The application is for full planning permission for the development of new access pathways and a 'pocket park' development around the southern edge of the proposed new Southwater Lake and embankment with appropriate tree and shrub planting as it enters the Town Park from the direction of Southwater Square within Telford Town Centre.

The proposals show details of the proposed access routes south of the recently approved Community Hub building, a new pocket park to the south east corner of the lake; and, of relatively minor in nature, a proposal to re-clad an existing retaining wall to the west of the proposed Hub.

The fundamental aim behind the proposals is simply to create a public realm and landscape character that links the area between the Southwater Leisure Hub development area and the Town Park. The access routes to the south of the hub and along the lake edge embankment provides the scope for the blurring of boundaries to help create a permeable space that also allows nature to be brought right up to the urban edge.

A shared surface 'Main Street' is proposed to run through the centre of Southwater running east-west from the International Trade Centre through to Southwater Square. This is accessible to service and emergency vehicles only, although the route is designed to accommodate bus services on a one way basis, east to west with access of St Quentin's Gate and egress onto Southwater Way. This 'Main Street' will provide servicing access to the leisure hub with Southwater Way serving the Community Hub.

The Pocket park area is some 500 sq m and is accessible from a number of directions, primarily for pedestrians and cyclists. The principle pedestrian routes are from Main Street from the north, from Dark Lane to the south and from the Southwater Lake edge from the Community Hub to the west. The park is intended to provide a space for informal activity for adult users – children and youth being adequately catered for in the main Town Park. It is described in the application as providing a hinge point between lake and park.

The pathways comprise firstly a 48m long 5-7m wide path leading from the Hub terrace into the Town Park and secondly, a 70 m long 2m wide path running from the Lake edge along the lake embankment to the Pocket Park and beyond into the Town Park. The route from the existing bandstand towards the Community Hub terrace (rear of the building) is elevated and will incorporate a well designed secure fence. The path leading towards the Pocket Park is approximately 4.5m lower at grade.

The existing retaining wall from Southwater Way to the rear of the Community Hub is to be re-clad with a more sensitive material, probably to match the brickwork to the Hub.

#### **BACKGROUND:**

Outline planning permission was granted for a mixed use development on the wider Southwater Masterplan Area in June 2010. The application site is located within the south-western area of the wider Southwater area. The masterplan agreed on the outline application split the area into 12 Development Zones with a specified mix of uses within each zone and parameters for maximum building sizes in terms of footprint and height.

Members will be aware that the Leisure Hub at Southwater will contain a variety of uses including a new community focussed building (Community Hub), a multi screen cinema (Cineworld Operator) and four class A3/A4 retail units on the western side of Southwater Square, a hotel (Premier Inn operator) and three Class A3/A4 units located on the eastern side of Southwater Square and various restaurants, Ice Rink refurbishment and Play Barn. The Community Hub, Cinema and Hotel are proposing to connect to a district heating system (Combined Heat and power energy centre) to provide a sustainable source of heating and hot water. This energy centre is being undertaken by Telford and Wrekin Council and forms part of the proposals to refurbish the Ice rink and subject to a separate application.

This application is the fifth and final application to be submitted this year for the Southwater scheme. Throughout, great attention has been devoted to carefully designing the public realm and landscaping works to create Southwater Square, Southwater Lake, Main Street and International Square.

#### **SITE AND SURROUNDINGS:**

The application site is located in central Telford, south of Telford shopping centre. The site is designated as the Town Centre Character Area within the Central Telford Area Action Plan (CTAAP). The site has been prepared for development following permission for the engineering works, which included the draining of Southwater Lake.

The site lies within the Town Centre core. Immediately to the north is the vacant development plot that was originally earmarked for the Council's civic

offices and headquarters. Beyond again to the north is Main Street leading into Southwater Square. Beyond this is the main shopping area, which is accessed through an enclosed arcade bridge link, and also forms part of the shopping centre. The bus station is located further to the North West of the site, further along Coach Central. Immediately to the east of the site is the existing Meeting Point House, bingo and bowling and ice rink facilities, to the east is the recently extended Telford International Centre. To the south is Telford Town Park, with more formal garden, play facilities and new visitor centre as the closest facilities to the site. To the west are two substantial retail units, and the former Toybox crèche, (which was subject to an application for a new retail unit approved recently at Plans Board). Beyond these retail units is the Brown Elm surface car park.

