

TELFORD & WREKIN COUNCIL

PLANS BOARD

3rd October 2012

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TWC/2011/0979 Land to the North of, Grove Road, Overdale, Shropshire, TF3 5AW

Residential development for up to 80 dwellings (outline)

APPLICANT

R Hardy

RECEIVED

07/11/2011

PARISH

Lawley and Overdale

WARD

Lawley and Overdale

OBJECTIONS RECEIVED: Yes

MAIN ISSUES:

Principle of development, Green Network, Residential Amenity, Highway safety, Land stability

THE PROPOSAL:

The proposed development seeks outline approval for residential development, with all matters bar access reserved for later approval.

The application limits the scale of development up to 80 residential dwellings. It is anticipated the proposal will bring forward a mix of housing,

SITE AND SURROUNDINGS:

The application site is a long narrow triangular plot approximately 1.89 hectares, currently used as grazing land. The site is currently accessed at two points through field gates from the southern boundary, on Grove Road, and to the far east from Garfield Road. The ground level of the site ascends to the northern boundary which abuts the M54 embankment; Grove Road runs along the southern boundary of the site, separating the site with the residential dwellings of Grove Road which face the proposed development. Grove Road is characterised by 1970's hipped semi detached properties which have spacious gardens to front, side and rear.

The eastern and western boundaries of the site abut the rear gardens of properties on Barratt Terrace and Ercall View respectively. Barratt Terrace, built in 1929 is a row of three hipped semis with very wide frontages limiting the gap between the properties unlike Grove Road. Further east of Barratt Terrace a late 20th century development adds to the mix of character within the area fronting the development sites access point at Garfield Road.

The site is located on the northern edge of Overdale, some 1.1km west of Telford Centre. The site is less than 0.4 miles to the North of Newdale primary school, and less than 0.1 miles from the local centre which provides a general store, post office and takeaway facility.

PLANNING HISTORY:

W77/0028, Erection Of A Single Dwelling Circular No Objections (Cttee),
Decision Date: 01/02/1984

W85/0053, Residential Development To Provide Detached Dwellings, Outline
Refused, Decision Date: 05/07/1985

W89/1430, Borehole Investigations,,: The Rock, Telford., Decision: County No
Objections (Cttee), Decision Date: 22/01/1990,

W90/1250, Outline, Date Erection Of Three Dwellings With Alteration To
Vehicular Access, Outline Granted, Decision Date: 29/11/1991,

W94/0782, Renewal Of W90/1250 (Erection Of Three Dwellings With
Alteration To Existing Access), Outline Granted, Decision Date: 14/10/1994

W2000/0022, Erection Of 3 Dwellings With Alteration To Existing Access
Outline Granted, Decision Date: 20/04/2000,

W2003/0372: Renewal Of Planning Permission W2000/0022 For The Erection
Of 3 Dwellings With Alteration To Existing Access, Approved Decision Date:
27/06/2003,

W2006/0691, Renewal of W2003/0372 For The Erection Of 3no. Dwellings
(Outline), Outline Granted, Decision Date: 26/07/2006

PLANNING POLICY CONTEXT:

National Planning Policy
National Planning Policy Framework

LDF Core Strategy
CS1 Homes
CS3 Telford
CS9 Accessibility and Social Inclusion
CS11 Open Space
CS12 Natural Environment
CS13 Environmental resources
CS14 Cultural, Historic and Built Environment
CS15 Urban Design

'Saved' policies Wrekin Local Plan

EH7 Contaminated Land
EH8 Remedial action on Contaminated Land
EH14 Land stability
UD2 Design Criteria
UD4 Landscape Design
T4 Development Principles
T22 Planning Obligations

OL3 Green Networks
OL4 Development in green network
OL11 Woodland and trees
OL12 Open land and landscape contributions from new development
OL13 Maintenance of open space
LR4 Outdoor recreational open space
LR6 Developers contributions to outdoor recreational open space with new residential development
H22 Community facilities
H23 Affordable Housing

CONSULTATION RESPONSES:

Lawley & Overdale Parish Council: Object on the grounds of the high density of houses, lack of frontages/rear gardens to those houses and noise from M54 motorway. Residents in the area have also contacted the parish concerned by the development and support their objections.

Cllr Gill Greenaway: Objects, on the grounds of:

- Stability of motorway cutting; seeks department of transport details before a decision
- Impact of mineshaft to the north, requirement for investigations which is likely to lead to instability of motorway cutting
- Considers that the requirement for 2m high acoustic barrier will not be permitted on the M54 corridor by the Highways agency.
- Overdale has, over the last few years seen development on all in-fill green spaces of mostly 2 bedroom properties and therefore believes there has been adequate provision of low cost accommodation within the area. This proposal would not therefore benefit the area but be detrimental by taking the last remaining open space.
- No provision is required as part of a 106 Agreement, the existing play area is currently awaiting an upgrade which has been provided for, through other developments
- Over half of the proposed site is Designated Green Network this is the last remaining green space within Overdale; it is locally important, it contributes to the amenity of the area and is a natural habitat for birds and wildlife. It provides visual variety in a built up area and provides a green corridor along the M54.

Drainage: support subject to conditions relating to foul and surface water drainage, and Greenfield water run off rates, in addition to the management of any proposed SUDs features.

Ecology: Support subject to conditions: The ecological survey found no evidence of any protected species. A number of bird species were recorded, including house sparrow, a BAP species and red listed species of conservation concern. None of the trees on site have potential to support roosting bats. Recommend conditions for 10 bat boxes, 10 bird boxes and 4 invertebrate boxes; in addition to a planting scheme to compensate for loss habitats and a lighting strategy to avoid illumination of hedgerows and trees.

Contaminated Land (Environmental Health): Support subject to conditions. The site is suitable for residential development, provided that the proposed basic ground gas mitigation measures are implemented; these will need signing off by Building Regs inspection in due course.

Environmental Health: Originally raised questions with regard to the noise report submitted with the application. Following receipt of further information have raised no objections to the development.

Highways: No objection subject to conditions and a rights of way contribution of £30,000 In order to promote sustainable routes, recreation and links to play and education. Any landscaping within the limits of any public highway to be adopted may attract a commuted maintenance sum as part of the Highways Act 1980 Section 38 agreement process. In addition the access works off Garfield Road and alterations to Barratt Terrace will need to be conducted under an appropriate highways agreement to be agreed prior to the commencement of any works.

Geotechs: Object subject to conditions; request full slope stability assessment for the M54 embankment prior to determination; the site is also affected by open cast highwalls, requiring a full remedial foundation design with a zoning plan; There is also a mineshaft within the site and before any formal layouts is approved a 20m standoff is required. The site is also affected by shallow mining and a condition requiring further investigation is required.

Strategic Housing: Request affordable housing, in line with H23 of the WLP starting point is 38%, with a tenure mix of 80% social and 20% shared ownership however this may be altered according to market condition and the Registered providers ability to provide shared ownership. It should also be noted that eth SHMA shows the greatest affordable needs in the borough is for two and three bedroom houses for social rent, in addition for accommodation for people with disabilities. Subsequently there is a needs for a mix containing predominantly 2 and three bed houses with one or two built to full wheelchair standard.

Parks & Open Spaces: No objection subject to S106 contributions for £600 per 2bed property or above. Parks and Open Space believe it is essential that all new developments make full provision for the infrastructure/amenities and services which they create. New residents to the area will increase demand upon the existing recreational resource. The development proposes a number of properties which will contribute to the need of recreational facilities for the area. There are some nearby recreational facilities in need of upgrading for children and young people in order to maximise the capacity and meet the need arising out of this development.

Education: No objections subject to S106 contributions. Confirms that there is identified a need for additional capacity at both Newdale and Meadows Primary Schools (which are within the vicinity of the

development) and therefore would be anticipating a contribution from this site. If social housing is provided at 35%, the total required would be £76,171.

Sustainability: Comment, that a statement is required in the design and access statement as to how the development will be sustainable. As such, the built development should meet the environmental standards outlined below:

- CSH assessment for the scheme will need to be undertaken at the design stage and also at post-construction review.
- The development should be required to meet CSH rating 3, however, if the development is to occur after April 2013 then the development should meet level 4. Please note that CSH is updated regularly. The developer must refer to the latest version or the prevailing sustainable standards - whichever is the higher at the time of submission of reserved matters.

Developers and designers should involve a CSH assessor as early as possible in the design process, to ensure the rating is achieved in a cost effective manner.

Highways Agency: Originally raised concerns and issues a TR110 direction, not to approve the application until their concerns were addressed. The applicant since submitted further information to the Highways Agency who withdrew the holding objection, and raised no objection to the development subject to conditions, relating to a comprehensive ground investigation to the embankment of the M54; a geotechnical and ground investigation and design details for the site; and a Vehicle Restraint System (VRS) at the access.

Environment Agency: No comment

Severn Trent Water: No objection subject to Foul and Surface water drainage details

Shropshire Fire Authority: No objection subject to informatives.

West Mercia Constabulary: No objections subject to conditions: Raises concerns with regard to the boundary with Grove Road, that extends into a public right of way until it reaches an underpass that stretches under the M54 Motorway. This underpass is unlit, long in length and already shows signs of graffiti. It links Grove Road with open space with walkways and a housing estate to the North of the motorway and could be used as an escape route by offenders committing burglaries. It would be appropriate for planning conditions to be imposed to make this footpath safe and secure. The proposal also appears to have an access point from the footpath onto the development; there should be NO access points onto the development that could and would be used as an escape route. Site should also be built to the ACPO Secured By Design Standard. This would allow the police crime prevention design advisor to have an input and be able to advise on potential future crime issues. Also raises concerns with Design and access statement that no

mention has been made to Crime and Disorder in the locality and the impact that this development might have.

10 letters of objection have been received from 8 properties. These raise concerns with regard to:

- Overdevelopment
- Housing mix – predominantly 2/3 bed, suggesting main development criteria to be the provision of low cost housing. This provision already exists in the immediate area and the proposal would lead to an imbalance between the provision of low cost versus the more expensive privately owned housing which is under provided in the area.
- If the access is directly opposite Hartley Close, it would create a crossroad situation, creating possibility of accidents or incidents due to the confusion this would cause
- Existing junction already tight
- Loss of right of way to the rear of the properties
- Inappropriate to have only one access point from Garfield Road; this is already a busy road, including heavy goods vehicles to the recycling plant; in addition to volume of traffic and current speeds along this road.
- Position of traffic junction leading into Garfield Road; new junction is unsafe, leading into Garfield Road which is in close proximity to the M54 Bridge and existing road junctions.
- Increase in pollution from M54; loss of wooded area which screens noise and pollution.
- Loss of green space; land currently used for grazing and loss would be detrimental to the community.
- Loss of green belt
- Less areas for children to play
- Impact on residential amenity – mess & noise
- Concern over the existing drainage system.
- Stability of land
- Council does not maintain highways adequately
- Increase in noise, disturbance and air pollution
- Value of homes

PLANNING CONSIDERATIONS

Principle of Development

The development site is partly white land and partly Green Network; the Green Network boundary however is not defined physically on the site, and is of the same character as the remaining site. The Wrekin Local Plan seeks to protect areas of Green Network in order to achieve the 6 aims of the Green Network. These 6 aims are:

- to maintain Telford's image as an attractive place to live and work
- the separation of built up areas with green wedges;
- to provide easily accessible 'green lungs'
- to provide an appropriate supply of open land for formal and informal recreation

- to protect, enhance and maintain Telford's ecological and geological and archaeological heritage
- to provide open space linkages.

In this case, the identified Green Network is private property, with no public access; it does not provide open space linkages; it does not provide either formal or informal recreation areas; it has no geological or archaeological value, and relative limited ecological value as the assessment provided with the application demonstrates the site does not support a rich variety of flora or fauna, let alone any protected species; the site is not landscaped, and has limited visual interest. Furthermore the site does not provide a green wedge between housing estates due to the motorway on the northern boundary; the motorway in its self acts as this wedge, being significant lower level than the development site, and is well screened by its own embankment. Subsequently it is considered that the site does not meet the intended aims of the Green Network Policy.

Consideration should also be given to Counsels opinion of the Green Network, which concludes the Green Network protection should only be applied where it is identified that the designated sites meet any of the above criteria. Accordingly as the site does not meet these aims, the principle of development is considered acceptable.

It should also be noted that the application and various house builders have discussed the site coming forward with the Council for a considerable number of years, and the officer's informal views of the site have been consistent in recognizing the principle of development across the whole site and not just the white land allocations.

The site has been identified in the Councils Strategic Housing Land Availability Assessment (SHLAA) identifying the site as available, suitable and achievable; recognising issues of the need for a Green Network review, its previous use for mining and potential ground contamination.

Another material consideration is the status of the Wrekin Local Plan, which will be obsolete at the end of March 2013, with no replacement policies in draft form should application be considered for appeal from this time onward, the Council needs to satisfied proposals are also contrary to the NPPF and its adopted Core Strategy. The NPPF is in favour of sustainable development; and as part of the site is white land with no land allocation, as there is no difference in quality between the two areas, it is considered the principle of development is compliant with the NPPF and the Core Strategy.

Noise & Air Quality

At a local level planning policy relating to noise is limited, as specific noise guidance contained within the Wrekin Local Plan was deleted in 2007, putting reliance on National Planning Policies. The previous National Policy: PPG 24 specified the criteria for development within noise sensitive areas. This considered that development in NEC B should take account of noise constraints and where appropriate impose conditions to mitigate against noise; within NEC C planning permission should not normally be granted,

however where considered appropriate conditions for mitigation measures should be imposed; within NEC D planning permission should normally be refused. PPG24 valid at the point of submission has since been superseded by the NPPF in March 2012; this states that the planning system should prevent new development being adversely affected by noise pollution; and through planning policies and decisions mitigate and reduce to a minimum adverse impacts arising through noise; this is reiterated through the Explanatory note on Noise Policy Statement.

The adjacent motorway is a source of noise pollution; due to the sites close proximity adjacent to this boundary noise surveys have been conducted on the site, this began in 2002 when initial discussions regarding the development of this site commenced, and updated in 2011 on submission of the application. This identifies that the areas to the south fall within Noise Exposure Category (NEC) B, and that adjacent to the motorway is within NEC C. Taking account of the limited local and now national guidance, it is considered that the principle of residential development is acceptable as the proposal can be adequately mitigated against the adverse impact on noise, through the erection of an acoustic barrier at the rear of the site, in addition to acoustic glazing and trickle vents, which can adequately be controlled through condition.

No concerns have been raised by Environmental Heath with regard to the proximity of the development adjacent to the M54, and as such it is not considered that the development will be adversely affected by air quality; controls can also be placed through condition to reduce the impact of dust during construction. Furthermore similar developments along the M54 corridor have recently been approved / developed and consequently the principle of development is considered acceptable.

Highway safety

The proposed application seeks approval for the access into the development site. One access serves the site; this is located to the north eastern corner of the development site at the existing field access point on Garfield Road. Full visibility splays of 2.4m x 43m are achievable at this junction, sitting to the north of the access point for Hartley Close. The proposed arrangements will relocate the existing access from Barratt Terrace, to the new access road, creating a larger grass verge to the front of this row of dwellings. No further access points are required, and this is in line with the Police Liaison officer with regard to designing out crime. This prevents additional vehicle movements on Grove Road, ensuring the safety of highway users, and limiting the impact of the development of existing residents on Grove Road in terms of additional vehicle movements.

The proposal provides an indicative layout as to how the road can be achieved and this is considered well throughout, allowing the road to meander through the development site, creating smaller envelopes of housing which creates a sense of place and naturally slowing down highway movement. Whilst the proposal is indicative, it is considered sufficient parking for the

properties are provided, and adequate space is provided for the movement of large vehicles such as refuse vehicles.

Ground Stability

It is acknowledged the site has a number of ground constraints, which include previous mining activities, a mine shaft and highwall, in addition to the stability of the slope adjacent to the M54.

Firstly a mine shaft is located on the centre on the northern boundary of the site; this requires a 20m stand off from any development if untreated. The applicant has since revised the indicative demonstrating how up to 80 units can be accommodated on the site including this suitable buffer zone. As this is an indicative plan, it is necessary to induce a condition to ensure this is included in the reserved matters scheme.

Secondly the site is affected by open cast highwalls. The report conducted by Spilman Associates dated July 2005, ref. J05023/02 and pre-application advice from the Council Geotechnical engineers conclude that building over and near to the open cast high walls is better to be avoided, however it would be acceptable if a full remedial foundation solution is submitted. As this is an outline application, the principle of development is acceptable, however once a layout has been established the details of the reserved matters application should be accompanied by these details in addition to a foundation design zoning plan with full details of each houses foundation design and its location in relation to the opencast and the high walls; this can be adequately controlled through condition. The same is also sought for shallow mining investigations when a more formal layout is submitted for approval.

Thirdly the site abuts the M54 embankment that descends down to the M54; in addition to a small gradient incline to the northern boundary. The council's geotechnical engineers have raised concerns requesting that the stability of the proposal needs to be addressed to ensure that the suitable stable platform is provided to the north and the any development near this slope will not have a detrimental impact on the slopes stability, requesting a plan showing this suitable stand off from the embankment with a full slope stability assessment prior to determination. This is contrary to the Highways Authority advice who asks for such measures through condition, whilst they recognise the importance to protect the M54 and the land they maintain.

It is also necessary to consider the NPPF which has come into force during the determination period, and the weight given to existing local plan policies where there is conflict between the existing policies where there is conflict with the NPPF.

NPPF in Paragraph 120 states that 'to prevent unacceptable risks from pollution and land stability, planning policies and decisions should ensure that new development is appropriate for its location. ... Where a site is affected by contamination or stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The information previously requested by the Councils Geotechnical Engineers was to satisfy policy EH14 of the Wrekin Local Plan, and whilst this policy is still relevant. It is considered by officers that this policy does not fully conform to the NPPF and the approach within NPPF should be given greater weight. Furthermore this approach has also been approved by members of board in other recent residential schemes.

Taking account of the conflicting consultation advice and the new National Legislation NPPF, in addition to this being an outline application with only an inductive plan, it is considered that this can be adequately controlled through condition, with submission of the slope stability assessment with the reserved matters application, supporting the layout and any appropriate stand off, as for the purposes of this outline application, where no layout is being approved, it is not necessary to finalise this stand off location. Such details will also include foundation zoning and designs also taking account of stability.

Land Contamination

The proposal is supported by a number of ground assessments relating to ground contamination. This concludes that the site is not significantly contaminated and there are no constraints from this perspective. Some ground gases exist and a further investigation is required to localise these gases and provide appropriate gas mitigation measures, which is required through building regulations. Accordingly as the mitigation measures have been submitted the pollution control officer did not request any further conditions as this is dealt with appropriately through building regulations; this is considered compliant with both local and national policies.

Drainage

A flood risk assessment supports the application. This concludes that the site is not within an area susceptible to flooding; no watercourses or private drainage are present within the site. This concludes that the surface water drainage of the site should be restricted to the standard Greenfield levels, which is supported by the council's drainage engineer. Therefore it is considered that the site can be adequately drained in accordance with both local and national policies.

Ecology, Trees and Landscaping

A phase 1 ecological assessment accompanies this application. This looked for the protection of all protected species. It concludes that there only activity where mitigation should be considered related to nesting birds, and consequently suggests limiting works of tree clearance outside of the nesting season. This is recognised in the Ecologist comments, and is considered that the application would not cause harm to protected species, through condition the proposal can provide enhancements in the form of 10 bat and 10 bird boxes in addition to a planting scheme to compensate for loss of habitats, in accordance with local and national planning policies.

The development will result in the loss of some trees on the site, but due to the nature/type of the trees, they are not protected. Furthermore, none of the trees are considered potential for bat roosts.

As the development is only an outline application, landscaping is reserved for later approval, however it is considered that any landscaping scheme should reflect the nature of the site at present and seek through planting to ensure this green character is retained; this can adequately be controlled through condition.

