

**TELFORD & WREKIN COUNCIL**

**PLANNING COMMITTEE**

**15<sup>th</sup> January 2014**

Schedule 1 - Planning applications for determination by Planning Committee

**TWC/2013/0871 Unit 108C, Halesfield 13, Halesfield, Telford, Shropshire, TF7 4QR**

Change of use from warehouse unit (Use Class B1, B2, B8) to metal recycling facility (Use Class Sui Generis) including the demolition of the existing building and erection of a two storey office building, 3no. outbuildings, 2no. weighbridges, an end of life vehicle facility and associated tank farm, a perimeter barrier and associated machinery, parking, access and landscaping .....2

**TWC/2013/0881 Land to rear of 49, 51, 53, 55, 57, 59, & 61, Muxton Lane, Muxton, Telford, Shropshire**

Outline application for the erection of 5no. detached dwellings including access, layout and scale, with appearance and landscape matters reserved \*\*\*AMENDED SITE ADDRESS\*\*\* .....14

TWC/2013/0871

Unit 108C, Halesfield 13, Halesfield, Telford, Shropshire, TF7 4QR

Change of use from warehouse unit (Use Class B1, B2, B8) to metal recycling facility (Use Class Sui Generis) including the demolition of the existing building and erection of a two storey office building, 3no. outbuildings, 2no. weighbridges, an end of life vehicle facility and associated tank farm, a perimeter barrier and associated machinery, parking, access and landscaping

**APPLICANT**

European Metal Recycling Limited

**RECEIVED**

28/10/2013

**PARISH**

Madeley

**WARD**

Cuckoo Oak

**OFFICER**

Matthew Thomas

COUNCILLOR ALAN MACKENZIE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY MEMBERS OF PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

**MAIN ISSUES:**

Scale and design of development, Employment and economy, Noise and other environmental pollution, Highways Infrastructure, Local amenity

**PROPOSAL:**

This full planning application seeks consent to change the use of unit 108C at Halesfield 13 from use class B1, B2 and B8 (Business, General Industrial and Storage & Distribution) to a metal recycling facility (Sui Generis) following the demolition of the existing building (part retrospective).

The application includes the erection of a two storey office building, 3no. outbuildings, 2no. weighbridges, an end of life vehicle facility and associated tank farm. A perimeter barrier is proposed around the site to help screen the development and to act as an acoustic barrier, which is then screened by areas of landscaping and parking? . Associated machinery, parking, access and landscaping also forms part of the application.

The processes which will be carried out at site are described as follows:

Non Ferrous (Small Loads): non-ferrous metals (e.g copper, cable, aluminium, lead) will be received in small quantities and scale. These loads will typically arrive on lighter vehicles. Customers will drive into the site via the main access point from Halesfield 14 and be directed, via the external hardstanding to the small traders' entrance. Once inside, these vehicles will offload their non-ferrous materials by

hand or with the assistance of forklift trucks for larger items on pallet where they will then be weighed in a covered external area and received into the non-ferrous buying shed where they will be weighed and sorted into categories.

**Non Ferrous (Large Loads):** occasionally non-ferrous materials will be received in large loads or items. Customers will drive into the operation yard and proceed towards the inward bound weighbridge. Again, the materials will be weighed and received into the non-ferrous buying shed where they will be weighed and sorted into categories. The various grades of non-ferrous metals, which are received at the site, will be stored in bays and once sufficient quantities have been bought, loaded to a shipping container for export.

**Ferrous:** Ferrous materials (iron, steel and associated alloys) will be received in larger quantities and forms, from a variety of suppliers. Ferrous scrap will arrive in the yard using larger vehicles ranging from large vans to articulated HGV's and skip loaders. Vehicles will proceed to the weigh bridge to be weighed . Ferrous scrap that requires processing will be deposited close to an unprocessed stockpile, ferrous scrap that is already of a size suitable for foundry processing will be deposited close to a cut grades stockpile, light iron etc will be deposited close to a small traders stockpile and ELVs will be deposited to the ELV processing facility. Mobile cranes will complete the process of placing the materials from the tipped area to the relevant stockpile. The ferrous metals will be sorted and stockpiled to await onward transfer. Some material will first be fed into the shear to reduce it to a size suitable for the foundry. The metal stockpiles in the operational yard will not exceed 5m in height. HGV's will be loaded with unprocessed, graded and processed material for onward transfer to one of EMR's larger processing site at Liverpool Docks or direct to UK based customers.