#### RELEVANT PLANNING HISTORY:

W2009/0914 - Outline planning application with means of access (part) for a mixed use development comprising Offices and Civic offices (B1a/sui generis); Residential (C3) (up to 330 units); Retail, Cafes/Restaurants, Financial and Professional Services, Drinking Establishments (A1,A2,A3,A4); Learning and Media Centre (to include the replacement of Meeting Point House), Leisure Pool, Cinema, Hotels, Energy Centres, Conference and Event facilities including outdoor events space and a Medical Centre (C1, D1, D2 and sui generis); associated landscape improvements to the public realm, replacement and construction of Southwater Lake, boundary treatment and new and reconfigured access; construction of basement, undercroft, surface and multi storey car parking; and all associated and ancillary works. Retention, refurbishment and extension of the existing ice rink building and extension to bowling and bingo building. Retention of existing hotels (the Holiday Inn and International Hotel) and Event Centre, Outline Granted, 17/06/2010.

TWC/2010/0446 - Engineering operations comprising foul and surface water drainage works and the draining of Southwater lake, earthworks to facilitate a Main Street and new Southwater lake, demolition of Spout Farm House and the Town Park Ranger Base, Highways improvements to existing and reconfigured accesses, replacement and creation of surface car parking, landscaping, retaining structures and all associated and ancillary works, Full Granted, 28/10/2010.

TWC/2011/0037 - Provision of public realm improvements to facilitate a new main street, new public squares and access to include street furniture, CCTV, lighting, flagpoles, boundary treatments, landscape improvements and water features and associated and ancillary works, Full Granted, 10/03/2011.

TWC/2012/0008 – Demolition works and redevelopment to provide hotel, cinema,, class A3/A4 floorspace, Multi storey car park. Granted 8/3/12.

TWC/2012/0085 – Retail, Ice Rink refurbishment and Soft Play Facility. The refurbishment of the ice rink included provision for an Energy Centre which will house Southwater's district heating system.

TWC/2012/0472 – Erection of Mixed Use Building incorporating First Point (A2), Library (D1), restaurants and cafes (A3) and flexible office space (A2 & B1) for a range of community, voluntary or public sector uses and associated public realm. Reserved matters Approved 6 August 2012.

TWC/2012/0512 – Erection of Multi Storey Car Park. To be considered by Plans Board at this meeting.

PLANNING POLICY CONTEXT:

PLANNING POLICY CONTEXT:

National Planning Policy Guidance March 2012

Paragraphs 17, 18, 19, 20, 23, 32, 35, 39, 40, 41, 56, 57, 61, 63, 69 and 95

Emerging national planning policy, draft National Planning Policy Framework:

The Shropshire and Telford & Wrekin Joint Structure Plan 1996-2001

(adopted 2002)

Joint Shropshire and Telford and Wrekin Structure Plan 1996-2011 represents the strategic planning framework pending replacement by the LDF; it is however dated, but contains “saved” policies that are considered relevant to the consideration of this proposal. The Plan outlines a strategy that seeks to:

- Conserve resources and the environment by reducing reliance on car travel and length of journey, fostering bio-diversity and the conservation of natural resources
- Improve the quality of life by: protecting the natural and cultural assets of the area; improve employment prospects; and tackle levels of deprivation
- Achieve a sustainable environment by careful location of development; improve access and maximise use of previously developed land and existing infrastructure; and
- Foster a prosperous economy, support for the rural economy and encourage inward investment

The saved policy of relevance to this proposal includes:

- Policy 31 Sustainable Transport Strategy

The Wrekin Local Plan (1995-2006) – This Plan together with the above Structure Plan form part of the ‘Development Plan’ (along with the Core Strategy) The Structure and Local Plans however are becoming increasingly dated and they are currently being superseded by LDF documents. However the “saved” policies of the Local Plan (some 88 in total) will continue to have weight in the determination of planning applications for the timebeing.