Residential Amenity

An indicative layout has been submitted with this application; whilst this is indicative it demonstrates how up to 80 units can be accommodated on the site taking account of neighbouring residential amenities. Sufficient distance separation is maintained through the site and with the existing dwellings. The proposal will not result in a loss of light or outlook. Furthermore the proposed site can adequately accommodate 80 units providing sufficient amenity area and landscaping within the site layout. Furthermore as the proposal does not front Grove Road, it is considered that can sit within its own context, being a slightly higher density than the surrounding low density character of Grove Road, reflecting that on the developments slightly further afield. However this is down to the finer details at the reserved matters stage to demonstrate that the development can adequately ensure the proposed development does not cause harm to the surrounding character.

Planning Obligations

The proposed development will provide more than 15 units and as such affordable housing has been requested. In addition the proposal will increase the demand for education facilities in addition to off site recreation. A request has also been made by the highways officer for a rights of way contribution of £30,000 in order to promote sustainable routes, recreation and links to play and education. However due to the sites complex ground works from the previous mine workings, the sites abnormal costs are considerably high the scheme is unviable.

The applicant has provided financial information to demonstrate the schemes viability and proposed a few scenarios with reduced contributions, and 10 % affordable housing, or 20% affordable housing with no contributions. Both schemes have been verified and considered viable; however through negotiation officers have agreed with the applicant to provide 15% affordable homes (mix and tenure to be agreed), and a contribution of £500 per unit towards off site leisure and recreation facilities, and £61,302 toward primary leisure facilities. This is considered acceptable.

Other Issues

It is noted that the proposed development has raised some objections from local residents; addressing these comments not addressed above, relating to the need for such development given the large number of sites with planning permission in the local vicinity. The Local Planning Authority can not consider the need for development or suggest alternative locations for development

other than in zoning within the Local Plan but must consider each application on its own merits with regards to the relevant planning policies and other material considerations. The site is not open land, and has no right of way through the site. With regard to the right of access to the rear of existing property boundaries this is a legal matter which will need to be retained through any title of land, and is not a planning matter. The site is not Green Belt, and does not have this statutory protection; Telford & Wrekin has no Green Belt designation within the Borough. Furthermore property values are not a planning consideration.

Conclusion

The proposed development is partially on Green Network Land, however the identified Green Network is private property, with no public access; it does not provide open space linkages; it does not provide either formal or informal recreation areas; it has no geological or archaeological value, and relative limited ecological value as the site does not support a rich variety of flora or fauna, nor any protected species; the site is not landscaped, and has limited visual interest. Furthermore the site does not provide a green wedge between housing estates due to the motorway on the northern boundary; the motorway in its self acts as this wedge. Subsequently it is considered that the site does not meet the intended aims of the Green Network Policy. The site is located on the northern edge of Overdale, some 1.1km west of Telford Centre. It has good accessibility to public transport and local facilities at Overdale local centre in addition to the Town centre. The site is therefore considered to be in a sustainable location for new development. Therefore in accordance with NPPF there is a presumption in favour of in sustainable locations.

The proposed development site can be adequately drained and protected from previous ground uses through condition relating to ground contamination and mine shaft stand offs. Furthermore it has been adequately demonstrated that through condition the development will not have an adverse impact on the adjoining motorway in terms of slope stability. In turn the motorway through the use of noise mitigation measures will not adversely affect the amenities of the proposed residents.

It has been demonstrated that the site can be adequately accessed without prejudice to highway safety. The proposal will not harm the character of the visual amenities of the surrounding area or amenities of existing or proposed residents in terms of overlooking, loss of light, distance separation or private amenity area, in addition it has been adequately demonstrated that sufficient parking facilities can also be provided. The proposal through condition will also ensure an enhancement landscaping scheme and bat and bird boxes, protecting the character of the area and providing ecological enhancements.

The proposal will provide 15% affordable housing, and contributions to off site leisure and recreation facilities in addition to primary education, mitigating against the demands of the site. Accordingly it is considered that the proposed development is in accordance with the NPPF and the presumption in favour of sustainable development.

RECOMMENDATION: to GRANT delegated authority to the Manager of Development Management to GRANT OUTLINE PLANNING PERMISSION subject to applicant signing a S106 agreement to provide 15% affordable Housing, £500 per unit towards off site leisure and recreation facilities and £61,302 toward primary leisure facilities, in addition to the following conditions:

1. A01 Time limit
2. A03 Submission of Reserved Matters
3. B02 Standard outline
4. B03 General details required including management of suds and pedestrian link, 20m stand off to mineshaft
5. B11 Samples of materials
6. B12 Brick Sample panel
7. B34 Highway details
8. B42 Parking turning and Loading
9. B44 parking
10. BCustom Comprehensive ground investigation to m54 embankment
11. BCustom Geotechnical design and ground investigation
12. BCustom Vehicle restraint system
13. B58 Slope Stability
14. BCustom Foundation design and Retaining structures
15. B50 Shallow mining
16. B61 Foul & Surface water drainage
17. B75 Greenfield run off rates
18. B84 Noise mitigation
19. B125 Details of earthworks
20. B127 Landscape management and maintenance plan
21. B146 Planting scheme
22. B150 Site Environmental Management Plan
23. C106 Lighting
24. C109 Bat and Bird boxes

REASON FOR APPROVAL:

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It has been demonstrated that the site can be adequately accessed without prejudice to highway safety. The proposal will not harm the character of the visual amenities of the surrounding area or amenities of existing or proposed residents in terms of overlooking, loss of light, distance separation or private amenity area, in addition it has been adequately demonstrated that sufficient parking facilities can also be provided. The proposal through condition will also ensure an enhancement landscaping scheme and bat and bird boxes, protecting the character of the area and providing ecological enhancements.

The proposal will provide 15% affordable housing, and contributions to off site leisure and recreation facilities in addition to primary education, mitigating against the demands of the site. Accordingly it is considered that the proposed development is in accordance with the NPPF and the presumption in favour of sustainable development.

TWC/2012/0056 Land at Dream Car Sale, Leonard Street and Land adjacent to 39 Stafford Road, Oakengates, Telford, Shropshire, TF2 6JW
Residential development (Outline application with all matters reserved)
*****Amended Plans Received*****

APPLICANT
Colin Thomas

RECEIVED
17/01/2012

PARISH
Oakengates

WARD
Ketley and Oakengates

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of development, loss of existing buildings & business, affect on character and appearance of the area, contaminated land, highway issues & residential amenity.

THE PROPOSAL:

Outline planning permission is sought for the demolition of existing buildings on land at Dream Car Sale, Leonard Street and the removal of parking/garage on land adjacent to 39 Stafford Road, Oakengates and the erection 14 residential properties comprising;

- 5 x 1 bed studios
- 7 x 2 bed houses
- 2 x 3 bed houses

In addition there will be both communal & allocated parking, new external works and landscaping, new retaining Walls where required and new site boundary treatments

The applicant is seeking outline planning permission with all matters reserved for consideration at a later date.

The application includes indicative drawings which show 3 x two storey 2&3 bed roomed dwellings with parking between no.39 Stafford Road and Akwood House, 5 x two storey 2&3 bed roomed dwellings and 1 x one bed studio with parking adjacent no.4 Leonard Street. 1 x 2 bed dwelling and 1 x one bed studio with parking in the centre of the site and 3 x one bed studios with parking at the rear of the site.

The design of the proposed development will reflect the existing character of the streetscene and local residential area.

Amended drawings have been received as the case officer had concerns in respect of the indicative layout. These were:

- The relationship of plots 1,2&3 with plots 10 &11 given the modest garden lengths and level distances and the potential for overlooking,
- The unusable amenity area associated with plots 12, 13 & 14.
- The lack of bin storage.

- The gardens proposed for plots 5, 7, 8 & 9 were modest but acceptable in the context of the site.

SITE AND SURROUNDINGS:

The site is located in the built up area of Telford, and less than 300m from the centre of Oakengates. It is roughly 'T' shaped and is situated on the corner of Leonard Street and Stafford Road. The area of the site which fronts Leonard Street is hardstanding and was previously used to display 'used' vehicles for sale with a row of 3 metal clad single storey garages behind. However, at the time of the site visit there were no cars for sale but several cars parked on the site including 3 taxis and a mechanic in the one workshop/garage, and an advertisement for a hand carwash. The rear of the site is untidy and unmanaged with evidence of fly-tipping and other areas of dumped rubbish and various block work walls and structures. The area of the site which fronts Stafford Road is located between no.39 and Akwood House and comprises a single storey flat roofed side extension and garage attached to no.39, parking area and side and rear garden associated with no.39. The frontage is bounded by 1.0m high walling with a couple of Leylandii trees planted behind.

The properties in the locality are mostly older type semi-detached and terraced properties (with the exception of Akwood House which is detached), and there are two new housing developments; one opposite in Leonard Street and one opposite on Stafford Road which were designed to be sympathetic to the existing vernacular in the area.

PLANNING HISTORY:

W86/0316 Change of use from garage to include existing car hire, private hire vehicle car sales and car parking area, together with hackney carriage radio control facility - Full Granted 26/06/1986

W78/0582 (Land adjoining/39, Stafford Road) Erection of dwelling with construction of vehicular and pedestrian access - Outline granted 21/09/78

PLANNING POLICY CONTEXT:

National Planning Guidance
NPPF National Planning Framework 2012

Core Strategy:

CS1 Homes
CS5 District and Local Centres in Telford
CS9 Accessibility and Social Inclusion
CS13 Environmental Resources
CS15 Urban Design

Saved Wrekin Local Plan Policies

UD2 Design Criteria
EH7 Contaminated Land

H6 Windfall Sites in Telford & Newport
LR6 Developers Contributions to Outdoor Recreational Open Space Provision
within New Residential Developments

CONSULTATION RESPONSES:

Oakengates Town Council objects to the proposal and considers that;

- Plots 1, 2 & 3. inadequate space, overdevelopment and parking 2 streets away.
- Plots 1&3, removes parking for no39
- Plots 4 - 14. Overdevelopment, extra traffic in Leonard Street and rely on parking from communal area.

The Council's Drainage Engineer supports the proposal subject to conditions B64 in respect soakaway tests & B65 advising that any soakaways should be more than 5m away from boundaries and buildings, and B61 in respect of details of the foul and surface water drainage.

The Council's Geotechnical Engineer supports the application subject to conditions B50 in respect of shallow mining, B57 in respect of contaminated land and C22 in respect of proposed mitigation measures.

The Council's Contaminated Land Officer supports the proposal subject to the imposition of the standard contaminated land condition due to the previous use of the site.

The Council's Highway Engineer has no objections to the proposal subject to condition B30 in respect of Highways Access, B42 in respect of Parking/Turning/Loading. In addition, the development shall not take place until details for the parking of vehicles, to include that of No.39 Stafford Road, have been submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter shall be kept clear and maintained at all times for that purpose. Informative I11 is also recommended which advise the developer to contact the Council's Highway department to work on the adopted highway.

The Council's Capital Planning Officer has requested a contribution of £20,803 towards education facilities.

The Council's Outdoor Recreation Officer has requested a contribution of £600 per 2 bed property (or above) towards the upgrading of the nearest community use recreation facilities which would serve the development area. This will be £5,400.

Fire Authority suggests informatives in respect of Access for Emergency Fire Service Vehicles, Water Supplies for Fire fighting and sprinkler systems - residential premises.

Following the notification of 29 surrounding properties and the display of site notice, 5 letters of objection have been received. The comments made are summarised below:

- While agree that some sympathetic redevelopment to the site in Leonard Street would be welcomed, despite the recent, relatively minor amendments to these plans, my objections from February 13th still stand and I hope my earlier comments will be used during the consultation in conjunction with the following.
- It is unfortunate that this redevelopment seems to be motivated more by the financial gain of squeezing as many small, internally cramped properties into the site as legally possible (with minor regard to the long term quality of living of either the occupants or immediate neighbours), rather than a desire to provide roomier, higher quality housing that will both enhance and benefit the area for years to come.
- Stafford Road, in particular, two three-bedroom semi-detached houses would be a far more appropriate and aesthetic compromise than the overly tight option that has been proposed.
- The application as shown will adversely affect my property in a number of ways; the proposed ground plan shows the intention to erect a house immediately adjacent to my own, separated only by a narrow parking space, blocking the only source of natural light to my dining room. The construction of flats at first floor level at the north end of the site will overlook my garden from a direction in which it is not currently overlooked and reduce my privacy.
- Previous uses of this property have caused problems, particularly with repeated vehicle impacts during the time that Dreams Cars were tenants. I would request that if this should go ahead, protection of my property from impact be implemented i.e. crash barriers
- The current drainage from the site is insufficient, which has in the past been brought to the applicant's attention. Water ingress through adjoining walls, particularly along the length of the wall along my garden (the entire length of the garage building on the site) and from the north west corner of the front yard is a continual problem.
- Should this application go ahead I would request that the current wall heights be maintained along the boundary between the proposed site and my property. I would like to object very strongly to the application for the re-development of Dream Cars and Stafford Road. 3 properties are far too much in such a small area on Stafford Road, one property may be more acceptable, There are 4 properties in Leonard Street still lying empty and neglected and are a complete eyesore therefore do we need any more? Off street parking for current residents of Stafford Road and Leonard Street is a nightmare where will we be able to park? The traffic along Stafford Road is horrendous and like a race track now and this will only increase the noise. Do we really need 9 bedsits? These two streets are part of old Oakengates and should remain so. The current rented properties do not seem to stay tenanted for very long. When the conifers are removed from Stafford Road the new houses will look directly into mine offering no privacy in my lounge. The road floods now when it rains due to insufficient drainage in Stafford Road.

- Object to any more living quarters in Stafford Road,
- Tenants don't care about the area like families do, I feel unsafe and always lock my gate, the road is full of litter and dirt, wheelie bins are stuck on the front, when it rains the road runs like a river, and the new houses in Leonard Street are still empty.
- The previous owners of the site were refused permission to build, building will cause noise, disturbance and upheaval, disturbed soil could cause damage, speeding traffic and dangerous road, and nothing has changed since the plans have been altered.

PLANNING CONSIDERATIONS:

This is an outline application with all matters reserved; therefore, although the Agent has provided detailed drawings and a Design & Access statement, the drawings are indicative only to demonstrate that the site is capable of accommodating 14 dwellings. Accordingly, consideration in respect of the principle of residential development on the site is all that is currently required.

Amended drawings have been submitted following the case officer's concerns regarding residential amenity and amenity space and bin storage

The amendments include;

- Indicative Distances between Plots 1- 11 increased to 18.5m
- To prevent overlooking, Plot 11 windows are shown as 'side bedroom window with kitchen diner at Ground Floor and bathroom at First Floor with rooflights.
- To prevent overlooking, Plot 10 is amended to 'Parking at Ground Floor with a 1 Bed Studio over with 1st floor Kitchen / Bathroom to rear elevation with rooflights.
- Parking updated to suit the above (which provides slightly more parking than required by the Telford & Wrekin 'Parking Standards')
- Bin storage shown with access to all plots is possible via passageways.

Principle of Development

NPPF gives Government advice on new housing developments, amongst other issues it states that housing applications should be considered in the context of the presumption in favour of sustainable development. The mix, type size and tenure of housing should reflect local demand.

Policy H6 states that housing development will be permitted on land under 0.4 hectare in Telford when the site should be adequately drained, accessed and parking provided; where there are land stability and contamination issues, the Council is satisfied that the developer has taken adequate remedial action; the proposal does not have an adverse impact on the local environment, especially in its relationship with adjacent land uses and the proposal shows a high quality of design.

Policy CS1 states that housing development will seek to provide every household in the Borough with an affordable, decent and appropriate home. Policy CS5 requires all new residential development to be situated in highly

accessible locations, creating vibrant, safe and attractive places, with designs which respect and respond to the locality.

The location is within the built up area of Telford and lies less than 400m from Oakengates District Centre, employment opportunities, various amenities and public transport facilities, and therefore, considered a sustainable location. It is therefore considered that the proposed development is acceptable in principle and compliant with policy H6 of the Wrekin Local Plan, policies CS1 & CS5 of the Core Strategy and national guidance contained within NPPF.

Design, appearance and amenity

National guidance contained in NPPF, asserts that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to making places better for people. Policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment. Policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. It advises the Council to assess proposed development in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality.

The appearance of the proposed dwellings will be considered via the Reserved Matters application. However, the Design & Access statement advises that the development will respect the character and appearance of the existing dwellings in the area. This comprises traditional semi detached and terraced dwellings and therefore the proposed development will not appear out of character or incongruous in the locality. Moreover, it is considered that the indicative layout has satisfactorily demonstrated that the site is sufficient to accommodate 14 units with adequate off street parking (for the proposed dwellings and compensatory parking for no.39 Stafford Road), private amenity space, separation distances and bin storage. There will be no significant adverse impact upon the residential amenity of the neighbouring properties despite differences in ground levels as the design detail can be addressed during the Reserved Matters application and the new dwellings can be designed to minimise over-looking and protect mutual privacy. The proposal is therefore considered compliant with policy UD2 of the Wrekin Local Plan, policy CS15 of the Core Strategy and national guidance contained in NPPF.

Loss of the existing buildings and employment opportunities

The existing buildings on the site have no historic or architectural merit and the untidy state of the rear of the site currently detracts from the visual amenity of the area. The loss of the current job opportunities is regrettable however there is no policy which precludes to loss of this type of workplace in favour of housing in this locality.

Highway safety

The agent discussed highway and parking issues with the Council's Highway Engineer prior to submitting the application, and the indicative layout and

parking reflects the Council's requirements. Accordingly, the proposal will not adversely impact upon highway safety, and adequate parking arrangements can be provided within the site. Accordingly, the proposed development is deemed compliant with policy UD2 of the WLP, policy CS15 of the Core Strategy and national guidance contained NPPF.

S106 Contributions

Policies LR4 and LR6 require developers to contribute to the provision of recreational open space and policy H22 requires contributions towards community facilities. Based on the proposed scale of development, the above policies require the developer to contribute £ 20,803 towards education facilities in the vicinity and £600 per dwelling (£5,400) towards upgrading the recreational facilities in the local area. The agent has confirmed that the required s106 contributions are acceptable and is aware that contributions are required by the Council's adopted policies and no material considerations have been presented to suggest that the contributions should be waived

Other Matters

The Council's Drainage Engineer and Geotechnical Engineer and Contaminated Land Officer all support the proposed development of the site subject to conditions requiring details of foul and surface water, any soakaways, gas mitigation, land contamination, and shallow mineworking.

Conclusion

The site is sustainably located and its redevelopment for housing is therefore acceptable in principle. The indicative layout satisfactorily demonstrates that the site and the scale and design of the dwellings with associated parking, amenity space and landscaping is acceptable and in keeping with the character and appearance of the area. The development of the site will not have a significant detrimental impact on the residential amenities of adjoining or proposed dwellings. The proposed access can be accommodated without detriment to highway safety. Appropriate conditions will ensure the stability and drainage of the site and ensure that human health is not compromised by the historic use of the area. Financial contributions towards recreation will help support the amenities of nearby recreational facilities and education provision. Accordingly, the proposal is considered acceptable and compliant with both local and national policy and guidance and hence recommended for approval with conditions.

RECOMMENDATION: Subject to the developer entering in to a Section 106 Agreement to provide financial contributions of £5400 for recreational facilities in the local area, £20,803 towards education facilities in the vicinity then GRANT PLANNING PERMISSION following conditions:

1. B01 Standard outline all matters reserved
2. B03 General details required
3. B11 Samples of materials
4. B19 Details of new access
5. B30 Access
6. B42 Parking/Turning/Loading

7. B44 parking for 39. Stafford Road
8. B50 Shallow mine working
9. B57 Land contamination
10. B61 Foul and Surface Water
11. B64 Soak away tests
12. B65 Soakaways more than 5m away.
13. C22 Gas mitigation
14. C38 Development in accordance with approved plans
15. I106 Section 106
16. I11 contact highways
17. I32 Access for Emergency Fire Service Vehicles, Water Supplies for fire fighting and sprinkler Systems - Residential Premises.