#### End of Life Vehicles

ELV is the process of scrapping cars and is regulated by the Environment Agency. Cars will be sourced from local businesses, including car dealers, vehicle breakdown recovery operations, local mechanical garages etc. The general public can sell cars direct to EMR however this is not common. EMR do not accept vehicles tyres on site. Cars will be taken into the ELV processing building to undergo the depollution process. All fluids from the vehicles will be collected and stored in the bunded tanks on site. Following this, vehicles will be stored externally in a separate area adjacent to the ELV building before being graded, stockpiled in the main yard and shipped via road to EMR's larger processing site in Liverpool Docks (for further processing through a shredder/fragmentiser).

#### SITE AND SURROUNDINGS:

The application site is situated within the established Halesfield Industrial Estate, approximately 4.5 miles to the south-west of Telford town centre. The site is roughly rectangular in shape and is approximately 3.58 acres in area and is surrounded by

industrial and commercial development, with the nearest residential development being approximately 200m to the west, beyond Brockton Way (A442).

The site is accessed by the A442 Queensway and has direct frontage to, and access from, Halesfield 13 and Halesfield 14. From Halesfield 14 there are two separate main access points for goods vehicles which lead to further car parking areas. The site used to be dominated by a number of large, clad warehouse buildings however most of these buildings have since been demolished and the site cleared leaving part of a side elevation creating a derelict and redundant site.

The wider area is characterised by B1, B2 and B8 development with belts of mature trees and woodland throughout the development. The site is surrounded by warehouses and offices with a substantial woodland belt on the south side. Neighbouring units include steel cable manufacturers, retail furniture, training centres, motor vehicle sales, commercial seating products, food manufacturers and distribution, CD & DVD media manufacturers, MOT test centre etc.

## SUMMARISED CONSULTATIONS:

### Standard consultation responses

Madeley Town Council: Support subject to conditions

Considers the proposal to be sustainable and of economic benefit however there are concerns which could/should be dealt with by condition relating to:

- impact on drainage,
- contamination,
- increase in traffic movements,
- noise and impact on neighbouring units and boundary treatments
- Suggested conditions:
  - Plans for surface treatment
  - Limit capacity to 50,000 tonnes for first year to allow assessment of impact
  - Limit hours of operation to 0800 hours to 1800 hours Monday-Friday and 0900 hours to 1300 hours on Saturdays – similar to adjacent units
  - Amended boundary treatment to be more in-keeping

Drainage: Support subject to conditions

- Foul & Surface water drainage & Brownfield run-off rates

Highways: Comment

- No objection in principle considering historical use of the site but condition parking/turning/loading/unloading

Environment Agency: Object – further information required

- There is a likelihood of some unacceptable noise pollution at this residential location is low due to high background noise levels however further

information required to provide assurance to both Council and third parties that there will be no impact post development

- Environmental Permit – generally satisfied to allow subject to receipt of requested additional information
- Contaminated Land – conditions to be provide from EA following receipt of requested additional information
- Sequential Test – further information required to comply with NPPF
- Flood Risk Assessment – EA are not aware of any historic flooding however further information required to demonstrate this