Relevant Saved Wrekin Local Plan Policies

EH7 – Land Contamination

EH8 – Remedial Action on Contaminated Land

EH14 – Land Stability

UD2 – Design Criteria

UD4 – Landscape Design

Local Development Framework Core Strategy (CS)

Telford Core Strategy -The Core Strategy Development Plan Document (DPD) was adopted in December 2007 and is the key strategic LDF document that sets out the vision and spatial development strategy for the area and for subsequent DPDs to follow.

CS4 – Central Telford  
CS8 – Regeneration  
CS9 – Accessibility and Social Inclusion  
CS15 – Urban Design

LDF Central Telford Area Action Plan:

TC1 – Town Centre Core  
SA2 – Southwater  
CT1 – Mixed Use  
CT2 – Retail  
CT3 – Employment  
CT6a – Leisure, Culture and Tourism  
CT17 – Public Realm  
CT19 – Biodiversity  
CT20 – Landscaping

CONSULTATION RESPONSES:

Great Dawley Parish Council: No Objection

TWC Highways: No objection

PLANNING CONSIDERATIONS:

Principle of redevelopment

The Council's vision is to transform Telford's Centre into a genuine 18 hour, seven days a week focal point for recreation, leisure, and cultural services and facilities. It will provide new jobs, new opportunities and new wealth, to transform the image and perceptions of Telford. This is supported by Core Strategy Policy CS4, which states that Central Telford area will be the main focus for major housing, employment, retail, recreation, leisure service and mixed development by creating more shops, offices, cafes and restaurants, sports, recreation and leisure. The Council intends to accommodate a mix of uses to encourage people into the town at different times of night and day, making the area an easier, safer and more pleasant place to walk and reduce impact of the car and importantly to enhance the role of the Town Park

The Central Telford Area Action Plan expands this vision and policies of the Core Strategy for the Town Centre, where the vision has been refined and bolstered so that the town centre and notably the Southwater area which will provide a vibrant, sustainable, commercial and cultural heart for the town that looks, feels and functions like an identifiable Town Centre, rather than the present indoor shopping centre focus. The Town Park is central to this concept.

The proposal is to create an exciting new area of public realm at Southwater Square and beyond, particularly promoting an enhanced physical link between the Leisure Hub complex and Telford Town Park. The developments now approved at Central Southwater are expected to demonstrate that they will not only create an area of vibrant mixed uses but also will establish a high quality public realm generally and improve both visual and physical connections with the Town Park, Telford International Centre and existing shopping centre. The proposals comprise the missing link between the well defined Southwater Square and Town Park.

The overarching development objectives behind this application consist of:

- To provide an accessible, safe and attractive pedestrian link route from the bandstand area of Telford Town Park to the Community Hub building terrace and Southwater Lake edge.
- To provide an attractive, safe and desirable destination space for informal recreation and socialising at the south east corner of Southwater Lake
- To design routes and spaces that sit comfortably within the existing landscape and contribute towards the overall cohesion and legibility of the Southwater development
- To enhance the existing Telford Town Park and strengthen its green character and circulation routes
- To encourage design that offers variety and richness that is also harmonious and distinctive.

It is believed that the development is in accordance with the outline masterplan for the large Southwater development which secured outline planning permission in June 2010. It is entirely consistent with CTAAP policies CT17 and SA2. In addition, the supporting text to Policy CS9 of the Core Strategy recognises that leisure, sport and recreation infrastructure will be an important resource for the development of the town centre.

#### Design of public realm and landscaping

The development must conform to the principles set out in the CT17 Public Realm. Following the grant of outline planning permission for the Southwater Masterplan, there was a full application submitted for the public realm works to create Southwater Square, and Lake together with the introduction of a 'Main Street'. A part of the ongoing review of the proposals, and given the changes to the locations of building and associated uses, it was considered appropriate to review the design of the public realm and landscaping. A design guide was drafted to accord with the Council's vision to create a contemporary, flexible and functional urban space at the heart of Southwater, with accessibility for all users and robust palette of materials which are contemporary, high quality and low maintenance, to create a suitable transition to the Town Park.