REASON FOR APPROVAL

The site is sustainably located and its redevelopment for housing is therefore acceptable in principle. The indicative layout satisfactorily demonstrates that the site and the scale and design of the dwellings with associated parking, amenity space and landscaping is acceptable and in keeping with the character and appearance of the area. The development of the site will not have a significant detrimental impact on the residential amenities of adjoining or proposed dwellings. The proposed access can be accommodated without detriment to highway safety. Appropriate conditions will ensure the stability and drainage of the site and ensure that human health is not compromised by the historic use of the area. Financial contributions towards recreation will help support the amenities of nearby recreational facilities and education provision

TWC/2012/0138 Hill Farm House, Land adjacent, Old Farm Lane, Lilleshall, Newport, Shropshire,
Conversion of barns to form 9no dwellings and erection of 12no dwellings with associated garaging, parking and access (Listed Building)

APPLICANT

Shropshire Homes Ltd

RECEIVED

10/02/2012

PARISH

Lilleshall, Donnington and Muxton

WARD

Church Aston and Lilleshall

MAIN ISSUES: Preservation of the Listed building and its setting, the context of site.

THIS APPLICATION SHOULD BE READ AND CONSIDERED IN CONJUNCTION WITH FULL APPLICATION TWC/2012/00139

PLANNING POLICY CONTEXT:

National Planning Guidance
NPPF 2012

LDF Core Strategy
Policy CS14 - Cultural, Historic and Built Environment

Wrekin Local Plan (saved policy):
HE16 - Alterations and Additions to Listed Buildings

RECOMMENDATION: GRANT LISTED BUILDING CONSENT subject to the following conditions:

1. A05 time limit (LB)
2. B08 Details of Materials
3. B10 Sample brick panel (for conversions)
4. Bcustom Structural repairs
5. B19 window and door sections at 1:10 & elevations at 1:20 including finishes
6. B50 Details of services to the interior and exterior
7. B60 Timber frame repairs
8. C38 in accordance with approved plans
9. C41 Metal rainwater goods
10. C49 brickwork repairs
11. I40 condition
12. I42 reasons for grant LBC
13. Racustom reason

REASON FOR APPROVAL:

The conversion to residential will safeguard the future of this important listed building and a careful and sympathetic renovation will preserve the adjacent farm buildings which will result in an enhancement of the setting of the listed barn. Failure to secure an alternative use may result in the buildings being left

vacant and prone to dereliction which would have a detrimental impact upon the character and appearance of the area.

TWC/2012/0139 Hill Farm House, Land adjacent, Old Farm Lane, Lilleshall, Newport, Shropshire,
Conversion of barns to form 9no dwellings and erection of 12no dwellings with associated garaging, parking and access

APPLICANT

Shropshire Homes Ltd

RECEIVED

10/02/2012

PARISH

Lilleshall, Donnington and Muxton

WARD

Church Aston and Lilleshall

OBJECTIONS RECEIVED: Yes

MAIN ISSUES:

The principle of the proposed conversion of the buildings, new residential development in the rural area including affordable housing, impact on protected species on site, highway safety and residential amenity.

THE PROPOSAL:

The proposal comprises the conversion of unused barns to form 9no. dwellings and the erection of 12no. new dwellings (of which six are affordable properties), with associated garaging, parking and access at Hill Farm House, Old Farm Lane, Lilleshall. The proposed development also includes the demolition of C20th agricultural buildings.

SITE AND SURROUNDINGS:

Hill Farm is situated at the centre of Lilleshall at the junction of Church Road and Old Farm Lane, next to the area called 'The Green'.

Hill Farm consists of a collection of farm buildings from different periods. To the north west corner of the site is a Grade II listed 17th century timber framed barn with brick infill and clay tile roof. Adjacent to this is a collection of 19th century barns built when the farmhouse was built in 1818. These are brick-built under a clay tile roof. The remaining brick-built barns are late 19th century with clay tile roofs and separated from the 1818 courtyard by a 20th century brick-built barn under a concrete sheet roof.

The majority of the site is covered by concrete with its southern end raised above the adjacent fields, with an open aspect across to the south.

The northern boundary is formed by a 1.2 metre high stone-built wall which runs along Church Road and Old Farm Lane. To the east off-site there is a row of mature trees which form a screen to the neighbouring properties. To the west behind the application site are a range of single storey barns and the farmhouse with its private garden.

The existing access to the farmyard is adjacent to the junction of Church Road and Old Farm Lane. There is a secondary access further down off Old Farm Lane and the timber frame barn has a garage at its west end accessed off Church Road.

The houses around The Green have 'Duke of Sutherland' detailing including overhanging eaves, dormer windows, decorative chimneys, brick eyebrow detail over windows, gables and ladder casement fenestration.

HISTORY OF THE SITE:

The farm was remodelled in 1818 by the Marquis of Stafford, at a time of great unrest in British agriculture. The Napoleonic wars had finished and the price of corn had halved. Farm labourers' pay was cut and this resulted in rioting and disturbances. The Marquis [who became the first Duke of Sutherland in 1833] had married the Countess of Sutherland and he was instrumental in the great 'Highland Clearances' of 1814-1819 which saw many Scottish crofters evicted from their lands. Resentment in Scotland toward the Sutherlands lasted for many years. The buildings were erected against this background and formed part of the agricultural reforms which the Marquis had introduced to his lands at Lilleshall and Trentham in Staffordshire. Submitted plans show the proposals for the new buildings of 1818. As an afterthought, the 17th century timber-framed barn fronting The Green appears to have survived the remodelling and the farmhouse repositioned to suit. The buildings forming the rear yard area with the exception of the piggery were added at a later date, probably in the late 19th century.

PLANNING HISTORY

W74/0628 Change of use of land from farmyard to storage of lorry trailers and agricultural implements – Refused 17/02/75

W87/0889 Erection of replacement farm building Full granted 18/01/88

W90/0207 (W90/0209 LBC - granted) Conversion of existing farm buildings and barn to 5 residential units – Full granted 03/12/90

W90/0210 Demolition and clearance of existing redundant farm structures, restoration of site and construction of thirteen residential units – Full Refused 04/07/90

W95/0907 Renewal of planning permission W90/0207 for the conversion of barns to dwelling houses - Full granted 06/03/96

TWC/2012/0139 Conversion of barns to form 9no. dwellings and erection of 12no. dwellings with associated garaging, parking and access – Listed Building Consent has being considered concurrently with TWC/2012/0138.

PLANNING POLICY CONTEXT:

National Planning Guidance
NPPF 2012

LDF Core Strategy
Policy CS1 - Homes
Policy CS7 - Rural Area
Policy CS12 - Natural Environment

Policy CS14- Cultural, Historic and Built Environment
Policy CS15 - Urban Design

Wrekin Local Plan (saved policies):

UD2 - Design Criteria

HE16 - Alterations and Additions to Listed Buildings

H18 - Conversion of Non-Residential Buildings to Residential Use in Rural Areas

H24 - Affordable Housing Rural Exceptions Policy

L4 – Outdoor Recreational Open Space

L6 – developers Contributions to Outdoor Recreational Open Space Provision within New Residential Developments

CONSULTATION RESPONSES:

A site notice and 10 direct neighbour letters have advertised the application. Nine letters of support have been received and 38 letters of objection.

The comments in support are summarised below:

- excellent that this is being redeveloped rather than fall further into a local eyesore,
- An anonymous paper objecting to this has been circulated in the village,
- The old barns on this site have been deteriorating since we moved into the village 29 years ago, so a plan such as this which preserves and enhances the site is very welcome, especially as Grade 1 listed half timbered barns are involved. They could well otherwise simply deteriorate even further until they fall down if nothing is done for them.
- The aspect from the village green will be enhanced. Smaller and more affordable houses will improve the chances of local and less well off families living in Lilleshall.
- I welcome the widening of Church Road and Old Farm Lane to improve sight lines at this corner, but would prefer double yellow lines rather than bollards edging the pavement. Congestion caused by school traffic can be a real problem here, and the less chance of a car being damaged the better.
- This proposal seems to me to be a very good use of a brown field site. I support it wholeheartedly.
- Affordable houses are needed and will bring younger families back into the area with children who will attend the local school, the village in danger of becoming a residential area for elderly people,
- As the existing farm buildings are redundant, this is an excellent use of these buildings,
- With regard to the additional 12 dwellings, including social housing, there is a need in the village for more affordable family homes. Much of the property in the village is now unaffordable to young families and there is a danger that the village is becoming suitable only for the older generations, with the consequential affects on the school and youth club.

- The potential of contribution under a Section 106 Agreement towards sorting out the parking arrangements around the school entrance is to be welcomed.
- It removes a derelict brown field site in the heart of the village; it can also provide an opportunity for Telford and Wrekin Council to show it can be trusted to promote high quality development at affordable prices. If this development is successful it will act as a reassurance to other communities that the Council's proposals can be trusted. In addition to ensuring a high quality of build, it will also mean giving positive attention to the objections raised, especially regarding safety and road congestion.
- The adjacent blind corner is already a hazard, especially when vehicle drivers ignore the 30mph limit. The objectors' case has not been helped by the circulation to some residents in the village of an anonymous and inaccurate flyer, but it will enhance the Council's reputation to give a sympathetic response to valid objections.
- I have been a resident of Lilleshall since the early 1960's and have seen the village develop at a greater percentage than is proposed. I wish to give my conditional support to the planning application that has been submitted for Old Farm, Lilleshall. I fear that there may be an element of NIMBYism in Lilleshall.
- Objections to further housing has often been from those in 'new' properties and who have been fortunate in being able to live in the village. I class myself as one who was fortunate to be able to live in the village after satisfying the then local needs criteria. Regardless of whether Lilleshall is a Key Settlement Area or not and/or this application falls outside Telford & Wrekin's current planning policy it is time to bring in some 'new blood' and to give those who have been brought up in the village and immediate areas a chance to settle in the proximity. The village, to put it politely, has to a great extent become a retirement village.
- It is stated by objectors that the development is at the heart of the village overlooking The Green and would totally alter and urbanise a rural character and setting. The Green is not used as a typical village green. I have seen the 'urbanisation' of the village in the 1970's onwards much not being in sympathy with the surroundings.
- The construction of bungalows could further the aging population of the village. I consider that S106 planning conditions should be extended and that part-ownership property to a max of 80% equity share and some rented property should be included. Right to Acquire could possibly arise in the future enabling outright purchase in time to come but hopefully maintaining a first time buyers' market.
- Previously objections to new housing in the village has been targeted at heavy goods vehicles but such can no longer be used as a 'defence' after previous allowed development of 5/6 bedroomed houses. I draw attention to the Shropshire Star article of 30th December 2010 when it was stated: "The focal point of the village itself is its school, though Lilleshall also has plenty of picturesque, quintessentially English housing. However, while its quaint homes look great on postcards, they create their own set of problems. Lilleshall has a population of just 962

and it has done well to sustain a school at full capacity. The number of inhabitants in the 20-29 age groups is chronically low, with just 69 in a ward that includes the more populous Church Aston. Forecasters believe the area's population is on the way down, which means the average age of residents is creeping ever higher". In the article the parish councillor named stated "I think we will need more housing in Lilleshall to make the village sustainable".

- If the village were allowed to 'develop' as I suggest perhaps a village shop and post office could be sustained.
- The application states that long established trees and hedges are planned to be removed. This should be reviewed.
- We do not object to the development of this land we do object to the number of proposed dwellings. We would advocate perhaps half the number of dwellings to include some social housing.

The objections are summarised below:

- Having happily lived for over 45 years in a converted barn, nestling behind The Green in Lilleshall, I have no objections to the Barn conversions, which are in keeping with the area, but I am absolutely appalled at the idea of a further 12 mixed dwellings on the same site. It is far too obvious and dense to be sensible for the centre of a rural village.
- It appears that the people who undertook the Traffic Survey have not been very sympathetic to the situation in the village and did not thoroughly consider the implications of additional traffic that this proposed development would cause. During school times there is a heavy through flow of traffic, as well as extensive parking problems down Old Farm Lane and Limekiln Lane, over and above normal movement of cars throughout the day. The possibility of a further 40+ vehicles coming in and out of Old Farm Lane on a difficult bend would be intolerable and dangerous.
- Farm Lane is used by agricultural vehicles and provision must be made for wide combine harvesters etc to have access to the agricultural land down that lane. The planned wooden bollards will reduce the width of the road, which in turn could prevent agricultural traffic getting to the fields down old farm lane and also large delivery vehicles or the refuse lorry from collecting the bins.
- Lilleshall not class as a key settlement area and therefore fall outside Telford and Wrekin planning policy. As highlighted in the Parish Housing Needs Survey Report, only four two bedroom properties would suffice to meet the housing needs until 2016. The conversion of the current barns alone would more than fulfil these needs.
- The proposed development would be a disfigurement in our picturesque scenic village. If this planning is approved, then the status of Lilleshall will be lowered. Set in beautiful country side, to have people start building more houses on the surrounding fields will slowly turn the village into little more than another council estate of Telford. The buildings themselves will be unaffordable, and an eye sore. The village does not need these extra houses; to build them is a waste of time, money and resources. The future appearance of The Green must

be paramount: a line projected along the front of the historic barn should constitute a building line and no garages or car parking spaces should be permitted forward of that line. The developer's latest proposed use of a Duke of Sutherland theme is completely over the top and tasteless.

- The corner of Church Road/Old Farm Lane is difficult to negotiate when I meet the bus, which runs every 30 minutes.
- The incoming vicar of the village about 3 or 4 years ago was unable to get both of children into Lilleshall Primary School; the school does not have the places to cater for several more young families.
- The Red House Pub Roundabout onto the A518 is already congested in the morning with difficulty for vehicles from the village to join.
- Rubber tyre traces on the kerbs and tyre tracks on the narrow pavement in Church Road, leading to Lilleshall Cricket Club, evidence the problematic situation already existing in this well trafficked route which includes a frequent bus service. The particularly narrow section does not feature on the Plan.
- In 2006 TWC attempted to classify Lilleshall as having Key Settlement Status (KSS) in order to push through the development of Hill Farm. The justification document was flawed in the extreme and contained numerous errors. After a protracted debate in which the Planning Officer steadfastly refused to accept that the basis for KSS was incorrect, in spite of the overwhelming evidence to the contrary, he finally had to admit that about one third of the "facts" were wrong and the KSS was withdrawn. Since then Shropshire Homes has continued to press for the development and each time the proposals have been rejected. It now appears that TWC are prepared to ignore the KSS decision and override its own planning procedures to consider authorising this development. All this tends to lead to the question of why TWC are so determined to push this development through and is there some financial benefit to the council that overrides local wishes?
- The role of planning officers in advancing this proposal under the last LDF was disgraceful. Their repeated public denials that they were in consultation with a developer were eventually contradicted by the developer's representative at the Public Hearing, and a complaint saw the Chief Executive apologise for the 'misinformation' provided to villagers by two senior planning officers. Planning Officer performance was matched by that of two Lilleshall councillors.
- It should be noted that an application for additional warehousing in the area of Hill Farm was previously rejected on the grounds of the additional traffic it would bring. This amounted to 2 lorries/week – considerably less than the additional 40 cars that this development would bring.
- T & W letter PE/2009/0674 dated 25 January 2010 to Shropshire Homes.

The letter lays down the conditions under which Shropshire Homes can circumvent the current Planning Regulations. That the plan must only consist of affordable housing up to a maximum of 8 dwellings and the proposal would only be approved if the builder can demonstrate a housing need in Lilleshall for the dwellings. The current proposal does

not meet those requirements in any respect either in number of dwellings or established need. If the council is ignoring its own procedures it could certainly lead to a legal challenge.

- This land could be developed as a car park for the 50 or so cars that cause congestion outside the school twice a day. At the weekends and other times the car park would be used by local people who wish to use the tennis courts, the cricket club, the children's playground and Lilleshall Hill for recreation. Currently there is no suitable car park for such activities and the road, particularly adjacent to the cricket club, is often used for parking, causing traffic problems. It could also be used by people attending Lilleshall church for weddings and funerals, as there is no car park for the church and this would relieve congestion in the narrow section of the road next to the church.
- The houses and barns are located on a Radon fault line.
- This development is too big and too dense and is not in keeping with the rest of the village.
- Lilleshall was once voted one of the most idyllic places to live, let us keep that and retain the features we have and not change the village into a place where development is made on every open space.
- Over-looking and loss of privacy, increased noise/light pollution.
- A hedge and several trees fall within the boundary of our property; we do not give consent for these to be removed.
- Soakaways have the potential to flood our land, as our land is at a lower level to the development; sewerage for the development appears to link into the existing sewerage line that is in the adjoining field. The sewers have historical problems of blocking up, so extra properties on this line will further increase the problems.
- There is no case for a change in use for the existing farmyard use. Farmyards are part of rural life and any suggestion that they should be replaced by residential housing for aesthetic reasons is palpable nonsense.
- There is just one large historic barn within this proposal. It has needed conversion for donkey's years and there has never been any objection to this. Yet its owners have neglected this lovely building and held it hostage to a new housing development.
- We applied to convert an outbuilding into a "granny flat", the planning officer, stated that it would create too much traffic in the village.
- Lilleshall has few local amenities and therefore residents have to commute for work and shopping.
- This development would have been acceptable if consideration had been made into pushing the main road through the development to straighten out the road and exit into Church Road opposite Church Meadow. This would cut out the bad bends and make the road a lot safer. It may also have created more safe parking areas. I realise this proposal would not be very popular with the developers or the owner of the land but I believe it an opportunity missed. It will not be helped by the s.106 application (TWC/2012/0558) which will reduce parking on that site resulting in a further 100 yards of kerb side parking on Limekiln Lane/Church Road/Old Farm Lane.

- I presume the developers have undertaken an environmental impact study, as I believe that in the past several ponds were in filled with waste from local companies. At the time this was not illegal because the legislation was not in place to monitor prevent any tipping. However, toxic substances could have been buried which may have contaminated part of the site. It would be reassuring to know that a study has been carried out.

Lilleshall, Donnington & Muxton Parish Council support the proposed development and comment that;

- It will remove mainly redundant 20th century farm buildings which are in a poor state of repair.
- Provide an opportunity to improve the settings of the retained buildings
- Enhance the views from the village green
- Renovate and protect the posterity of the Grade 1 half timbered listed barns
- Improve the long views into the site and provide 6 affordable homes 2 of which are bungalows.
- Remove existing stone boundary wall and set back to allow for pavement adjacent to site. Stone wall to be re-built
- Likelihood of increased attendance at Lilleshall School with children actually from the village and thus help reduce outside traffic
- If permitted, Lilleshall would still retain key settlement security
- Legal control to be put in place to provide local needs in perpetuity as supported in the Rural Housing Survey
- Shropshire Homes has consulted and amended its original proposals, as far as possible, upon requests by both residents and local Councillors.
- There is an opportunity to regulate car park facilities outside school to help improve the safety of pupils
- The boundary wall is to be constructed of stone in keeping with the rest of the village
- £40,000 is set aside under s106 agreement for improvements to the village car park by the school and other requirements received upon consultation with residents prior to the commencement of development.

The Conservation Officer supports the application subject to conditions following the submission of additional information in respect of the structural integrity of the listed barn. The imposition of conditions to cover structural repairs, the timber Frame/brick infill, joinery, brickwork and stonework repairs, rainwater goods, details of services to the interior and exterior and submission of samples of all of the external materials to be used in the development will also be imposed to ensure that the development is carried out to a satisfactory standard

The Council's Drainage Engineer supports the application subject to standard condition B74 in respect of brownfield run off rates, the submission of details on the future ownership of the proposed drainage system and oversized pipework are required. Details of the proposed drainage provisions for surface

water drainage for the existing structures and units 16 to 21. It is assumed that surface water produced by these dwellings discharges into the proposed surface water drainage system. Confirmation that this runoff is catered for in the design is required. In addition the stated infiltration rate is based on the results of a single test on trial pit SP3. Thus, details on the location of SP3 are required, and results based on the average of 3 tests (after blank test) will be necessary.