#### Environmental Health: Comment

- Site will be subject to environmental permitting controls & planning controls
- The noise report indicates that those controls should not seek to overlap, whilst this is agreed in principle, for waste operations there are some caveats. One such caveat affects scrap metal. Some scrap metal is exempt from permitting legislation as it is not considered waste. In such circumstances it is perfectly acceptable to have conditions that are consistent with those that might apply on a permit. As waste metal from industrial sources is normally considered exempt from permitting as it is not a waste, this would allow for consistent regulation if Planning controls and permitting controls mirrored each other
- It should be noted that we have complaints from an existing similar operation within Telford
- Concerns that the noise readings that form the basis of the assessment are very short duration, only 30mins spread across 2 locations
- Concerns that the noise readings have only been taken at the sensitive residential receptors, no readings have been taken on the estate itself. There is therefore a lower level of confidence in the basis for comparison of background and ambient noise levels as a result
- Concerns that the assessment methodology uses long term LAEQ as a metric. This type of assessment has a tendency to underestimate the impact of crashes and bangs in the environment, and tends not to appropriately describe the actual perception of those noises. Methods for assessment of impact noise such as LMAX assessment or real time analysis or other types could have been used to better clarify the overall likely impact
- It should be noted that some of the current users of that Halesfield 13 are not industrial operations, and that some actually qualify as sensitive receptors (in particular the training facility). Most of the units also have attendant offices which could also be considered sensitive
- If the committee are minded to approve the application it is recommended that a series of planning controls consistent with those in the proposed permit would be required. Additionally a condition restricting hours of use and delivery 08:00hrs 18:00hrs Monday – Friday and 09:00hrs – 13:00hrs Saturdays and at no time Sundays or bank Holidays would be recommended

Contaminated Land: No comments received

Ecology: Condition erection of nest boxes and include wildlife informatives

West Mercia Constabulary: No Comment

Shropshire Fire Service: Add Fire Authority Informative

### Neighbour consultation responses

Following consultation 18 letters of objection have been received from neighbouring units and their objections are summarised below:

- Proposed operations will be inherently noisy and unsightly
- Site is to be open to the public – concerns over impact in traffic movements
- Operational yard to be screened by a solid barrier ‘designed to mimic the appearance of a building’ however in the absence of enforceable planning conditions regarding future maintenance the issue of visual detriment will remain long-term
- HCA have consistently resisted the siting of sui generis Waste Recycling Operations on ‘employment estate land’ in their ownership in Telford due to the potentially adverse effect on local amenity
- Proposal is contrary to policy UD2 of the WLP, policies CS2 and CS15 of the CS and criteria set out in Shaping Places document
- Proposal will have an adverse impact on nearby businesses as well as the Halesfield Industrial Estate
- Halesfield 13/14 is one of the cleaner and quieter parts of the industrial estate unlike other areas which include heavier, dirtier and noisier types of industry
- The other comparable site in Telford is the Metal & Waste Ltd site at Lightmoor where retrospective consent was approved despite objections from nearby neighbours and the reservations made by the Council’s Environmental Health Officer
- The site at Lightmoor has an 8m high boundary fence as opposed to the 6-7m proposed which was supposed to militate against any adverse impact in respect of noise. Nevertheless, the site is currently the subject of significant and on-going complaints for the occupiers of neighbouring properties affected
- Noise associated with a scrap yard is scraping, crashing, bangs, high pitched metal screams etc – noise will be totally different from the existing background noise and will have an adverse impact on the amenity of neighbouring units
- Consideration is given to the residents of nearby Chillcott Gardens Residential Care however it does not state whether or not the residents will be able to hear the noise from the proposed scrap yard
- Consideration is given to the effect of the wind in respect of the potential noise. However, the proximity of The Wrekin is such that the Borough experiences unusual winds and therefore it is not appropriate to rely on the weather to ensure that noise sensitive receptors will not be adversely affected
- Background Noise Measurements – they are all assumptions and appear to have been made on the basis of 30mins of noise readings. This is not considered a sufficient length of time
- The cranes and numerous vehicles entering and exiting the site will be seen however even if there was no visual stimulus, the psycho acoustic properties fail if people are disturbed and cannot see the noise source