This proposal seeks to retain the design principles stated in the supporting documents for the previous applications. As Members will recall, the new

Southwater Square is intended as a flexible space with a shared surface that can accommodate one-way vehicular traffic, which is restricted to public transport, taxis and servicing requirements, but also capable of accommodating small local events and major gatherings on special occasion. This differential in uses of spaces is to be defined through the use of materials. A safe and convenient public space will be achieved.

The scheme has been designed around pedestrian movements, to ensure safe and easy access, with clearly defined links to surrounding uses. A landscape management plan is being prepared for the wider Southwater area, to ensure effective management. A condition on this application is considered sufficient to ensure that long term management is undertaken and the scheme accords with policy CT20 of CTAAP.

In conclusion it is considered that the design of the public realm conforms with policies CT17, CT19, CT6c of CTAAP, policy CS9 of the core strategy and policy UD2 of the Wrekin Local Plan by supporting pedestrian priority streets, providing attractive streets and spaces which are integral of the development design, of good high quality, with good lighting.

#### Ecology:

Following extensive ecological surveys as part of the outline planning submission for the wider Southwater Masterplan, it was identified there was a need for an Ecological Mitigation Strategy. This was conditioned and details supplied and agreed in November 2011.

The Strategy established guiding principles for appropriate mitigation and enhancement in relation to each development Zone, as identified in the outline consent. This work included the identification of specific impact and appropriate on and off site measures for implementation to mitigate and provide enhancement. Many of the mitigation recommendations have been triggered by the commencement of the engineering works application which resulted in the loss of many trees and including the draining of Southwater Lake. The mitigation to off-set this impact has already been implemented.

The Council's Ecology team are satisfied with this level of mitigation for this proposal and this commitment can be secured through an appropriate condition. The proposal is therefore considered to comply with policy CT19 of CTAAP and guidance in PPS9.

#### Conclusions

The redevelopment of Southwater represents a substantial regeneration opportunity as it will bring further investment to the area. Overall the new Southwater Core development and associated public realm works will create a much needed leisure hub, and is in accordance with the Council's overall vision for the Town. The new public realm is a clearly defined pedestrian priority route to assist in the integration of elements within this area, the Town Park and the existing shopping centre and bus station. The design of the

public realm is high quality and inclusive, which will improve the character and visual quality of the area.

The principle of development of this site was established by the outline masterplan for the wider Southwater area, which was granted in June 2010 for mixed use development, including leisure uses and public realm.

The proposed design of the public realm respects and responds positively to the site context and surrounding environment and meets the Urban Design policies contained within the adopted Wrekin Local Plan and Core Strategy. The development creates and reinforces pedestrian linkages to produce a safe and secure environment in accordance with the urban design policies in the Core Strategy and Wrekin Local Plan. The design of the public realm conforms with policies CT17, CT19, CT6c of CTAAP, policy CS9 of the core strategy and policy UD2 of the Wrekin Local Plan by supporting pedestrian priority streets, providing attractive streets and spaces which are integral of the development design, of good high quality, with good lighting.

The development includes the creation of new public realm to complement the new buildings and create links. This includes tree planting and landscaping. Issues of ground conditions, flooding, drainage, ecology, noise and pollution have been fully assessed and it is considered that any impacts can be adequately mitigated through the imposition of suitable conditions.

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

1. A04 Time Limit Full
2. B10 Details of materials
3. B126 Landscape Management Plan
4. C38 Development in accordance with deposited plans

#### Informatives

- I22 Protected Species
- I25a Nesting Birds (pre-construction)
- I40 Conditions
- I41 Reason for grant of permission

#### REASON FOR GRANT OF PERMISSION

The redevelopment of Southwater represents a substantial regeneration opportunity as it will bring further investment to the area. Overall the new Southwater Core development and associated public realm works will create a much needed leisure hub, and is in accordance with the Council's overall vision for the Town. The new public realm is a clearly defined pedestrian priority route to assist in the integration of elements within this area, the Town Park and the existing shopping centre and bus station. The design of the

public realm is high quality and inclusive, which will improve the character and visual quality of the area.