The Council's Parks & Open Spaces Officer requires £600 per 2 (or above) bedroomed dwelling for the upgrading of the nearest community use recreation facilities which would serve the development.

The Council's Education Officer had not commented at the time this report was written. Any recommendations will be reported to Members at Plans Board.

Severn Trent Water has no objections subject to conditions in respect of foul and surface water disposal.

The Council's Highway Engineer has no objection in principle following the submission of amended drawings indicating a revised layout and conditions B32 – Road Design, C13 – Parking, loading, unloading and turning, C18 – Protection of mud from highway. Informative I11 – Highways licence for the formation of a vehicular access off the public highway is also suggested.

The Council's Arborist has no objections subject to conditions in respect of landscaping, tree protection measures and tree replacements.

The Council's Ecologist has no objection subject to conditions in respect of the Erection of nest boxes, a lighting Strategy, and an Updated Survey if works are not commenced in 2012. In addition informative in respect of a Natural England EPS Development Licence and Nesting birds (pre-construction) is suggested.

West Mercia Constabulary (Crime Prevention Design Advisor) has commented that the general layout of the site is good with one entry / exit point, and provided advice regarding fencing, padlocks, natural surveillance, windows and doors, security lighting and intruder alarms.

Shropshire Fire Authority has advised that it will be necessary to provide adequate access for emergency fire vehicles, and a sprinkler system. An informative will advise of these matters.

PLANNING CONSIDERATIONS:

There are two principle issues for members to consider. Firstly, whether there is sufficient justification to allow a departure from policy in this particular case; therefore, can sufficient weight be given to other material considerations that would outweigh policy? Secondly, whether the proposed scheme is of sufficient design quality to provide overall benefit in the locality and whether the scheme can contribute positively to the village as a whole.

Principle of the proposed conversion and new dwellings in the rural area
Policy H18 of the WLP *inter alia*, requires that efforts have been made to secure suitable business re-use, buildings must be of permanent and substantial construction, must not prejudice town or village vitality, the design of the conversion is in-keeping with the surroundings, conversion must be achieved without major or complete reconstruction. Information supporting this application in the form of a structural engineers report advises that the buildings are structurally sound and capable of conversion without extensive rebuilding.

In some instances for barn conversions the Council expects applicant's to market agricultural buildings for employment reuse and conversion to residential should be the last resort. For this particular site this was considered unnecessary. Consideration could have been given to commercial uses though the types of commercial uses limited within confines of the buildings by virtue of the small interior spaces. Furthermore, commercial uses can often result in greater disruption as is evidenced with many listed commercial premises within town centres, where such premises are regularly 'refurbished' and internally re-organised to reflect changing commercial practices/commercial types. It is likely therefore that in this particular instance commercial use could result in more long term change to the buildings (especially the listed barn at the front of the site). Whereas, a good residential scheme will generally stand for a longer time. Given the degree of historical sensitivity with this timber framed barn, internally and externally, a simple residential use opposed to a commercial use is more preferable rather than a possibly more intensified commercial use. The proposal is therefore compliant with policy HE16 which ensures that the essential form, character and special interest of the building is maintained and the historic interest of the building and its setting are not adversely affected.

The LPA has a statutory duty to protect and preserve Heritage Assets (listed buildings). With this in mind the Council must consider the most appropriate use to ensure the continued use/preservation of the building is achieved. This is supported by paragraph 126 of the NPPF which states that; *"the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation"*.

Core Strategy Policy CS7 limits new housing development to the 3 rural settlements of High Ercall, Tibberton and Waters Upton. National policy in the NPPF promotes sustainable development in rural areas, and states that housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby with the overall objective being to locate new housing within or adjacent to existing settlements or villages. Lilleshall is not one of the villages in which rural development will be focused, as identified in Core Strategy Policy CS7.

However, a similar proposal at Tern Farm Longden-on-Tern is considered relevant to this application which comprised of a barn conversion to 7

residential units. Like Lilleshall, Longden-on-Tern was previously a location which was considered a 'suitable settlement' for new housing (policy H9 of the WLP until it was superseded in 2007 by policy CS7 of the Core Strategy). The Longden application was refused due to the unsustainable location and the new dwellings being in excess of the allocated 170 new dwellings in the open countryside. However, the Inspector considered that the buildings (although not listed) were of historic and architectural merit and did contribute to the local character and as such their retention was highly desirable. Failure to secure an alternative use may result in the building being left vacant and prone to vandalism or dereliction. Clearly the agricultural buildings which are the subject of this application are of interest, for the reasons stated in the History of the site above.

It is recognised that policy CS7 does not identify this location as a suitable settlement, and policy CS1 states that the housing needs within the rural area will be met by approximately 170 new dwellings, and this figure has already been achieved. However, the LPA is satisfied that the architectural and historic importance of these buildings are such that they are worthy of consideration as an acceptable exception to policy. Furthermore, the development of 6 new market dwellings is considered as enabling development which will fund the provision of 6 affordable dwellings and the costly and sympathetic renovation of the barns (especially the listed barn which is likely to result in significant costs).

Affordable housing

As mentioned above Policy CS7 of the Core Strategy seeks to limit (not preclude) development in the Rural Area. New housing development is required to meet local needs and requires provision of 40% affordable housing. This application proposes 50% affordable housing in respect of the 'new build', which is acceptable. Lilleshall is no longer one of the preferred settlements as required by policy CS7. However, housing development could be considered in other locations in the Rural Area if there is evidence of local need. This could be achieved through the Council's rural exceptions policy, saved policy H24 of the Wrekin Local Plan, which would require the scheme to be small-scale, within or adjoining a village and based solely on evidence of need. Wrekin Housing Trust, the foremost affordable housing provider within Telford and Wrekin has confirmed that they are not aware of any appropriate alternative affordable housing sites within the Parish or immediately adjoining area. In addition within the Local Plan process, the Council assessed numerous sites within Lilleshall for potential housing development, and Hill Farm was the only one identified within the Strategic Housing Land Availability Assessment (SHLAA) as being suitable for development.

A recent parish housing needs survey carried out by the Council identified a need for 4 single storey units for older and/or disabled people and potential need for both single and two-storey homes for newly-forming households. This proposal seeks to provide 6 affordable homes comprising 2 single storey 2 bedroomed bungalows and 4 three bedroomed dormer bungalows. The proposal therefore addresses to the identified need and is compliant with policy H24 and policy CS1 of the Core Strategy which requires the type, size

and tenure of new homes to meet local need and be delivered in such a way that creates locally inclusive sustainable communities. In conclusion, the application complies with policies CS1, CS7 and H24 and national guidance contained with chapter 6 of NPPF.

Historic value and interest of the buildings

The existing buildings have significant architectural details and overall, the historical farmstead and the buildings make a fundamental contribution to the character and appearance of the Lilleshall in a fairly prominent position.

The farmhouse and the timber framed barn are Listed; the other brick and tile barns to the rear represent a good survival of a characteristic C19th regular courtyard plan. Typically these types of buildings were built at broadly the same time and were design with specific function within that courtyard. This can be seen to some extent within the surviving buildings with cart sheds and animal sheds within the group.

The continued survival of this clear grouping is of historical interest and it is considered that the proposal is a sensitive approach in that the external development has sought to re-use only the external openings already present, leaving much of the original external fabric intact. The subdivision has been amended in consultation with the Council's Conservation Officer, and the proposal is now considered appropriate in terms of design. The scheme is a reasonable solution to ensure the continued use and therefore preservation of the barn group. The imposition of appropriate conditions will allow the retention of the features and fabric which gives the buildings their character. Therefore, the proposal is deemed compliant with policies CS14 & CS15 of the Core Strategy which seek to protect and enhance the historic environment within the Borough and strengthen local identity and project a positive image, and national guidance contained within chapter 12 of NPPF which aims to conserve and enhance the historic environment.

Character and appearance of the area and residential amenity

Policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context. It advises the Council to assess proposed development in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality. Policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment.

It is proposed the reposition the vehicular access serving the new dwellings properties, the 2nd vehicular access will be removed and a footway will be provided. Thus, there will be an improvement to highway safety at the junction of Old Farm Lane and Church Street. The Council's Highway Engineer supports the proposal subject to conditions.

As mentioned previously the barn conversions are acceptable and the proposed development is considered sympathetic. In respect of the design of the 'new' build properties, references such as brick eyebrow details over

ladder casement windows, dormer windows and exposed rafter feet, have been taken from the near by 'Duke of Sutherland' style dwellings which are prevalent in Lilleshall, and is therefore acceptable in the context of the area. Off street parking is sufficient and the private amenity space is adequate and commensurate to the size of the dwellings. The proposed layout and separation distances are satisfactory to ensure that there is no over-looking and privacy to the nearest existing residential property 'Applegate' is protected by presenting a blank gable to its garden on plot H10 and restricting plot E13 to a single storey bungalow. Accordingly, there will be no adverse impact upon the character and appearance of the area or residential amenity. Therefore, the proposal is compliant with policies UD2 and CS15 and national guidance contained in NPPF which attaches great importance to the design of the built environment.

Protected Species Bats & Birds

A bat survey was carried out on the barns in 2010, following a phase 1 habitat survey.

- The first floor of building 1 contained a non-maternity roost for a low number of common pipistrelles and a lone brown long-eared bat.
- The first floor of building 2 contained a non-maternity roost for a lone Natterer's bat.
- Buildings 1 and 2 contained feeding perches, probably of brown long-eared and Natterer's bats.

The proposed development will therefore require a Natural England development licence if approved. Moreover, conditions will be imposed to ensure satisfactory mitigation for the development. The proposal is therefore compliant with policy CS12 of the Core Strategy with aims to protect and enhance the natural environment of the Borough and national guidance in paragraph 109 of the NPPF.

Highway safety & s106 contributions

The development proposes a number of properties which will contribute to the need of recreational facilities for the area. There are some nearby recreational facilities (play area) in need of upgrading for children and young people in order to maximise the capacity and meet the need arising out of this development. The developer has agreed to contribute £29,100; additionally work will be carried out on the nearby carpark to alleviate parking concerns raised as a result of additional traffic. The proposal is therefore compliant with policies LR4 and LR6 of the WLP.

Affordable Housing tenure is plots 13 & 18 social rented; plots 14-17 shared ownership. This tenure split was agreed with the Council's Housing Policy & Enabling Officer Officer.

The terms of the S.106 will be as follows:

- The specified plots to be affordable homes transferred to an RSL with the tenure noted above
- A commuted sum of £12,600 to be payable for improvements towards the upgrading of the nearest community use recreational facility.

- The works to the existing car park adjoining Lilleshall Primary School will be carried out in accordance with planning application reference TWC/2012/0558
- A commuted sum of £16,500 will be payable for use by the Parish Council for improvements to Lilleshall Memorial Hall and any other minor works identified within Lilleshall by the Parish Council.

Conclusion

In this particular case, the buildings are of sufficient historic and architectural merit and contribution they make to the local character is such that its retention is highly desirable and outweighs the issues relating to location and the number of new dwellings required in the open countryside in this Plan period. The conversion will safeguard the future of the buildings and a careful and sympathetic renovation will preserve these important farm buildings. Failure to secure an alternative use may result in the buildings being left vacant and prone to dereliction. The proposal will provide the identified affordable housing needed in Lilleshall, and the design and appearance of the 'new' build properties is acceptable and sympathetic to their setting. There will be no adverse impact upon highway safety, protected species or adjacent land uses by way of over-looking or loss of privacy. Therefore, in this particular case, on balance the proposal is considered an acceptable exception to policies CS1, CS7 of the Core Strategy and H24 of the Core Strategy and compliant with policies UD2, H18 and H24 of the WLP and policies CS12, CS14 and CS15 of the Core Strategy and national guidance contained in NPPF and therefore recommended for approval with conditions.

- **RECOMMENDATION:** to GRANT PLANNING PERMISSION subject to the applicant entering into a s106 agreement in respect of the specified affordable homes being transferred to an RSL with the tenure noted above, a commuted sum of £12,600 to be payable for improvements towards the upgrading of the nearest community use recreational, the implementation of works to the carpark carried out in accordance with planning application reference TWC/2012/0558, and commuted sum of £16,500 to be payable for use by the Parish Council for improvements to Lilleshall Memorial Hall and any other minor works identified within Lilleshall by the Parish Council.

1. A04 time limit
2. B06 Details of Materials
3. B07 Sample brick panel (for new build)
4. Bcustom Structural repairs
5. Bcustom Details of services to the interior and exterior
6. B19 window and door sections at 1:10 & elevations at 1:20 including finishes
7. B20 Road design
8. B33 Foul & Surface water drainage
9. B72 updated survey (if not commenced by 2012)
10. Bcustom lighting strategy
11. B73 Tree Protection
12. B74 Brownfield run-off rates

13. C20 parking, loading and turning
14. C25 mud on highway
15. C38 in accordance with approved plans
16. C49 brickwork repairs
17. C76 Landscape implementation
18. C100 nest boxes
19. D01 PD removed
20. D04 domestic garages – rural area
21. D09 no further windows or dormer windows in plots H10 & E13
22. I06 Section 106 agreement
23. I11 Highways Licence
24. Icustom EA Licence
25. I25a Nesting birds (pre-construction)
26. I25b Nesting Birds (vegetation)
27. I25f Replacement planting
28. I32 Fire Authority
29. I40 condition
30. I41 reasons for grant
31. Racustom reason

REASON FOR APPROVAL:

In this particular case, the buildings are of sufficient historic and architectural merit and contribution they make to the local character is such that's its retention is highly desirable and outweighs the issues relating to location and the number of new dwellings required in the open countryside in this Plan period. The conversion will safeguard the future of the buildings and a careful and sympathetic renovation will preserve these important farm buildings. Failure to secure an alternative use may result in the buildings being left vacant and prone to dereliction. The proposal will provide the identified affordable housing needed in Lilleshall, and the design and appearance of the 'new' build properties is acceptable and sympathetic to their setting. There will be no adverse impact upon highway safety, protected species or adjacent land uses by way of over-looking or loss of privacy.

TWC/2012/0498 Land at Madeley Court, Court Street, Madeley, Shropshire, Telford, TF7 5DZ

Proposed new doctors surgery, retail space, hot food takeaway outlet and associated access ***** Amended Plans, Details and Hours of Opening Received*****

APPLICANT

Hintons Properties Midlands Limited and The Castelmead Group

RECEIVED

26/06/2012

PARISH

Madeley

WARD

Madeley

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Principle of development in this location (including main town centre uses). Development in the Green Network including the loss of playing field and open space. Design of the buildings in the context of the proximity of the site to the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area. Noise and odour from fast food outlet together with hours of operation.

THE PROPOSAL:

This is an application for full permission for a proposed new doctor's surgery (including retail space), hot food restaurant and takeaway (drive through) outlet and associated access.

The application comprises 3 main elements. First, is a new traffic light controlled access point and road into the site on the northern side of Parkway carriageway opposite the junction with Maddocks.

The second element, to the east of the new access, is a doctor's surgery. It is proposed that this new facility would replace the existing Church Close Surgery to the south of Madeley Centre that currently serves the Madeley area. The facility would allow the existing practice to take on additional practicing Doctors, give additional space for related primary healthcare facilities, allow space for private commissioned services and include the provision of a minor operating suite. The building would also incorporate around 125m² of A1 (retail) floor space in the form of a pharmacy. Space for two non-retail units are also included into the design of the building and the applicant has stated that these could be used as a dental surgery, chiropody practice, optician or other health related uses that fall into the same Use Class category as the main building, that is, D1 (Non-residential institutions). Overall the building would consist of 1,782m² of gross internal floor space.

The building would consist of two storeys of accommodation with plant and machinery located within the pitched roof of the building. The proposed materials to the external walls of the doctor's surgery would comprise 3 distinct types of facing brickwork. The proposed roof to the building would be finished with a proprietary aluminium cladding system to give the appearance

of lead work incorporating standing seam joints at approximately 500mm centres. The roof finish, gutters, doors and windows are proposed to be dark grey. Parking, footpaths and areas of landscaping would surround the building.

The remaining element, to the west of the access road into the site, seeks permission for a single storey restaurant and drive-through building providing around 260m² of gross internal floor space. Plans submitted shown this as a KFC outlet. Similarly, the external walls to the drive-through restaurant would incorporate a combination of the same facing bricks excluding the dark bricks as proposed for the surgery building. The applicant states this is to provide a common thread between the developments. The drive-through restaurant would incorporate a proprietary aluminium cladding system for its roof. The doors and windows would be silver and in order to provide appropriate colour contrast in terms of DDA and it is proposed that the main entrance door is colour Bronze. Parking, footpaths and areas of landscaping would surround the building.

For both buildings the application states that their hours of opening would be between 07.00 and 23.30 hours every day. Between the 2 buildings 93 car parking spaces would be provided.

It should be noted that this application is one of three submitted to the Council in respect of land that was once the former Madeley Court School and Leisure Centre. To the west of this application, an outline application (ref TWC/2012/0551) has been submitted for a non-food retail store of 1,400m² of gross internal floor space. To the north and east of this application, another outline application has been submitted for a residential scheme for up to 140 dwellings (ref TWC/2012/0657). All 3 applications proposed include within their application boundary the new access point from Parkway (opposite Maddocks) as the main vehicular access point to their respective part of the overall site. A Design and Access Master plan for the site has been submitted in addition to the one for this application and the majority of the technical reports in support of the application have been prepared to encompass the whole Madeley Court site, which is some 6.1 hectares in total.

The application subject to this report has been submitted with the following documents in support of the proposals:

- Planning Statement;
- Design and Access Statement (including sequential site assessment);
- Various plans and drawings including an Indicative Site Master plan for the wider Madeley Court site;
- Transport assessment and visibility splay plan of the proposed access;
- Tree survey;
- Outline Travel Plan;
- Ground Investigation study;
- Site Investigation reports;
- Mining report;

- Flood risk assessment and indicative surface water management plan;
- Ecological assessment;
- Details of mechanical ventilation and environmental control equipment and air filtration specifications in relation to KFC outlet;
- Leisure Provision Assessment.

Prior to submission, the applicant engaged in pre-application discussions with Council Officers through several Strategic Application Workshop meetings.

SITE AND SURROUNDINGS:

The site is located within the Parish of Madeley in the south of Telford and is approximately 300 metres north of Madeley District Centre and so within walking distance of it.

The application site extends to around 1 hectare in size. This particular part of the Madeley Court School and Leisure Centre was used for an all weather sports pitch and surrounding grounds (grassed area). The ground where both the proposed buildings would be located is around 3-4 metres lower than Parkway to the south. The rest of the site is predominately flat with slight fall in levels to the north.

Immediately south of the application is the Parkway carriageway which bypasses Madeley District Centre to the south and is the main link to the B4373 to the west and A442 to the east. On the south side of Parkway are residential properties of various ages and styles.

Immediately to the west of the site are the grounds (grassed area) of the former Leisure Centre; this area is subject to the application for a non-food retail unit as mentioned above.

To the north west of the application boundary is the Pitmound Woodland, which is a mature semi-natural broadleaved woodland and forms part of the wider Madeley Court Local Wildlife Site. This site is potentially a Local Nature Reserve in the future.

To the north and east of the application site are the buildings and grounds of the former Madeley Court School and Leisure Centre that are currently being demolished. This area is subject to the application for a residential scheme as mentioned above.

PLANNING HISTORY:

The site has no recent planning history other than that connected with its former use as a secondary school and leisure centre.