The principle of development of this site was established by the outline masterplan for the wider Southwater area, which was granted in June 2010 for mixed use development, including leisure uses and public realm.

The proposed design of the public realm respects and responds positively to the site context and surrounding environment and meets the Urban Design policies contained within the adopted Wrekin Local Plan and Core Strategy. The development creates and reinforces pedestrian linkages to produce a safe and secure environment in accordance with the urban design policies in the Core Strategy and Wrekin Local Plan. The design of the public realm conforms with policies CT17, CT19, CT6c of CTAAP, policy CS9 of the core strategy and policy UD2 of the Wrekin Local Plan by supporting pedestrian priority streets, providing attractive streets and spaces which are integral of the development design, of good high quality, with good lighting.

The development includes the creation of new public realm to complement the new buildings and create links. This includes tree planting and landscaping. Issues of ground conditions, flooding, drainage, ecology, noise and pollution have been fully assessed and it is considered that any impacts can be adequately mitigated through the imposition of suitable conditions.

TWC/2012/0565 Windmill Primary School, Beaconsfield, Brookside, Telford, Shropshire, TF3 1LG  
Erection of a 0.3kw wind turbine on a 10m pole

**APPLICANT**

Windmill Primary School

**RECEIVED**

19/07/2012

**PARISH**

Stirchley and Brookside

**WARD**

Brookside

This application has been referred to Committee

OBJECTIONS RECEIVED: No

MAIN ISSUES: Scale and Design, Character and Appearance, Impact on Adjoining Residential Amenity.

THE PROPOSAL: This application seeks permission to erect a 0.3kw wind turbine on a 10.2m high pole.

The turbine is to be sited within the schools rear playing field, towards the edge of the field near to its south facing fence. It would be located approximately 42m north of the southern boundary, 67m west of the of the school building, 103m south of the northern boundary and 35m east of the western boundary.

The rotor is a 3-blade upwind turbine with a diameter of 1m wide. The blades are glass reinforced nylon with a rated output of 85watts at 8m/s (meters per second) and a peak output of 300watts and a cut-in speed of 3m/s. The turbine's expected lifetime is 20years with a 5 year warranty.

The turbine would provide renewable energy to an external classroom known as 'the hide' which is an outside learning space, forming part of the wider eco-garden setting. The proposal forms part of the schools wider objective to use the scheme as an educational tool. The scheme will include real-time display to provide a visual interpretation of the energy that is generated on site.

**THE SITE AND SURROUNDINGS**

The application refers to a field at Windmill Primary School in Brookside. The school is accessed off Beaconsfield through a set of gates. To the front of the school is an enclosed play area and to the rear are an external classroom and a large grassy field enclosed with 2m high green fencing. West of the playing field is another field that lies within the schools ownership, however this field is used by the local community.

Along the northern boundary of the field are a row of houses, located somewhat 100m from the proposed site. Along the southern boundary is a considerably number of trees that are approximate 14 -16m high.

**PRE-APPLICATION ADVICE**

Prior to submission of the application the applicants had discussions with one of the councils Environmental Health Officers who discounted the issue of significant noise.

#### CONSULTATION RESPONSES –

140 Neighbours have been notified. The consultation period has not expired therefore it is anticipated that additional responses will be received by the date of the Plans Board meeting and Members will be fully updated at the meeting.

Natural England: No objections, this proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development

Ecology: no comments received as yet

Sustainability: no objections

Stirchley and Brookside Parish Council: no comments received as yet

Geotechs: no comments received as yet

Arboriculture: no comments received as yet

#### PLANNING HISTORY

TWC/2011/0594, provision of a children's play area and goal end, granted 25<sup>th</sup> August 2011.

TWC/2010/0319, proposed single storey building to form new children's centre, granted 17<sup>th</sup> September 2010.