PLANNING POLICY CONTEXT:

National Planning Policy Statement

Saved Wrekin Local Plan policies
Policy UD2 – Design Criteria

Policy S2 – Service Centre Hierarchy
Policy T22 – Planning Obligations
Policy OL2 – Designated sites
Policy OL3 – Green Network
Policy OL4 – Development in the Green Network
Policy OL11 - Woodland and Trees
Policy OL12 – Open Land and Landscape – contributions from new development
Policy LR1 – Provision of Community facilities
Policy LR4 - Outdoor recreational Open Space
Policy SG4 – Landscape and Nature Conservation

LDF Core Strategy policies

Policy CS2 - Jobs
Policy CS3 - Telford
Policy CS5 – District and Local Centres
Policy CS8 – Regeneration
Policy CS9 – Accessibility and Social Inclusion
Policy CS10 – Community Facilities
Policy CS11 – Open Spaces
Policy CS12 – Natural Environment
Policy CS13 – Environmental Resources
Policy CS14 – Cultural, Historic and Built Environment
Policy CS15 – Urban Design

CONSULTATION RESPONSES:

For all consultation responses received by the Development Management Team the following text below represents a summary of the salient points made in relation to the application. Full versions of all consultation responses can be viewed by Members of the Plans Board via the Council's eplanning system.

Internal consultations from within Telford and Wrekin Council

TWC Development Plans

The development proposals overall present little conflict with the development plan, particularly when read in light of the recently published National Planning Policy Framework which at its heart aims for the presumption in favour of sustainable development.

The Core Strategy states that community facilities such as doctor's surgery should locate in District or local centres, or where there is no suitable site the Council will apply a sequential approach to site selection.

The NPPF sets out that local planning authorities should apply the sequential test for main town centre uses that are outside existing centres and not in accordance with an up-to-date development plan. As it is the aim of the current development plan, identified through the Core Strategy, to focus development in main centres such as Madeley the sequential test has been

applied.

As no sequentially preferable sites have been identified for the Doctor's surgery the site can be considered as a suitable edge of centre site as it is accessible and well connected to Madeley centre.

Green Network

These comments relate to all three submitted planning applications relating to the former Madeley Court school site, reflecting the Planning Statement which also covers all three planning applications.

The southern part of the site where the former school playing fields currently exist is within the Green Network. Policies OL3 and OL4 of the Wrekin Local Plan and the broader open space policy of the Core Strategy (CS11) will therefore apply. These policies are fully acknowledged in pages 16 to 18 and Section 6 of the submitted Planning Statement. Section 6 states that the playing fields that will be lost on the site are compensated for by the provision of new facilities of an equivalent or better quality at the nearby Madeley Academy and Abraham Darby school sites, along with qualitative improvements to the publicly accessible playing fields outside the application site to the east of Court Street. These replacement facilities and the improvement of existing nearby open space will meet the requirements of policies CS11 and OL4 whereby community benefits are to be delivered as an integral part of development proposals. This also helps the proposal to meet the requirements of paragraph 74 of the National Planning Policy Framework (NPPF).

Paragraph 73 of the NPPF also states that existing open space, sport and recreational facilities should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. Telford & Wrekin Council published an assessment of open space, sport and recreation facilities in 2008. This assessment shows that there is indeed an overprovision of outdoor sports facilities in the south of Telford, so the redevelopment of this site and the replacement or improvement of other outdoor sports facilities would be acceptable. The assessment also found that there is a projected under provision of amenity green space, provision for children and provision for young people in South Telford. The new residential amenity spaces and play area to be provided as part of the development proposal will contribute towards addressing some of this under provision in the area. The development proposals will therefore meet the requirements of paragraph 73 of the NPPF.

Section 6 of the Planning Statement also states that developer contributions will be made towards the provision and maintenance of public open space and play area within the scheme, as well as improvements to facilities at Madeley Academy, the Abraham Darby complex and the Court Street playing fields. The development proposal will therefore accord with the requirements of Policy OL12 of the Wrekin Local Plan.

TWC Highways Engineers

No objections on Highway grounds subject to conditions being included on any approval:

- Road and construction details as indicated on the submitted plans;
- Details and provision of a footway/cycleway along the northern verge of Parkway between the Parkway/Court Street traffic signal controlled junction to link with the existing footway/cycleway which terminates approximately 170 metres to the west
- Parking and manoeuvring area specification
- Details on pedestrian link to Parkway;
- Details on type, number and location of cycle racks/shelters;
- Revised Travel Plan to be submitted within 6 months of occupation.

In addition to the above, the following financial contributions

- (i) It will be necessary for the development to provide a contribution of £74,835.91 towards the implementation of the Town Centre Transport Strategy as specified in Chapter 4.6, Transport, of the CTAAP document. This contribution is based on the development trips which have been assessed as crossing the CTAAP Cordon during the weekday PM peak period as follows – 85 trips (subject to a 50% discount for non-primary trips) so 43 trips at £1,740.37 per trip,
- (ii) It will be necessary for the development to provide a Travel Plan Monitoring contribution of £5,000.

TWC Drainage Engineers

Support subject to conditions relating to surface water disposal, SUDS features and de-culverting of adjacent watercourse.

TWC Built Heritage Conservation

No objection. The design of the buildings has been improved with a bit more of a relationship in respect of materials and answers some of the design concerns. It is a shame that further consideration was not given to the orientation of the building.

TWC Geotechnical Engineers

Support subject to conditions. Conditions to include details on slopes stability associated with SUDS feature, building foundation design, gas mitigation, standard contamination condition as well as Informatives relating to mining.

TWC Arboricultural Officer

Revised comments following an earlier objection. There are x2 trees adjacent to Parkway and the proposed doctors surgery that are indicated for (and are considered to be worthy of retention. Concerns here are raised at the soil alteration in the immediate area. The ground levels will be required to contour around these trees to minimise disruption to the root plates of these trees thus ensuring their retention and survival of this environment and topographic change is successful.

Some mitigation planting would be nice. Usual conditions will apply – C70 to

C80, B130 to B139 to be applied at full planning application level.

TWC Sustainability Officer

Comment. There are some very positive sustainability aspects of the new doctor's surgery, for example the surgery will be designed to achieve the NHS Environmental

Assessment programme (NEAT) 'good' rating in line with NHS requirements. However, in regards to the retail space etc a statement is required in the design and access statement where the developer should look to explain how they believe they have developed a valid and sustainable design solution. One of the most effective ways of securing more sustainable developments, and reducing climate change emissions, is to achieve Research Establishment Environmental Assessment Method (BREEAM). The development should be completed using BREEAM:

TWC Planning Ecologist

Comment. An Ecological Assessment was undertaken in 2011 to update a 2009 survey. The survey covered the whole of Madeley Court, not just this application boundary so comments relate to the entire Madeley Court scheme.

The habitats on site consist of amenity grassland, buildings (demolished), semi-improved grassland, bare ground, species-poor hedgerows in the south and south-west and scattered trees. A pond and a small ditch lie just outside the north-west boundary. Adjacent to the site to the north and west lies a mature semi-natural broadleaved woodland, Madeley Court Local Wildlife Site and potential Local Nature Reserve.

The Ecological Assessment is acceptable and there is satisfaction that the recommended mitigation measures will ensure that no protected or priority species are harmed by the development. There are also a number of opportunities for biodiversity enhancement that the Ecological Assessment did not consider.

However, specified the conditions and informatives to this application would assist in this regard.

TWC Environmental Health (Pollution Control)

No objection.

TWC Environmental Health (Contaminated Land)

Support subject to conditions. The proposed development is adjacent to a colliery spoil heap. As such, recommend that a land contamination condition be imposed, should permission be granted.

TWC Parks and Opens Spaces

Comments made in relation to the Master plan for the wider site and the adequacy of Neighbourhood Equipped Area of Play provision in respect of the residential application.

Outsourced Appraisal of Town Centre Planning Issues on behalf of TWC

Due to the application including main town centre uses, Development Management has procured external, independent, and specialist advice in respect of this application and the adjoining non-food retail application (TWC/2012/0551). In respect of this application the advice is that only the drive through element is a main town centre use as defined in the National Planning Policy Framework (NPPF) and that the location is one that can be classified as “edge-of-centre”.

The advice provided states that Paragraph 27 of the NPPF indicates that planning applications for main town centre uses which are not in an existing centre and not in accordance with an up to date development plan should generally be refused planning permission where it fails to satisfy the requirements of the sequential approach or is likely to result in a significant adverse impact. However, the NPPF indicates that the applicant will not have to satisfy the test of impact should the scale of the proposal fall outside of any locally set impact threshold. In the absence of the setting of any such threshold, the default threshold will be 2,500m². The drive through would provide a lesser quantum of floorspace (260m²) so it is not considered that there are grounds to refuse the planning application on the basis of impact.

In relation to the sequential approach to development, the authors of the advice acknowledge that it is necessary for any alternative site to be able to accommodate a development which could actually be brought forward in the ‘real world’ (accepting the need for some degree of flexibility in terms of the applicant’s proposed format). In this instance, it is considered that the minimum land required to accommodate the drive through restaurant would be approximately 0.25 hectares. Having visited the sites identified by the applicant in the submitted Design and Access Statements, discussed the matter with Council Officers and undertaken their own search of the Madeley area, the consultants are unaware of any such site which could appropriately accommodate the identified main town centre use (drive through).

Accordingly, subject to the Council being satisfied that the current configuration of the site is justified in operational, highway and design terms, officers support the advice received, which concludes that the proposals accord with the requirements of the NPPF in respect of the sequential test.

Officers also agree with the advice that confirms that the relevant retail policies of the adopted Core Strategy (principally policies CS5, CS 8 and CS 9) broadly accord with national retail planning policy and that, should planning permission be granted for the proposed development, it is not considered that the developments would undermine the strategy being pursued by Policy CS 5 and CS 8 (i.e. to strengthen the role of District Centres which should act as a focus for services and facilities).

External consultations

Sport England

Have made informal contact regarding a number of applications in Telford that are interrelated with regard to playing pitches. The formal response of Sport England is anticipated to be with the Council prior to the Plans Board meeting

and details will be provided in an update to Plans Board.

Severn Trent Water

No objections to the proposals subject to the inclusion of the condition for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

Shropshire Council Archaeologist
Responded with no comment.

Shropshire Fire Service

Detailed advice provided that could be attached as an Informative to any permission granted.

West Mercia Police

No objection. However there are opportunities to design out crime and /or the fear of crime and to promote community safety. Having made a site visit and after consultation with the local policing team, the only concern is the nearby subway that crosses below Parkway. This subway in the past has been a gathering point for persons who use anti-social behaviour. The new Doctors Surgery and fast food take-away could see an increase use of this subway. If the subway is to remain then it should be properly lit throughout and on the approaches.

Local consultation and representations

Madeley Parish Council

Madeley Parish Council supports the application subject to conditions. The site is considered sustainable. Madeley is a significant urban area that provides access to a range of services and facilities as well as having good accessibility. The design, layout, and setting of the development should enhance the character and appearance of the local area. It is noted that the topography of the site helps to protect setting and views of the Ironbridge Gorge WHS and Severn Gorge Conservation Area.

The design of the proposed new Medical Practice has sought to address external appearance and use of materials in a contemporary way and the resonance and reference to the local vernacular (brick heritage and iron work) is limited. Concern is expressed over the finishing/material used for the roof coverage which will be highly visible from outside the site.

Boundary treatment for the site is not stated in detail and, therefore, should be subject to condition. The site needs to fulfil numerous functions and each element will need to provide solutions for accessibility and security. The site boundary, however, needs to act as a buffer and an attraction. There will be a loss of existing hedgerow to allow for construction of new vehicular access – the remaining hedgerow and trees should be enhanced and maintained as a green wildlife corridor and barrier subject to a landscape plan.

A number of concerns are held about the capacity of this solution to properly

deal with site drainage:

- Contamination of watercourse
- Need for culverting
- Land ownership and future responsibility for maintenance and disposal of contaminated silt
- Protection against discharge to Severn Trent Water balancing pools.

Public Transport infrastructure that serves the development site and the proximity to Madeley town centre make this an attractive commercial and residential development site. It is considered, however, that there are two links that need to be enhanced in order to ensure that the development works with the community and its surroundings:

- the closure of Parkway subway means loss of link in Sustrans cycle route through site from/to Madeley town centre. Enhancement of the existing west to east cycle route through the development site to the Silkin Way does not address this loss;
- there is a need to develop further the existing pedestrian access through use of appropriate signage along strategic routes from/to the development site to Madeley town centre.

The Design & Access Statement notes the loss of designated Green Network – albeit of utilitarian amenity value – and also highlights the close relationship between the development and the adjacent Madeley Court Pit Mound (a designated Wildlife Site and potential Local Nature Reserve). The development seeks to take advantage of this significant environmental asset – describing it as an integral element – without making a positive contribution to its quality or providing an assurance of its role to the landscape outlook and the utilization of its space

The development proposal should be subject to conditions to ensure it achieves benefits for the local community:

- Landscape planting and management plan;
- That the A1 Class Use unit within the medical practice should be conditioned to limit uses to those associated with the medical practice;
- With regard to opening hours each use should be decided separately, include servicing/delivery hours, in order to take into account the impact on displaced properties - avoidance of disturbance to residents at sheltered accommodation at Bridle Road and opposite properties at Shelsey Court;
- the extended hours for opening will mean that amenity lighting scheme throughout the development will need condition in order to mitigate impact on the woodland margins and the diverse wildlife it supports (timing control, light spillage, glare);
- It is noted that the medical centre building makes provision for a plant room; the A3/A5 unit is single storey and so a condition may be required to ensure that any external units are positioned at a level below roofline or are concealed;
- Developer contributions relating to the points below:
 - Ecology – financial contribution for the restoration and enhancement of

- watercourse to compensate for loss of designated Green Network land
- Environment – financial contribution to improvement programme for Madeley Court Pit Mound in order to preserve its setting and protect its wildlife habitats (e.g. Management Plan for Madeley Pitmounds LNR)
- Transport – financial contribution to improvement of pedestrian/cycle links to Madeley town centre (e.g. signage/street nameplates)
- Public Realm – financial contribution to boundary treatment (e.g. highway verge planting)
- Highways – financial contribution to highway signage
- Major Scheme – financial contribution to Public Art commission (e.g. Sir Basil Brooke commemoration)

Local residents

The Council has received 3 representations from local residents objecting to the application. The responses received and the issues/concerns raised in relation to the application are summarised below:

- The proposed development will take away valuable green space which is very limited in Madeley. A development of park space for residents would be more healthy and used, especially as there is so little for children and young people in the way of leisure facilities in the area, or walking space for adults etc.
- There will be increased traffic, resulting in increased noise and pollution disturbing local residents whose properties are affected. This noise and traffic was increased when the new Tesco store was opened in Madeley, and this further development will only further devalue the quality of life of residents nearby.
- Concern over increase in rubbish. Noise and odour pollution from fast food proposals.
- Fast food outlet will encourage unhealthy eating for children at Madeley Academy. Question whether this compatible with the surgery.
- The fast food outlet is not required in this area, which already has several take-aways etc., and a drive-through would cause unwanted further congestion on our roads.
- Concerns about the type of retail businesses who may rent in the doctor's surgery building.

TWC Councillor Gill Green

This application for a Dr's Surgery and associated Pharmacy is most welcome. I am mindful that, should residents in South Telford require a prescription out of hours, then a trip to Asda or Tesco in the centre/north of Telford can be most difficult for those without immediate access to a personal car. This affects 1 in 3 residents in Madeley Ward alone and is similar in the adjacent Wards. Please give consideration to the opening hours of the Pharmacy where emergency prescriptions could be dispensed.

Exact location of bus-stops is also important for the Dr/Pharmacy as residents have already raised this as a concern.

The hot-food drive-thru type takeaway will be popular but LPA should seek contribution to bins and litter-picking as this facility is likely to generate additional volume on routes from the Madeley Court site.

PLANNING CONSIDERATIONS:

Principle of development in this location (including main town centre uses).

The development proposals overall present little conflict with the two parts of the Development Plan (that is, the Core Strategy and the Saved policies of the Wrekin Local Plan) particularly when read in light of the recently published National Planning Policy Framework which, at its heart, aims for the presumption in favour of sustainable development. The site does fall within the area designated as the Green Network within the Saved policies of the Wrekin Local Plan and this is considered in more detail later in this report.

With regard to the doctor's surgery, Core Strategy policy CS10 (Community Facilities) states that such uses should locate in District or local centres. Outside of these locations (as is the case with this application) new proposed facilities should have good accessibility by foot, cycle and public transport. In this respect the site for the new surgery is within easy walking distance of Madeley District Centre and the Tesco store within it, being about five minute's walk away. The site would have two routes available for pedestrians wishing to reach it from District Centre, these being either via the signalised crossing at the Maddocks or via the signalised crossing at Court Street/Parkway.

The site is bordered by cycle paths, one a segregated shared (i.e. pedestrians and cyclists) route running along the north side of Parkway and connecting via the subway to Woodside. To the north of the site is another shared route connecting eastwards to The Silkin Way and westwards to Madeley Academy. The site is therefore extremely well connected to local cycle routes.

There is also public transport provision in the form of buses that run along Parkway. Service 44 has stops situated on Parkway near the Court Street junction, only a short walk from the site (130 metres for eastbound services, 200 metres for westbound services from the site entrance). There are also other services that come in and out of Madeley District Centre nearby.

Saved Policy LR1 (Provision of Community Facilities) of the Wrekin Local Plan stipulates further requirements for such facilities as part of a sequential approach to site selection, these include:

- Adequate provision of car parking – in this case this adequate provision is incorporated and there is no objections from Highways;
- Consideration against Green Network policy OL4 – as discussed later in this report the proposal can be considered positively against this policy because of the community benefits included;
- No adverse impact on the character or the amenity of the local area –

as discussed later in this report there are not considered to be any adverse impacts subject to conditions;

- The land is not located on a site required to meet essential employment growth;
- Satisfies the environmental health, urban design and other appropriate policies in the Plan – as discussed later in the report these aspects are satisfied and there is no objection from Environmental Health or the Council's Built Heritage Conservation Officer.

In conclusion, notwithstanding the fact that site is located outside of Madeley District Centre there is good accessibility to the doctor's surgery by foot, cycle and public transport. Consequently this element of the application can be considered in accordance with Core Strategy policy CS10 (Community Facilities). It is also considered to be in accordance with the sequential approach advocated in Saved Policy LR1 (Provision of Community Facilities) of the Wrekin Local Plan.

The layout of the proposed new surgery includes space for a new pharmacy, which is a retail (A1) Use Class that policy directs should be located to an established retail area. However, given the well known connections between a surgery and a pharmacy, it is accepted that there are advantages for patients in co-locating these facilities, subject to conditions that restrict both the size of the retail unit and its use as that of a pharmacy. Space for two non-retail units are incorporated into the design of the building and the applicant has stated that these could be used as a dental surgery, chiropody practice, optician or other health related uses that fall into the same Use Class category as the main building, that is, D1 (Non-residential institutions). Given the compatibility between these types of operation and the main use as a surgery, these are considered appropriate. Because they are in the same Use Class (D1) no conditions are considered necessary.

A new larger and improved health facility to replace the existing cramped accommodation at the Church Close Surgery would accord with policy CS9 (Accessibility and Social Inclusion) that seeks to ensure that everyone is afforded reasonable opportunity to access such a facility. As mentioned above the facility is located where there is a high degree of accessibility by a number of different modes of transport.

With regard to the restaurant/drive-through element of this application, the consultant advice provided in respect of this states that such an operation would be classified as a "main town centre use" as defined in the National Planning Policy Framework (NPPF) and that the location is one that can be classified as "edge-of-centre".

The expert advice provided to the Council states that Paragraph 27 of the NPPF indicates that planning applications for main town centre uses which are not in an existing centre and not in accordance with an up to date development plan should generally be refused planning permission where it fails to satisfy the requirements of the sequential approach or is likely to result in a significant adverse impact. However, the NPPF indicates that the

applicant will not have to satisfy the test of impact should the scale of the proposal fall outside of any locally set impact threshold. In the absence of the setting of any such threshold, the default threshold will be 2,500m². The drive through would provide a much lesser quantum of floorspace (260m²) so it is not considered that there are grounds to refuse the planning application on the basis of impact.