W2006/0418, temporary siting of 4no. demountable classrooms, granted 23<sup>rd</sup> May 2006.

#### POLICY CONTEXT

Core Strategy:

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan:

NR1 Location of Renewable Energy Developments

NR2 Proposals for Wind Turbines

UD2 Design Criteria

OL11 Woodland and Trees

National Planning Policy Framework

#### PLANNING CONSIDERATIONS

This site is situated within the urban area of Telford where development is considered acceptable providing the proposal continues to comply with all local and national policies.

The National Planning Policy Framework states that planning authorities should support the move to a low carbon future and actively support energy efficiency improvement to existing buildings. Local Planning Authorities should recognise the full range of renewable energy sources, and the wider environmental and economic benefits of renewable energy projects, whatever their scale, are material considerations that should be given weight in determining whether proposals should be granted. It states that when determining planning applications local authorities should not require applicants for energy development to demonstrate the overall need for low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

Policies NR1 and NR2 of the Wrekin Local Plan support proposals for the generation of power from renewable energy sources within the District. Policy NR2 permits the development of schemes to generate energy from the wind subject to provisos that they are designed to minimise their visual impact on the landscape.

Policy CS13 of the LDF Core Strategy states that the production of energy from renewable sources will be supported where this is consistent with other policies and national guidance.

The LPA should actively support and help drive the delivery of renewable energy providing the development fails to adversely affect the surrounding area. Planning permission should only be refused where the concern relates to a heritage asset protected by an international or national designation and the impact would cause material harm, or removal of significance in relation, to the asset and this is not outweighed by the proposal's wider social, economic and environmental benefits.

In some cases development of this kind will require an Environmental Impact Assessment. However under the criteria set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, Schedule 2, Part 13 section (i) the LPA can confirm that the hub height of the turbine does not exceed the 15 metres threshold height and therefore does not require an EIA.

Consideration has been given to the most suitable location on the site, taking into account the direction of the prevailing wind, obstructions and personal preferences. The turbine is considered small in scale, being 10.2m high. According to the leaflet submitted with the application it is stated that the LE-300 blades generate high power in all wind conditions, are very quiet in operation, UV resistant and tough. In addition the applicants have stated the scale and intended use of the proposed turbine significant noise issues are considered to be very unlikely. Further to this, during pre-application discussions the Environmental Health officer also discounted the issue of significant noise complaints.

The turbine would be located approximately 30m from the nearest residential dwelling (at Bishopdale) and 100m from the dwelling directly north of the site (Briarwood). Despite the 30m separation gap the turbine would be very well screened from view by a substantial group of existing 14m – 16m high trees. The turbine will be located near the edge of the playing field where it will not harm or affect the enjoyment of the school field. In addition the turbine will not create any obstruction for school users.

It is considered that the proposed location is acceptable. It will not have an adverse impact on the character and appearance of the landscape in the vicinity of the site. In fact, it will only be seen from the adjacent field and houses. It will not be seen from the road as it will be set back within its position and obscured by the existing school buildings. The high trees that border the southern boundary will effectively screen the turbine from most dwellings, and many people might well not be aware that the turbine was even there. The same row of trees will also provide a good degree of visual screening from the south.

For the above reasons, it is considered that this application is acceptable and it is recommended for approval subject to conditions.

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

A04 Time Limit

C38 Development in accordance with approved plans

I40 Conditions

I41 Reason for grant

RACUSTOM reason for approval

**REASON FOR APPROVAL:**

It is considered that the proposed location is acceptable. It will not have an adverse impact on the character and appearance of the landscape in the vicinity of the site. The turbine would not adversely affect the residential amenities of any dwellings in the vicinity of the site by virtue of being visually intrusive. In fact, it will only be seen from the adjacent field and houses. It will not be seen from the road as it will be set back within its position and obscured by the existing school buildings. The high trees that border the southern boundary will effectively screen the turbine from most dwellings, and many people might well not be aware that the turbine was even there. The same row of trees will also provide a good degree of visual screening from the south. Furthermore the proposed turbine will not harm surrounding amenity by reason of noise.