In relation to the sequential approach to development, the consultants acknowledge that it is necessary for any alternative site to be able to accommodate a development which could actually be brought forward in the 'real world' (accepting the need for some degree of flexibility in terms of the applicant's proposed format). In this instance, it is considered that the minimum land required to accommodate the drive through restaurant would be approximately 0.25 hectares. Having visited the sites identified by the applicant in the submitted Design and Access Statement, discussed the matter with Council Officers and undertaken their own search of the Madeley area, the consultants are unaware of any such site which could appropriately accommodate the identified main town centre use (drive-through) within Madeley Centre.

The advice received concludes that the proposals accord with the requirements of the NPPF in respect of the sequential test.

Development in the Green Network and loss of playing field/open space. Although the former School and Leisure Centre buildings are outside of the Green Network designation, the former all weather pitch and surrounding grassed area subject of this application are covered by this designation. Saved Policies OL3 (Green Network) and OL4 (Development in the Green Network) of the Wrekin Local Plan apply with regard to the Green Network.

In relation to open space and the community use associated with the all weather pitch, Core Strategy Policy CS11 (Open Spaces) applies, together with Saved Wrekin Local Plan Policy LR4 (Outdoor recreational Open Space) and Core Strategy Policy CS10 (Community Facilities).

In this case a new all weather pitch has been provided near to this site as part of the recently built Madeley Academy, which incorporates a community use agreement. The new doctor's surgery provides significant community benefits and accords with CS10 (Community Facilities) as highlighted above.

Looking at this application as part of the wider masterplan proposals for the whole of former Madeley Court site, encompassed by the 3 applications under consideration, Section 6 of the Planning Statement accompanying the application (as expanded upon in the Leisure Provision Assessment) states that the playing fields that would be lost on the site are compensated for by the provision of new facilities of an equivalent or better quality at the nearby Madeley Academy and Abraham Darby school sites, along with qualitative improvements to the publicly accessible playing fields outside the application site to the east of Court Street.

Collectively, these replacement facilities and the improvement of existing nearby open space will meet the requirements of policies CS11 and OL4 whereby community benefits are to be delivered as an integral part of development proposals. This also helps the proposal to meet the requirements of paragraph 74 of the National Planning Policy Framework (NPPF).

Paragraph 73 of the NPPF also states that existing open space, sport and recreational facilities should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. Telford & Wrekin Council published an assessment of open space, sport and recreation facilities in 2008. This assessment shows that there is indeed an overprovision of outdoor sports facilities in the south of Telford, so the redevelopment of this site and the replacement or improvement of other outdoor sports facilities would be acceptable. The assessment also found that there is a projected under provision of amenity green space, provision for children and provision for young people in South Telford.

Sport England has made informal contact regarding a number of applications in Telford that are interrelated with regard to playing pitches. The formal response of Sport England in relation to this application is anticipated to be with the Council prior to the Plans Board meeting and details will be provided in an update to Plans Board.

In conclusion, this proposal in isolation (and as part of the wider masterplan under consideration for the wider Madeley Court site) can be considered to be in accordance with Green Network, recreational and open space policies. This being on account of the replacement facilities provided by the Council in the locality as well as the new community facility that would be provided on site in the form of a new modern doctor's surgery for local residents.

Design of the buildings in the context of the proximity to Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area

The application lies to the north west of the northern limits of both the Ironbridge Gorge World Heritage Site and the Severn Gorge Conservation Area. This section of Parkway is also a prominent gateway into Madeley from the north and west.

Concerns were raised on the initial design of both buildings when originally submitted, particularly with regards to the materials being suggested for the KFC restaurant/drive through that reflected a more standard corporate template not befitting its location. Following discussions with officers, revised plans for both buildings have been submitted for consideration.

With regard to the doctor's surgery, greater emphasis has been provided in terms of the different shapes of the roof design and the use of facing brickwork which would be more complementary to the World Heritage Site. In order to prevent the building looking bland and institutional the external appearance is designed to incorporate a number of materials which are to

provide relief and to emphasize the contemporary design.

This includes the provision of three distinct types of heritage brick which are considered to be more rustic that when detailed are deemed to be a link to the World Heritage Site nearby.

The roof design, although of similar mono pitched shallow construction, is of various levels which again helps to achieve visual relief and to facilitate the introduction of natural light to the main gallery area, which would extend to the waiting room at ground floor level. One part of the building is slightly higher than the other to accommodate a second floor plant room which would accommodate the air handling unit associated with the minor operations suite.

The restaurant/drive through has been adapted to reflect the doctor's surgery building and incorporate the heritage bricks, which would help to form a common thread between the new facilities. Further, this will be complemented by a comprehensive landscaping scheme, especially with regard to the use common surfacing and boundary treatment. The elevations of the restaurant/drive through do not indicate any plant or machinery would be located on the roof. The yard and storage area has been revised to be at the rear of the building away from the Parkway frontage which would now be the location for the front of the building with a separate pedestrian footpath/steps leading directly from Parkway.

It should be noted that both buildings would be on ground some 3 to 4 metres lower than the land on Parkway, so would not be unduly prominent in the local landscape. Together with the revised design and appearance details submitted, it is considered that there would not be any detrimental impact on the setting of the nearby Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area as a result of the proposals.

The Built Heritage Conservation Officer has not objected to the application and comments that the design of the buildings has been improved with a bit more of a relationship in respect of materials and answers some of the design concerns.

However, it is still considered appropriate for any permission granted to include a condition requiring further information on the detailing of features such as doors, windows etc as well as hard and soft landscaping.

Noise and odour from fast food outlet, hours of operation

The potential for noise and odour arising from the restaurant and drive through having a detrimental impact on residential amenity for both existing and proposed dwellings needs to be considered. Noise is also relevant to the doctor's surgery and pharmacy given the opening hours for the proposed for both. In the application forms it is stated that both buildings could be open between 07.00 and 23.30 hours every day.

With regard existing properties, the nearest dwellings are those between Parkway and Victoria Road that are some 51 metres between the proposed

surgery building and 79 metres from the restaurant/drive-through building.

This distance affords a degree of separation between the proposed development and the existing dwellings described above. It should also be noted that the busy road of Parkway separates the existing housing and there will already be some ambient noise arising from this road. Furthermore, the ground levels of both buildings would be set some 3 to 4 metres below the ground levels of the existing buildings affording the properties some further sheltering from any noise arising.

The nearest dwellings associated with the proposed residential scheme to the north and east of the application site are closer to the existing dwellings south of Parkway. However, these would be built to a higher specification in terms of the sound proofing of doors and windows.

Given the above and in light of there being no objection from Environmental Health (Pollution Control), it is considered that there are no reasonable grounds to object to this proposal with regards to the impact of noise. A condition limiting the hours of operation would be appropriate to ensure opening hours do not encroach into the later night-time and early morning where ambient noise levels are lower and noise nuisance is more likely to occur. In this respect it is considered the hours for delivery and opening of both buildings should be 07.30 to 23.00 hours, half an hour earlier at each end of the day than being sought in the application.

Premises such as KFC cook food and, by their very nature, have the potential to lead to odour nuisance for people nearby. The applicant has provided details of the mechanical ventilation and environmental control equipment proposed, including an air filtration system, that are directed to addressing the issue of odour arising from cooking. These details, together with the distance between the restaurant and existing and proposed dwellings nearby and there being no objection from Environmental Health, leads to the conclusion that odour from the restaurant is unlikely to be an issue for existing and any future residents.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

With regard to the doctor's surgery, notwithstanding the fact that site is located outside of Madeley District Centre, there would be good accessibility to it by foot, cycle and public transport. Consequently, this element of the application can be considered in accordance with Core Strategy policy CS10 (Community Facilities). It is also considered to be in accordance with the sequential approach advocated in Saved Policy LR1 (Provision of Community Facilities) of the Wrekin Local Plan.

In relation to the restaurant/drive-through element of this application, the independent advice provided in respect of this states that such an operation would be classified as a "main town centre use" as defined in the National Planning Policy Framework (NPPF) and that the location is one that can be

classified as “edge-of-centre”. This expert advice has considered that for the amount of land required for this format of operation (drive-through restaurant) there are no sequentially preferable sites in and around Madeley District Centre. As a consequence this element of the application accords with the requirements of the NPPF in respect of the sequential test.

The proposals involve development in the Green Network and would involve the loss of an existing all weather playing pitch and open space. However, this proposal in isolation (and as part of the wider masterplan under consideration for Madeley Court) can be considered to be in accordance with Green Network, recreational and open space policies. This is on account that replacement facilities have/will be provided by the Council in the locality as part of the new Madeley Academy and Abraham Darby developments. The application, if granted, includes a community facility that would be provided on site in the form of a new modern doctor’s surgery for local residents.

The application lies to the north west of the northern limits of both the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area. This section of Parkway is also a prominent gateway into Madeley from the north and west.

Amended details to the design and appearance of both buildings have been received in response to concerns raised by Officers. The scale and massing of the buildings are considered appropriate to its location, especially as the ground levels are lower than adjacent land to the south. The building’s appearance incorporate shared heritage style brickwork to help form a common thread between the buildings that can be complemented by a comprehensive landscape strategy, especially with regard to the use common surfacing and boundary treatment.

The buildings now under consideration are considered to be acceptable bearing in mind the Design Criteria of Saved policy UD2 of Wrekin Local Plan. As a result it is considered that there is no detrimental impact on the setting of the nearby Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area.

The issue of noise and odour on existing and future residential amenity have been considered in the report and the conclusion reached is that in respect of both that there are no reasonable grounds to object to this proposal given the circumstances and the response of Environmental Health who raise no objection.

The development proposals overall present little conflict with the two parts of the Development Plan (that is, the Core Strategy and the Saved policies of the Wrekin Local Plan) particularly when read in light of the recently published National Planning Policy Framework which at its heart aims for the presumption in favour of sustainable development.

Planning conditions

Through the consultation process a number of responses have included

recommendations regarding the imposition of planning conditions. Other issues as discussed in this report require the imposition of conditions in order to make the development acceptable.

Planning obligations

In responding to this application Madeley Parish Council has requested that developer contributions should be sought for a variety of purposes in the local area as outlined earlier in this report

In the absence of an approved Community Infrastructure Levy schedule the current position in relation to planning obligations is that set out in any specific local plan policy and more generally in the new National Planning Policy Framework. In respect of the NPPF this states in para 204 that:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In this respect, taking account of the above tests, it is unlikely that financial contributions can be secured for the items listed in the Parish Council's response letter with the exception of those connected to highways and transport as recommended by Highways officers.

Recommendation to Plans Board

Based on the conclusions above, the recommendation to Plans Board on this application is that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:

A.) Confirmation from Sport England that they do not object to the planning application.

B.) The Council as landowner agreeing to provide a Memorandum signed by the Assistant Director Development Business and Housing agreeing that the Council as landowner will pay the contributions (i), (ii) and (iii) below either upon the sale of any of the development land or upon commencement of the development whichever is the sooner (precise terms to be agreed by the Development Management Service Delivery Manager).

- (i) The development to provide a contribution of £74,835.91 towards the implementation of the Town Centre Transport Strategy as specified in Chapter 4.6, Transport, of the CTAAP document;
- (ii) The development to provide a Travel Plan Monitoring contribution of £5,000; and
- (iii) The developer to provide a Planning and Financial Monitoring

contribution of £10,000.

C.) The following conditions and informatives (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

1. A04 Time limit
2. B19 Details of doors and windows

3. B121 Landscape Design
4. BCustom Road and construction details as indicated on the submitted plans
5. BCustom Details and provision of a footway/cycleway along the northern verge of Parkway between the Parkway/Court Street traffic signal controlled junction to link with the existing footway/cycleway which terminates approximately 170 metres to the west
6. BCustom Details on pedestrian link to Parkway
7. BCustom Details on type, number and location of cycle
8. BCustom racks/shelters
Revised Travel Plan to be submitted within 6 months of occupation
9. B130
10. B132 Trees protective fencing
11. BCustom Trees no dig method
Provision of bins for the collection of litter in connection with the restaurant/drive through

12. BCustom Slope Stability for SUDS feature
13. BCustom Foundation design
14. B57 Land contamination
15. B33Custom Foul and Surface Water disposal
16. B96 Lighting Strategy
17. BCustom Pre commencement badger check
18. B150 Site Environmental Management Plan
19. C01a Materials as submitted
20. CCustom Parking and manoeuvring area specification
21. C01a Tree protection
22. C27 Foundation Design – landfill gas
23. C38 Development in accordance with deposited plans
24. DCustom Hours of operation (including deliveries) between 07.30 and 23.00

25. DCustom Size of restaurant/drive through no more than 250m²
26. DCustom Retail use in doctors surgery limited to 125m² and for use as pharmacy only

27. I106 Ref Memorandum in connection with highways
28. I17 contributions
29. I20 Exercise caution - Minerals Area
30. I40 Contamination
31. I44 Conditions
32. ICustom Reasons for grant of approval

- 33. ICustom Trenches
- 34. ICustom Standoff from habitat feature
- 35. ICustom Nesting birds
Informative provided by Shropshire Fire Service

REASON FOR APPROVAL:

With regard to the doctor's surgery, notwithstanding the fact that site is located outside of Madeley District Centre, there would be good accessibility to it by foot, cycle and public transport. Consequently, this element of the application can be considered in accordance with Core Strategy policy CS10 (Community Facilities). It is also considered to be in accordance with the sequential approach advocated in Saved Policy LR1 (Provision of Community Facilities) of the Wrekin Local Plan.

In relation to the restaurant/drive-through element of this application, the independent advice provided in respect of this states that such an operation would be classified as a "main town centre use" as defined in the National Planning Policy Framework (NPPF) and that the location is one that can be classified as "edge-of-centre". This expert advice has considered that for the amount of land required for this format of operation (drive-through restaurant) there are no sequentially preferable sites in and around Madeley District Centre. As a consequence this element of the application accords with the requirements of the NPPF in respect of the sequential test.

The proposals involve development in the Green Network and would involve the loss of an existing all weather playing pitch and open space. However, this proposal in isolation (and as part of the wider master plan under consideration for Madeley Court) can be considered to be in accordance with Green Network, recreational and open space policies. This is on account that replacement facilities have/will be provided by the Council in the locality as part of the new Madeley Academy and Abraham Darby developments. The application, if granted, includes a community facility that would be provided on site in the form of a new modern doctor's surgery for local residents.

The application lies to the north west of the northern limits of both the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area. This section of Parkway is also a prominent gateway into Madeley from the north and west.

Amended details to the design and appearance of both buildings have been received in response to concerns raised by Officers. The scale and massing of the buildings are considered appropriate to its location, especially as the ground levels are lower than adjacent land to the south. The building's appearance incorporate shared heritage style brickwork to help form a common thread between the buildings that can be complemented by a comprehensive landscape strategy, especially with regard to the use common surfacing and boundary treatment.

The buildings now under consideration are considered to be acceptable bearing in mind the Design Criteria of Saved policy UD2 of Wrekin Local Plan.

As a result it is considered that there is no detrimental impact on the setting of the nearby Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area.

The issue of noise and odour on existing and future residential amenity have been considered in the report and the conclusion reached is that in respect of both that there are no reasonable grounds to object to this proposal given the circumstances and the response of Environmental Health who raise no objection.

The development proposals overall present little conflict with the two parts of the Development Plan (that is, the Core Strategy and the Saved policies of the Wrekin Local Plan) particularly when read in light of the recently published National Planning Policy Framework which at its heart aims for the presumption in favour of sustainable development.

TWC/2012/0551 Land off, Parkway, Madeley Court, Madeley, Telford, Shropshire, TF7 5EU
Outline application for the erection of a 1400 sqm A1 non-food retail unit
*****Amended Plans and Details Received*****

APPLICANT
James Hinton

RECEIVED
16/07/2012

PARISH
Madeley

WARD
Madeley

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Principle of development in this location in light of a main town centre use being proposed. Development in the Green Network including the loss of playing field and open space. Design of the buildings in the context of the proximity to Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area.
Hours of operation.

THE PROPOSAL:

This is an outline application for a new 1,400m² non-food retail unit. Details regarding access and layout have been submitted. Details concerning appearance, landscaping and scale remain as reserved matters for future consideration pending a grant of planning permission.

The application comprises 2 main elements. First, is a new traffic light controlled access point and road into the site on the northern side of Parkway carriageway opposite the junction with Maddocks.

The second element, in the western half of the application boundary, comprises a single storey building for non-food retail use. This building would result in 1,400m² of gross internal floorspace and would be serviced by 78 car park spaces and 8 spaces for cyclists. In terms of scale, the applicant has stated that the building would be between 25-33m wide, 42-55m in length and 8-9m in height. The application does not specify hours of opening.

It should be noted that this application is one of three submitted to the Council in respect of land that was once the former Madeley Court School and Leisure Centre. To the immediate east of this application a full application (ref TWC/2012/0498) has been submitted for a new doctor's surgery (including retail space) and a separate hot food takeaway outlet. Beyond this adjoining application further to the north and east is another outline application that has been submitted for a residential scheme for up to 140 dwellings (ref TWC/2012/0627). All three applications proposed include within their application boundary the new access point from Parkway, opposite Maddocks as the main vehicular access point to their respective part of the overall site. A Design and Access Masterplan for the site has been submitted in addition to the one for this application and the majority of the technical reports in support of the application have been prepared to encompass the whole

Madeley Court site, which is some 6.1 hectares in total.

The application has been submitted with the following documents in support of the proposals:

- Planning Statement;
- Design and Access Statement (including sequential site assessment);
- Various plans and drawings including an Indicative Site Masterplan for the wider Madeley Court site;
- Transport assessment and visibility splay plan of the proposed access;
- Tree survey;
- Site Investigation reports;
- Geological Desktop Study;
- Slope stability report;
- Flood risk assessment and indicative surface water management plan;
- Ecological assessment;
- Leisure Provision Assessment.

Prior to submission, the applicant engaged in pre-application discussions with Council Officers through several Strategic Application Workshop meetings.

SITE AND SURROUNDINGS:

The site is located within the Parish of Madeley in the south of Telford and is approximately 300 metres north of Madeley District Centre and so within walking distance of it.

The application site extends to around 1 hectare in size. This particular part of the Madeley Court School and Leisure Centre was used for an all weather sports pitch and surrounding grounds (grassed area). The ground where both the proposed two buildings would be located is around 1-2 metres lower than Parkway to the south. The site slopes away in levels in a northerly direction.

Immediately south of the application is the Parkway carriageway which bypasses Madeley District Centre to the south and is the main link to the B4373 to the west and A442 to the east. On the south side of Parkway are residential properties of various ages and styles.

Immediately to the west of the site is an open grassed area adjacent to roundabout where Parkway meets Castlefields Way to the north.

To the north of the application boundary is the Pitmound Woodland which is a mature semi-natural broadleaved woodland and forms part of the wider Madeley Court Local Wildlife Site. This site is potentially a Local Nature Reserve in the future.

To the east of the application site are the grounds and an all weather pitch of the former Madeley Court School and Leisure Centre. This area is subject to the application for a doctor's surgery and separate restaurant/drive through

as mentioned above.

PLANNING HISTORY:

The site has no recent planning history other than that connected with its former use as a secondary school and leisure centre.

PLANNING POLICY CONTEXT:

National Planning Policy Statement

Saved Wrekin Local Plan policies

Policy UD2 – Design Criteria

Policy S2 – Service Centre Hierarchy

Policy T22 – Planning Obligations

Policy OL2 – Designated sites

Policy OL3 – Green Network

Policy OL4 – Development in the Green Network

Policy OL11 - Woodland and Trees

Policy OL12 – Open Land and Landscape – contributions from new development

Policy LR4 - Outdoor recreational Open Space

Policy SG4 – Landscape and Nature Conservation

LDF Core Strategy policies

Policy CS2 - Jobs

Policy CS3 - Telford

Policy CS5 – District and Local Centres

Policy CS11 – Open Spaces

Policy CS12 – Natural Environment

Policy CS13 – Environmental Resources

Policy CS14 – Cultural, Historic and Built Environment

Policy CS15 – Urban Design

CONSULTATION RESPONSES:

For all consultation responses received by the Development Management Team the following text below represents a summary of the salient points made in relation to the application. Full versions of all consultation responses can be viewed by Members of the Plans Board via the Council's eplanning system.

Internal consultations from within Telford and Wrekin Council

TWC Development Plans

The development proposals need to be looked at in context of the development plan, and the recently published National Planning Policy Framework which at its heart aims for the presumption in favour of sustainable development.

The Core Strategy states that District and local centres will be the focus for

new development serving the local needs of their respective communities.

The NPPF sets out that local planning authorities should apply the sequential test for main town centre uses that are outside existing centres and not in accordance with an up-to-date development plan. As it is the aim of the current development plan, identified through the Core Strategy, to focus development in main centres such as Madeley the sequential test has been applied.

The proposed non-food retail floor space falls below the 2,500m² threshold set out in the NPPF and therefore an Impact Assessment is not required.

Of concern is the level of detail applied in the sequential assessment presented by the applicant. The assessment concludes that there is no sequentially preferable site. Some additional key issues which I think need further exploring are:

- The proximity of the site to Madeley centre
- Is the need for the retail unit 'location specific'?
- Has the sequential assessment adopted a sufficiently flexible approach?
- Is the scale and form of development needed?

Green Network

These comments relate to all three submitted planning applications relating to the former Madeley Court school site, reflecting the Planning Statement which also covers all three planning applications.

The southern part of the site where the former school playing fields currently exist is within the Green Network. Policies OL3 and OL4 of the Wrekin Local Plan and the broader open space policy of the Core Strategy (CS11) will therefore apply. These policies are fully acknowledged in pages 16 to 18 and Section 6 of the submitted Planning Statement. Section 6 states that the playing fields that will be lost on the site are compensated for by the provision of new facilities of an equivalent or better quality at the nearby Madeley Court and Abraham Darby school sites, along with qualitative improvements to the publicly accessible playing fields outside the application site to the east of Court Street. These replacement facilities and the improvement of existing nearby open space will meet the requirements of policies CS11 and OL4 whereby community benefits are to be delivered as an integral part of development proposals. This also helps the proposal to meet the requirements of paragraph 74 of the National Planning Policy Framework (NPPF).

Paragraph 74 of the NPPF also states that existing open space, sport and recreational facilities should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. Telford & Wrekin Council published an assessment of open space, sport and recreation facilities in 2008. This assessment shows that there is indeed an overprovision of outdoor sports facilities in the south of Telford, so the redevelopment of this site and the replacement or

improvement of other outdoor sports facilities would be acceptable. The assessment also found that there is a projected under provision of amenity green space, provision for children and provision for young people in South Telford. The new residential amenity spaces and play area to be provided as part of the development proposal will contribute towards addressing some of this under provision in the area. The development proposals will therefore meet the requirements of paragraph 74 of the NPPF.

Section 6 of the Planning Statement also states that developer contributions will be made towards the provision and maintenance of public open space and play area within the scheme, as well as improvements to facilities at Madeley Academy, the Abraham Darby complex and the Court Street playing fields. The development proposal will therefore accord with the requirements of Policy OL12 of the Wrekin Local Plan.

TWC Highways Engineers

No objections on Highway grounds subject to conditions being included on any approval:

- Details of the proposed car parking areas and vehicle delivery/servicing facilities;
- Details on pedestrian link to Parkway;
- Access to the site only from the new access point as shown on plan submitted;
- New access completed prior to occupation;
- Details and provision of a footway/cycleway along the northern verge of Parkway between the Parkway/Court Street traffic signal controlled junction to link with the existing footway/cycleway which terminates approximately 170 metres to the west
- Revised Travel Plan to be submitted within 6 months of occupation.

In addition to the above, the following financial contributions:

- (i) It will be necessary for the development to provide a contribution of £12,182.59 towards the implementation of the Town Centre Transport Strategy as specified in Chapter 4.6, Transport, of the CTAAP document. This contribution is based on the development trips which have been assessed as crossing the CTAAP Cordon during the weekday PM peak period as follows – 14 trips (subject to 50% discount for non-primary trips) so 7 trips at £1,740.37 per trip).
- (ii) It will be necessary for the development to provide a Travel Plan Monitoring contribution of £5,000.

TWC Drainage Engineers

Support subject to conditions relating to surface water disposal, SUDS features and de-culverting of adjacent watercourse.

TWC – Built Heritage Conservation

Comment. It is important to recognise that this site lies on the boundary for the Ironbridge World Heritage Site. Any development within this site will have to pay due regard to the setting of that heritage asset and to character and local distinctiveness, as required under the NPPF s.131 and s.137. Whilst this does not preclude development, it will mean that the developer will need to address issues of high quality design and distinctiveness in respect of enhancing the setting. As this is outline, there is nothing much in the way of specific design or materials to comment on, however, it should be noted that there are two other developments proposed within the vicinity and any design criteria should bear this in mind.

TWC Geotechnical Engineers

Support subject to conditions. Conditions to include details on slopes stability associated with SUDS feature, building foundation design, gas mitigation, standard contamination condition as well as Informatives relating to mining.

TWC Arboricultural Officer

Amended advice provided following an initial objection. Given that this application is outline only it will require conditions to support the amended plans in that the footprint of the food retail unit is outside the Root Protection Area of the adjacent mature Oak trees, as agreed with applicant and as shown on the amended plan (137-36 rev B). These trees will of course require deadwooding and an aerial inspection at such a time to ensure their safety.

Advice given regarding the Poplar trees adjacent to Parkway was that the trees were reaching (what I would consider) the end of their safe useful life. My recommendation to fell at this time is purely precautionary and that it would be better to fell these trees now than wait until the target is increased through this development and then have to fell at a later date. Some mitigation planting would be nice. Usual conditions will apply – C70 to C80, B130 to B139 to be applied at full planning application level.

TWC Sustainability Officer

Comment. A statement is required in the design and access statement where the developer should look to explain how they believe they have developed a valid and sustainable design solution. One of the most effective ways of securing more sustainable developments, and reducing climate change emissions, is to achieve Research Establishment Environmental Assessment Method (BREEAM).

TWC Planning Ecologist

Comment. An Ecological Assessment was undertaken in 2011 to update a 2009 survey. The survey covered the whole of Madeley Court, not just this application boundary so comments relate to the entire Madeley Court scheme.

The habitats on site consist of amenity grassland, buildings (demolished), semi-improved grassland, bare ground, species-poor hedgerows in the south and south-west and scattered trees. A pond and a small ditch lie just outside the north-west boundary. Adjacent to the site to the north and west lies a

mature semi-natural broadleaved woodland, Madeley Court Local Wildlife Site and potential Local Nature Reserve.

The Ecological Assessment is acceptable and there is satisfaction that the recommended mitigation measures will ensure that no protected or priority species are harmed by the development. There are also a number of opportunities for biodiversity enhancement that the Ecological Assessment did not consider.

However, specified the conditions and informatives to this application would assist in this regard.

TWC Environmental Health (Pollution Control)

No objection.

TWC Environmental Health (Contaminated Land)

Support subject to conditions. The proposed development is adjacent to a colliery spoil heap. As such, recommend that a land contamination condition be imposed, should permission be granted.

TWC Parks and Opens Spaces

Comments made in relation to the Master plan for the wider site and the adequacy of Neighbourhood Equipped Area of Play provision in respect of the residential application.

Outsourced Appraisal of Town Centre Planning Issues on behalf of TWC
Retail developments are defined in the National Planning Policy Framework as “main town centre uses”. In light of this and Core Strategy Policy CS5 (District and Local Centres) and Saved Policy S2 (Service Centre Hierarchy) of the Wrekin Local Plan,

Development Management has procured external, independent, and specialist advice in respect of this application and the adjoining doctor’s surgery and restaurant/drive through application (TWC/2012/0498). A summary of this advice is reproduced below.

The advice notes that no information is provided with respect to the end user of the unit and they are unaware that the applicant has proposed any restriction on the quantum of floor space which would be dedicated to sales. In particular, the submitted Planning Statement is largely silent on the matter, stating only that a 15,000 sq.ft (1,400 m²) A1 non-food retail unit is proposed as part of this application submission.

Paragraph 3.1 of the submitted Design and Access Statement is of some assistance in clarifying that the sequential search is predicated on an assessment of alternative premises being suited to “bulky goods” retail. Accordingly, the assessment of the application assumes that planning permission is being sought for bulky goods use only.

In accordance with the NPPF, they consider the proposed retail use to be a ‘main town centre’ use. With the retail unit being over 400 metres from Madeley’s Primary Retail Zone it is considered to be ‘out of centre’.

Paragraph 27 of the NPPF indicates that planning applications for main town centre uses which are not in an existing centre and not in accordance with an up to date development plan should generally be refused planning permission where it fails to satisfy the requirements of the sequential approach or is likely to result in a significant adverse impact.

However, the NPPF indicates that the applicant will not have to satisfy the test of impact should the scale of the proposal fall outside of any locally set impact threshold. In the absence of the setting of any such threshold, the default threshold will be 2,500m². This application would provide a lesser quantum of floorspace (1,400m²) and they do not consider that there are grounds to refuse this planning application on the basis of impact.

In relation to the sequential approach to development, the consultants advise that it is necessary for any alternative site to be able to accommodate a development which could actually be brought forward in the 'real world' (accepting the need for some degree of flexibility in terms of the applicant's proposed format). In this instance, they consider that the minimum land required to accommodate a non-food retail unit is approximately 0.50 hectares. Having visited the sites identified by the applicant in the submitted Design and Access Statements, discussed the matter with Council Officers and undertaken their own search of the Madeley area, the consultants are unaware of any such site which could appropriately accommodate the identified main town centre use.

All of the identified sites are significantly smaller than that which would be required to accommodate such a use, including the Madeley Shopping Malls (which is estimated provides in the order of 1,000m² of floor space, with only very limited nearby car parking spaces and little available opportunity to expand). Moreover, given the location of the Madeley Shopping Malls site at the heart of the centre, they do not consider that it would likely be redeveloped for a bulky non-food use, instead offering potential for either food retail development or smaller open comparison goods units. Accordingly, they do not consider that Madeley Shopping Malls is realistically either available or suitable to accommodate the broad format of retail unit proposed by this planning application.

Whilst it could be argued that there may be some merit in reconfiguring the development in order to locate the non-food retail unit as close as possible to the existing defined Primary Retail Zone (i.e. the retail unit could form part of the adjoining application site to the east – TWC/2012/0498), the practical benefit of this would, in the consultants' view, be rather limited given the bulky goods use and the small distance involved.

Accordingly, subject to the Council being satisfied that the current configuration of the site is justified in operational, highway and design terms, the consultants find that the proposals accord with the requirements of the NPPF in respect of the sequential test.

The relevant retail policies of the adopted Core Strategy (principally policy

CS5 and CS8,) broadly accord with national retail planning policy and the consultants believe that, should planning permission be granted for the proposed development, they do not consider that the developments would undermine the strategy being pursued by Policy CS 5 and CS 8 (i.e. to strengthen the role of District Centres which should act as a focus for services and facilities, would be unduly compromised).

Finally, they reiterate that their consideration of the non-food retail proposal has been on the basis that a single unit will be for the sale of bulky goods only and that this has informed their consideration of more central sites in accordance with the sequential approach to development. Accordingly, it is recommended that an appropriate restrictive condition be attached to the grant of any planning permission for this use to ensure that the unit trades in the manner suggested by the submitted planning application. It is therefore recommend that two conditions with the following (or similar) wording be attached to any planning permission:

- The total gross floor area of the non-food retail unit hereby permitted shall not exceed 1,400m². There shall be no subdivision of the unit or any additional floor space created (including any insertion of mezzanine floors); and
- The range and type of goods to be sold from the non-food retail unit hereby permitted shall be restricted to the following: DIY and/or garden goods; furniture, carpets and floor coverings, camping, boating and caravanning goods, motor vehicle and cycle goods, and electrical goods.

External consultations

Sport England

Have made informal contact regarding a number of applications in Telford that are interrelated with regard to playing pitches. The formal response of Sport England is anticipated to be with the Council prior to the Plans Board meeting and details will provided in an update to Plans Board.

Severn Trent Water

No objections to the proposals subject to the inclusion of the condition for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

Shropshire Council Archaeologist
Responded with no comment.

Shropshire Fire Service

Detailed advice provided that could be attached as an Informative to any permission granted.

Local consultation and representations

Madeley Parish Council

The nature of this outline planning application requires that it is considered in conjunction with planning application TWC/2012/0498 and the forthcoming outline planning proposal for residential development on this prime site.

Telford & Wrekin Council may review its Use Class constraint in consideration of inward investment potential and impact on existing retail offer in Madeley Town centre). Notwithstanding the above, consideration may be given to condition to prevent sub-division of the retail unit or change of use for purposes other than as one planning unit.

Accordingly Madeley Parish Council would submit its general response to TWC/2012/0498 as its representation on this application. Relevant points from the aforementioned response are highlighted below:

Madeley Parish Council supports the application subject to conditions. The site is considered sustainable. Madeley is a significant urban area that provides access to a range of services and facilities as well as having good accessibility. The design, layout, and setting of the development should enhance the character and appearance of the local area. It is noted that the topography of the site helps to protect setting and views of the Ironbridge Gorge WHS and Severn Gorge Conservation Area.

A number of concerns are held about the capacity of this solution to properly deal with site drainage:

- Contamination of watercourse
- Need for culverting
- Land ownership and future responsibility for maintenance and disposal of contaminated silt
- Protection against discharge to Severn Trent Water balancing pools.

Public Transport infrastructure that serves the development site and the proximity to Madeley town centre make this an attractive commercial and residential development site. It is considered, however, that there are two links that need to be enhanced in order to ensure that the development works with the community and its surroundings:

- the closure of Parkway subway means loss of link in Sustrans cycle route through site from/to Madeley town centre. Enhancement of the existing west to east cycle route through the development site to the Silkin Way does not address this loss
- there is a need to develop further the existing pedestrian access through use of appropriate signage along strategic routes from/to the development site to Madeley town centre

The Design & Access Statement notes the loss of designated Green Network – albeit of utilitarian amenity value – and also highlights the close relationship between the development and the adjacent Madeley Court Pit Mound (a designated Wildlife Site and potential Local Nature Reserve). The development seeks to take advantage of this significant environmental asset – describing it as an integral element – without making a positive contribution to its quality or providing an assurance of its role to the landscape outlook and

the utilization of its space

The development proposal should be subject to conditions to ensure it achieves benefits for the local community:

- Landscape planting and management plan
- With regard to opening hours each use should be decided separately, include servicing/delivery hours, in order to take into account the impact on displaced properties - avoidance of disturbance to residents at sheltered accommodation at Bridle Road and opposite properties at Shelsey Court
- Developer contributions relating to the points below:
 - Ecology – financial contribution for the restoration and enhancement of watercourse to compensate for loss of designated Green Network land
 - Environment – financial contribution to improvement programme for Madeley Court Pit Mound in order to preserve its setting and protect its wildlife habitats (e.g. Management Plan for Madeley Pitmounds LNR)
 - Transport – financial contribution to improvement of pedestrian/cycle links to Madeley town centre (e.g. signage/street nameplates)
 - Public Realm – financial contribution to boundary treatment (e.g. highway verge planting)
 - Highways – financial contribution to highway signage
 - Major Scheme – financial contribution to Public Art commission (e.g. Sir Basil Brooke commemoration)

Local residents

The Council has not received any representations from local residents objecting to the application.

Agents on behalf of Telford Trustee No.1 Ltd and Telford Trustee No.2 Ltd (owners of Telford Town Centre)

Whilst we note that the planning application is currently in outline, and the applicant has not been able to provide much detail at this stage of the future use of the retail unit, given the location in this out of centre location we would urge the Council to place a condition on any decision notice to only permit bulky goods retail in this location. We consider that the supporting documentation does not include any detailed justification for a town centre retail use in this location, or a detailed analysis of the possible impact of an open A1 retail provision in this location. Therefore, the only acceptable retail use in this location would be for bulky goods, which would not be suitable in the main town centre of Telford or the District Centre of Madeley.

Principle of development in this location in light of a main town centre use being proposed.

In accordance with the NPPF, the proposed non-food retail unit is a 'main town centre' use. With the retail unit building being over 400 metres from Madeley's Primary Retail Zone it is considered to be 'out of centre'.

This raises issues with both the guidance in the NPPF and local plan Core Strategy Policy CS5 (District and Local Centres) and Saved Policy S2

(Service Centre Hierarchy) of the Wrekin Local Plan. In relation to this issue Development Management have, as detailed above, procured external, independent, and specialist advice to inform this report.

On the assumption that the non-food retail unit would be a single bulky good retailer, the advice given concludes that the proposals accord with the requirements of the NPPF in respect of the sequential test. With regard to an impact assessment being required in connection with Madeley District Centre, the scale of the unit at 1,400m² is under the default threshold defined in paragraph 26 of the NPPF for proposals over 2,500m².

The NPPF states (para 24) that in relation out of centre proposals preference should be given to accessible sites that are well connected to the town centre. In this respect the site is within walking distance of Madeley District Centre and the Tesco store within it, being about five to ten minute's walk away. The site would have two routes available for pedestrians wishing to reach it from the District Centre, these being either via the signalised crossing at the Maddocks or via the signalised crossing at Court Street/Parkway.

The site is bordered by cycle paths, one a segregated shared (i.e. pedestrians and cyclists) route running along the north side of Parkway and connecting via the subway to Woodside. To the north of the site is another shared route connecting eastwards to The Silkin Way and westwards to Madeley Academy. The site is therefore extremely well connected to local cycle routes.

There is also public transport provision in the form of buses that run along Parkway. Service 44 has stops situated on Parkway near the Court Street junction, only a short walk from the site (130 metres for eastbound services, 200 metres for westbound services from the site entrance). There are also other services that come in and out of Madeley District Centre nearby.

The advice received concludes that the proposals accord with the requirements of the NPPF in respect of the sequential test subject to the imposition of two conditions restricting the unit to the sale of bulky goods and also that there should be a defined limit to the amount of floor space as well as prohibiting subdivision of the unit. As a result the vitality and viability of Madeley District Centre is therefore unlikely to be affected by this proposal. Furthermore, the site is an accessible location by different modes of transportation and is well connected to the District Centre.

Development in the Green Network and loss of playing field/open space. Although the former School and Leisure Centre buildings are outside of the Green Network designation, the former all weather pitch and surrounding grassed area subject of this application are covered by this designation. Saved Policies OL3 (Green Network) and OL4 (Development in the Green Network) of the Wrekin Local Plan apply with regard to the Green Network.

In relation to open space, recreational and the community use associated with

the all weather pitch, Core Strategy Policy CS11 (Open Spaces) applies, together with Saved Wrekin Local Plan Policy LR4 (Outdoor recreational Open Space) and Core Strategy Policy CS10 (Community Facilities).

In this case a new all weather pitch has been provided near to this site as part of the recently built Madeley Academy. Use of this new facility is secured through a community use agreement as part of that permission.

Considering this application as part of the wider master plan proposals for the whole of former Madeley Court site, encompassed by the three applications under consideration, Section 6 of the Planning Statement accompanying the application (as expanded upon in the Leisure Provision Assessment) states that the playing fields that will be lost on the site are compensated for by the provision of new facilities of an equivalent or better quality at the nearby Madeley Court and Abraham Darby school sites, along with qualitative improvements to the publicly accessible playing fields outside the application site to the east of Court Street.

Collectively, these replacement facilities and the improvement of existing nearby open space will meet the requirements of policies CS11 and OL4 whereby community benefits are to be delivered as an integral part of development proposals. This also helps the proposal to meet the requirements of paragraph 74 of the National Planning Policy Framework (NPPF).

Paragraph 73 of the NPPF also states that existing open space, sport and recreational facilities should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. Telford & Wrekin Council published an assessment of open space, sport and recreation facilities in 2008. This assessment shows that there is indeed an overprovision of outdoor sports facilities in the south of Telford, so the redevelopment of this site and the replacement or improvement of other outdoor sports facilities would be acceptable. The assessment also found that there is a projected under provision of amenity green space, provision for children and provision for young people in South Telford.

Sport England has made informal contact regarding a number of applications in Telford that are interrelated with regard to playing pitches. The formal response of Sport England in relation to this application is anticipated to be with the Council prior to the Plans Board meeting and details will be provided in an update to Plans Board.

In conclusion, this proposal as part of the wider master plan under consideration for the wider Madeley Court site can be considered to be in accordance with Green Network, recreational and open space policies. This being on account of the replacement facilities provided by the Council in the locality as well as the new community facility that would be provided on site in the form of a new modern doctor's surgery for local residents.

Design of the buildings in the context of the proximity to Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area

The application lies to the north west of the northern limits of both the Ironbridge Gorge World Heritage Site and the Severn Gorge Conservation Area. It is further away from these areas than the other proposals for the wider Madeley Court School and Leisure Centre site. This section of Parkway is also a prominent gateway into Madeley from the north and west.

The appearance of the building and landscaping are matters that are not included in this application with these being reserved to a later date should outline consent be granted. The scale of the building is also a reserved matter but is limited by parameters regarding the minimum and maximum size of the building. These parameters together with the layout indicate the unit will be a rectangular box up to 9 metres in height approximately 2 and half storeys in height.

Whilst the building would be a prominent structure, the building would be on ground at least 1 to 2 metres lower than the land on Parkway and possibly lower if it is to tie into any consent granted for the adjacent doctor's surgery and restaurant/drive to the east that is 3 to 4 metres lower. The prominence is further off set by the fact that the building proposed is further away from the World Heritage Site and Conservation Area.

The Built Heritage Conservation Officer has commented that any development within this site will have to pay due regard to the setting of the heritage assets and to character and local distinctiveness, as required under the NPPF s.131 and s.137. It will mean that the developer will need to address issues of high quality design and distinctiveness in respect of enhancing the setting. As this is outline, there is nothing much in the way of specific design or materials to comment on, however, it should be noted that there are two other developments proposed within the vicinity and any design criteria should bear this in mind.

With prior consent being required with regard to appearance and landscaping, together with the prominence of the building being off set by the fact that it is further away from the World Heritage Site and Conservation Area, it is concluded that there would should not be any detrimental impact on the setting of both these designations as a result of the proposals.

Hours of operation

As stated above, the application is devoid of any details regarding the hours of opening should permission be granted and the building erected.

In the absence of any details, the potential for noise arising from the use of the proposed building that could have a detrimental impact on residential amenity for both existing and proposed dwellings close to the proposed new building needs to be considered. The most likely source of noise is likely to be associated with deliveries to the building.

With regard existing properties, the nearest dwellings are those on the

opposite side of Parkway at Bridle Court that are some 60 metres distance away between the buildings.

This distance affords a degree of separation between the proposed development and the existing dwellings described above. It should also be noted that the busy road of Parkway separates the existing housing and there will already be some ambient noise arising from this road. Furthermore, the ground levels of both buildings would be set at least 1 to 2 metres below the ground levels of the existing buildings affording the properties some further sheltering from any noise arising at ground level.

The nearest dwellings associated with the proposed residential scheme to the north and east of the application site are a slightly further away to the existing dwellings south of Parkway.

Given the above and in light of there being no objection from Environmental Health (Pollution Control), it is considered that there are no reasonable grounds to object to this proposal with regards to the impact of noise. A condition limiting the hours of operation would be appropriate to ensure opening hours do not encroach into the later night-time and early morning where ambient noise levels are lower and noise nuisance is more likely to occur. In this respect it is considered a reasonable compromise to both adjacent residents and any future occupier of the unit if the hours for delivery and opening of the building are between 07.30 to 22.00 hours.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

In accordance with the National Planning Policy Framework (NPPF), the proposed non-food retail unit is a 'main town centre' use. With the retail unit building being over 400 metres from Madeley's Primary Retail Zone it is considered to be 'out of centre'.

On the assumption that the non-food retail unit would be a single bulky good retailer, advice received concludes that the proposals accord with the requirements of the NPPF in respect of the sequential test subject to the imposition of two conditions restricting the unit to the sale of bulky goods and also that there should be a defined limit to the amount of floor space as well as prohibiting subdivision of the unit. As a result the vitality and viability of Madeley District Centre is therefore unlikely to be affected by this proposal. Furthermore, the site is an accessible location by different modes of transportation and is well connected to the Madeley District Centre.

The proposals involve development in the Green Network and would involve the loss of an existing all weather playing pitch and open space. In conclusion, this proposal as part of the wider master plan under consideration for the wider Madeley Court site can be considered to be in accordance with Green Network, recreational and open space policies. This being on account of the replacement facilities provided by the Council in the locality as part of

the new Madeley Academy and Abraham Darby developments. The master plan for the site includes a new community facility that would be provided in the form of a new modern doctor's surgery for local residents.

With prior consent being required with regard to appearance and landscaping, together with the prominence of the building being off set by the fact that it is further away from the World Heritage Site and Conservation Area, it is concluded that there would not be any detrimental impact on the setting of both these designations as a result of the proposals.

The issue of noise on existing and future residential amenity has been considered in the report and the conclusion reached is that in respect of both that there are no reasonable grounds to object to this proposal given the circumstances and the response of Environmental Health who raise no objection. However, in the absence of any details on the precise hours of opening it is considered a reasonable compromise to both adjacent residents and any future occupant of the unit if the hours for delivery and opening of the building are conditioned between 07.30 to 22.00 hours.

Planning conditions

Through the consultation process a number of responses have included recommendations regarding the imposition of planning conditions. Other issues as discussed in this report require the imposition of conditions in order to make the development acceptable.

Planning obligations

In responding to this application Madeley Parish Council has requested that developer contributions should be sought for a variety of purposes in the local area as outlined earlier in this report

In the absence of an approved Community Infrastructure Levy schedule the current position in relation to planning obligations is that set out in any specific local plan policy and more generally in the new National Planning Policy Framework. In respect of the NPPF this states in para 204 that:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In this respect, taking account of the above tests, it is unlikely that financial contributions can be secured for the items listed in the Parish Council's response letter with the exception of those connected to highways and transport as recommended by Highways officers.

Recommendation to Plans Board

Based on the conclusions above, the recommendation to Plans Board on this application is that DELEGATED AUTHORITY be granted to the Development

Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:

A.) Confirmation from Sport England that they do not object to the planning application.

B.) The Council as landowner agreeing to provide a Memorandum signed by the Assistant Director Development Business and Housing agreeing that the Council as landowner will pay the contributions (i), (ii) and (iii) below either upon the sale of any of the development land or upon commencement of the development whichever is the sooner (precise terms to be agreed by the Development Management Service Delivery Manager).

- (i) The development to provide a contribution of £12,182.59 towards the implementation of the Town Centre Transport Strategy as specified in Chapter 4.6, Transport, of the CTAAP document;
- (ii) The development to provide a Travel Plan Monitoring contribution of £5,000; and
- (iii) The development to provide a Planning and Financial monitoring contribution of £7,500.

C.) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

- 1. A01 Time limit
- 2. B02 Standard outline some matters reserved
- 3. B121 Landscape Design
- 4. B16 Details of earthworks
- 5. BCustom Details of the proposed car parking areas and vehicle delivery/servicing facilities
- 6. BCustom Details on pedestrian link to Parkway
- 7. BCustom Details and provision of a footway/cycleway along the northern verge of Parkway between the Parkway/Court Street traffic signal controlled junction to link with the existing footway/cycleway which terminates approximately 170 metres to the west
- 8. BCustom Revised Travel Plan to be submitted within 6 months of occupation.
- 9. B130 Trees protective fencing
- 10. B132 Trees no dig method
- 11. B150 Site Environmental Management Plan
- 12. BCustom Slope Stability for SUDS feature
- 13. BCustom Foundation design
- 14. B57 Land contamination
- 15. B33Custom Foul and Surface Water disposal
- 16. B96 Lighting Strategy
- 17. BCustom Pre commencement badger check
- 18. C10a Tree protection

- | | | |
|-----|---------|--|
| 19. | C27 | Foundation Design – landfill gas |
| 20. | CCustom | Access to the site only from the new access point as shown on plan submitted |
| 21. | CCustom | New access completed prior to occupation |
| 22. | CCustom | Parameters in respect of size of building |
| 23. | C38 | Development in accordance with deposited plans |
| 24. | DCustom | Hours of operation (including deliveries) to be from 07.30 to 22.00 |
| 25. | DCustom | Total gross floor area of the non-food retail unit hereby permitted shall not exceed 1,400 m ² There shall be no subdivision of the unit or any additional floorspace created (including any insertion of mezzanine floors) |
| 26. | DCustom | The range and type of goods to be sold from the non-food retail unit hereby permitted shall be restricted to the following: DIY and/or garden goods; furniture, carpets and floor coverings, camping, boating and caravanning goods, motor vehicle and cycle goods, and electrical goods |
| 27. | I106 | Ref Memorandum in connection with highways |
| 28. | I17 | contributions |
| 29. | I20 | Exercise caution – Minerals Area |
| 30. | I40 | Contamination |
| 31. | I44 | Conditions |
| 32. | ICustom | Reasons for grant of approval |
| 33. | ICustom | Trenches |
| 34. | ICustom | Standoff from habitat feature |
| 35. | ICustom | Nesting birds
Informative provided by Shropshire Fire Service |

REASON FOR APPROVAL:

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W2004/0981

Land to the north of, Holyhead Road, and West of, Wombridge Way, Ketley, Telford, Shropshire

Erection of a mixed use development of up to 750 residential and live-work units, retail, leisure, education, and community uses and ancillary small scale employment, as well as open space, landscaping, infrastructure and services (outline)

APPLICANT

English Partnerships and Taylor Woodrow

RECEIVED

11/08/2004

PARISH

Ketley
Oakengates

WARD

Ketley & Oakengates
Hadley & Leegomery

ORIGINAL APPLICATION: Erection of up to 750 dwellings, commercial units, school, community centre, and associated leisure facilities at Telford Millennium Community, Ketley

PROPOSAL

The purpose of this report is to seek Board's agreement to vary the terms of the Section 106 Agreement currently in place for TMC in relation to an element of the education contributions negotiated previously.

BACKGROUND

Outline permission for the Telford Millennium Community (TMC) was granted in 2006 and proposed 750 dwellings in total. The outline permission set out a 'Regulatory Plan' and Design Statement that acted as the framework for the development of the site. Reserved Matters approvals for Phase 1 in relation to 103 dwellings followed in 2006 and Phase 2 for 83 dwellings in 2010. Phase 1 is now complete while Phase 2 is due for completion in 2013. As the original outline permission has expired, the later phases (which will now be called Phase 3) will require a new consent and section 106 Agreement. However, it is understood that Phase 3 will provide a further 370 plots, which will result in a reduced overall total of 558 units – a reduction of just under 200 dwellings from that originally envisaged at TMC. Pre-application discussions are continuing through the Client Sponsors Group, with strategic issues decided by a Steering Group comprising Borough councillors, senior officers, Parish and developer representatives. It is anticipated that an application will be lodged for Phase 3 in the autumn.

As part of the original TMC proposals, the S106 agreement signed in 2006 made provision for a variety of local infrastructure and community facilities, including a new school and community centre. It was also agreed that a new school would be provided as part of the housing scheme which would have involved the existing infants school on Holyhead Road being amalgamated with Ketley Junior School.

In order to gain access to the site and construct the spine road for the development, it was necessary to demolish the Parkside Centre, which was

the home of Ketley Parish Council. Following closure of the Ketley Junior School, the Parish Council moved into the vacated premises, on a temporary basis until such a time as the new proposed school and community centre at TMC was built. £50,000 was provided within the S106 agreement for the essential alterations to the building to enable it to be used as a community centre for a temporary period.

In late 2007, the Council decided that the erection of a new school on the Millennium Community site would not go ahead as there would not be sufficient pupil numbers in the area to justify its provision. At that time, it was still envisaged that a new community centre would be built at the same location as planned, although it was also recognised that Plans Board approval would be necessary to modify the original section 106 Obligation. Subsequently, the Parish Council decided that it would prefer to remain in the former infants' school building and expressed a preference for a contribution to be made towards the refurbishment of the infant school building to make it suitable for community use. The works that will be necessary include the provision of acoustic glazing and a new heating system. The costs of the total works have been estimated at £175,000. However, time has passed as have circumstances and no formal agreement has been obtained, which would have necessitated revising the section 106 Obligation. The former school building and the associated parking area have now been transferred to the Parish Council.

PLANNING CONSIDERATIONS OF PROPOSAL TO VARY SECTION 106 OBLIGATION

The original outline planning permission for TMC has now lapsed; section 106 contributions associated with the outline permission have been made but some contributions remain outstanding. Clearly, the substantial proportion of the £5.25 million payable was towards provision of the new school and associated highway requirements. These are no longer necessary or required. In lieu however, contributions will still be necessary towards school placement provision, cycle routes and safe routes initiatives. Detailed discussions have taken place over several months involving Council officers, the HCA and the preferred developer partner Taylor Wimpey to properly reflect these changing circumstances – these also include of course a substantial reduction in overall number of plots at TMC. It is expected that a new section 106 Agreement will be sought when the application for the remaining part of TMC is submitted in the autumn and this will replace the original section 106 agreement.

Discussions that have taken place have recognised that the Ketley Parish Council had anticipated that a new community centre would be provided. However the Parish Council is satisfied that the former Ketley School premises is a suitable premises for their purposes. The premises are in need of upgrading and it is considered reasonable that the Parish Council should receive further assistance in order to carry out modernisation of these premises. HCA has agreed to fund the £175,000 that is needed by the Parish Council for the refurbishment and upgrade of their community centre. This

will require a deed of variation to the section 106 Obligation to enable these funds to be released for the modernisation of the former school premises.

As stated above, the original section 106 Obligation will need to be reviewed by Plans Board when the application for the remaining areas of TMC is considered. Officers have stressed the need for open book accounting and for appropriate viability appraisals to be undertaken. This work is ongoing but it is not felt that agreeing to a deed of variation to the original section 106 at this time would be prejudicial to the Council's consideration of yet further changes to the original Agreement later.

RECOMMENDATION

That a Deed of Variation or other appropriate mechanism of variation to the section 106 Obligation attached to planning permission reference W2004/0981 be authorised to permit the payment of £175,000 to Ketley Parish Council for the purposes of modernising the former Ketley Infant School premises.

TWC/2012/0595 5 Ainsdale Drive, Priorslee, Telford, Shropshire, TF2 9QJ
Single-storey side extension **Amended Plans**

APPLICANT
Stewart Watson

RECEIVED
26/07/2012

PARISH
St. Georges and Priorslee

WARD
Priorslee

THIS APPLICATION WAS DEFERRED AT PLANS BOARD 12th SEPTEMBER TO ALLOW MEMBERS TO MAKE A SITE VISIT AND ASSESS THE AMENDED PROPOSAL WHICH IS NOW FOR A SINGLE-STOREY EXTENSION.

ST GEORGES AND PRIORSLEE PARISH COUNCIL AND COUNCILLOR V FLETCHER HAS REQUESTED THIS APPLICATION BE DETERMINED BY PLANS BOARD

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Scale, position and impact on neighbouring amenity

THE PROPOSAL:

The single-storey side extension would provide the dwelling with a utility and living room. The extension would measure 4.40m wide and 2.9m high. The extension would measure 7.12m deep and sit flush with the existing rear elevation.

Originally permission was sought for a two-storey side extension; subsequent to neighbouring objections and officer concerns amended plans for a single-storey side extension were submitted for consideration. This two-storey scheme was initially recommended for refusal and reported at plans board on 12th September but with an update that the application had since been amended to a single-storey extension.

THE SITE AND SURROUNDINGS

This property is modern detached dwelling, located within the urban area of Telford. The house itself provides a front driveway, porch and a conservatory at the rear. The application property is orientated in its position so that its front elevation faces southwest. Land at the application site varies in ground level therefore the rear garden slopes somewhat in a west to east direction. Properties located to the east are positioned approximately 0.80m lower in level.

The site provides a front driveway, a shared garage (with number 6) to the side and parking provision for 2 cars. The garage is situated approximately 3.5m south east of the side facing flank. The gap between the garage and the existing house is open yet separated from the front driveway with a 1.8m high timber gate and fence.

The immediate area is predominantly residential surrounded with a mixture of dwellings. Located within Ainsdale Drive are a number of detached houses, however east of the application site are several bungalows situated within Ferndale Drive.

External materials consist of red facing bricks, concrete roof tiles and white upvc windows. The dwelling comprises of solar panels on the house and the garage, however this development constitutes permitted development under the GPDO.

CONSULTATION RESPONSES

St Georges & Priorslee Parish Council, Councillor V Fletcher and 2 Neighbours have objected on the following grounds:

- Increase in surface water
- Reduced sunlight into garden and rear of property
- Overshadowing
- Overbearing and intrusive
- Changing ground levels

Geotechs: Informative I17 (Exercise caution mining) and I20 contaminated land

Ecology: no comment

PLANNING HISTORY

W83/0286, erection of dwellings, authorised under New Towns Act 9th June 1983.

W83/0700, erection of residential estate, authorisation under New Towns Act 18th November 1883.

POLICY CONTEXT;

National Policy

National Planning Policy Framework (NPPF)

Core Strategy:

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

PLANNING CONSIDERATIONS

The proposed single-storey side extension would position to the side of number 5 Ainsdale Drive and would infill a gap located between the side of the main house and its eastern boundary fence. The extension would lie adjacent a side facing 1.8m high fence and would therefore the extension would measure approximately 1.2m higher than the fence. However by reason of differing ground levels, the extension when viewed from the

adjoining bungalow (number 25 Ferndale Drive) would appear somewhat hidden from view. Number 25 Ferndale Drive is screened along its rear garden boundary with a 2m-2.3m high fence. By reason of existing screening officers consider that the majority of the 2.9m high extension would be hidden from view and neighbours at number 25 Ferndale Drive would only see between 0.70m-1m of its side facing brick elevation.

By reason of the extension's modest height and the existing boundary treatment officers do not consider the proposed extension to have an unduly negative impact on neighbouring amenity. The officer should add that although the extension would reduce the separation distance between properties 5 Ainsdale Drive and 26 Ferndale Drive it should be noted that the extension would provide a flat roof and majority of the extension would be screened by an existing fence. Officers no longer consider the proposal to be overbearing and dominant when viewed from the adjoining bungalow (number 25) and its rear garden. In addition officers do not consider the extension will block natural daylight into the garden and principle kitchen and bedroom windows of number 25 Ferndale Drive.

Under Permitted Development (PD) the applicant could erect a single-storey side extension of 4.02m wide, 4m high up to the side boundary without the need for planning consent, albeit not forward of the front of the house. The LPA believe an extension built under PD would appear more prominent and harmful than the amended single-storey extension that is being proposed. Officers consider the proposed extension would pose less harm to neighbouring amenity than a permitted development extension. Therefore officers do not consider reasons of objection received would warrant a refusal.

The proposed extension is considered appropriate in terms of materials, design and scale as a result will not adversely affect adjoining occupiers or the surrounding amenity. The development will comply with policies contained within the Wrekin Local Plan and Core Strategy, therefore, this development is considered acceptable.

RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:

1. A04 Time Limit
2. C001 Matching Materials
3. C38 Development in accordance with plans

I17 Exercise Caution Mining

I20 Contaminated Land

I40 Conditions

I41 Grant of planning permission

RACUSTOM

The proposed extension is considered appropriate in terms of materials, design and scale as a result will not adversely affect adjoining occupiers or the surrounding amenity. The development will comply with policies contained

within the Wrekin Local Plan and Core Strategy, therefore, this development is considered acceptable.