- It is stated that commercial premises on an industrial estate cannot expect to enjoy the same level of tranquillity as a residential property and whilst this statement has some merit it is for the application to demonstrate acceptability; which he has failed to do so
- Whilst it is acknowledged that the site is a sustainable location and the principle of recycling is supported, it is considered that the location of the site on this quiet part of Halesfield is inappropriate for this type of Sui Generis use
- The proposed development is contrary to the guidance contained within the NPPF as it has not satisfactorily demonstrated that the benefits of the proposed scrap yard demonstrably outweigh the significant adverse impacts likely to be experienced by the existing business premises and occupiers of the nearby residential dwellings and moreover the scrap yard will give rise to significant adverse impacts on health and quality of life

#### RELEVANT HISTORY:

W2001/0360 - Change of use to use class B1C, B2 & B8 - FG 18/06/2001

Pre-application advice for the proposed development including a screening opinion which concluded an Environmental Statement was not required.

#### RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Core Strategy:

CS2 Jobs

CS3 Telford

CS9 Accessibility & Social Inclusion

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan:

EH7 Contaminated Land

UD2 Design Criteria

#### PLANNING CONSIDERATIONS:

##### Employment

The National Planning Policy Framework advises Local Authorities to 'proactively drive and support sustainable economic development to deliver homes, business and industrial units' and to 'take a positive and constructive approach towards planning applications that contribute towards economic development'. Policy CS2 of the Core Strategy advises that provision should be made to 'meet the needs of existing businesses' and 'help create new job opportunities in accessible locations'.

The proposed facilities are located within an existing employment area within south Telford. Telford benefits from 4 main employment areas, Stafford Park, Hortonwood, Halesfield and Tweedale. Stafford Park and Hortonwood have remained free from relatively heavy industries which are part of the makeup of Halesfield and Tweedale, and as such the wider area of this employment area is characterised by such facilities. Whilst recognising there are a mix of facilities in the area the principle of this development within Halesfield is considered acceptable, ensuring facilities can be provided within the borough and reducing the impact on amenities of the boroughs residents in addition to those more lighter industries and other more environmentally sensitive uses.

The proposed development will bring about a minimum of 17 full-time employment opportunities and therefore actively supporting the Borough's needs for new jobs in an already established employment area, and consequently considered a sustainable location compliant with CS2 of the Core strategy.

### Design

Existing entry points to the site will be used, to the east off Halesfield 14. Two separate car parking areas will be provided in front of the proposed 6-7m high steel screen boundary fence. Sliding gates to the north-east corner of the site will provide access in to the operational yard and close to this entrance will be two 15m long weighbridges which will be used to provide accurate recordings of the vehicles entering and exiting the site. To the north will be the office and welfare building, the weighmans cabin and a dedicated area for parking for small traders. The central area of the site will be left mostly clear to provide a turning circle for large vehicles to allow safe movements within the site and safe access and exits. Along the eastern boundary will be an area dedicated to end of life vehicles (ELV's) and to the most southern part of the site will be two separate stock piles, the shear plant and two non-static mobile cranes.

A solid barrier will surround the site which will be used to secure the site operations as well as break the line of sight associated with the more unsightly aspects of the proposals, such as stockpiling of materials from a visual impact perspective and also acting as a notice transfer deterrent. It is proposed that the barrier will be a minimum 6m in height to the south and west yard boundaries and a minimum 6.5m high to the north and east yard boundaries expect for the area adjacent the proposed shear, which will be a minimum 7m high. Whilst these barriers appear large they are designed to mimic the appearance of an industrial building being faced with aluminium cladding panels. The steel boundary fencing has been designed to provide screening to visually contain the development and provide noise attenuation from the operations. The fencing will be constructed from structural steel stanchions to which will be fixed a continuous lining of 6mm thick steel plates. This will form a solid barrier and will provide both an effective visual and noise screen whilst also accommodating the loading to the barrier from the stockpiles of scrap metal

adjacent. The plans submitted with this application indicate that from a street scene vantage, the majority of the plant will be screened from view and broken up by intermittent landscaping. New landscaping is proposed around the western and northern boundaries of the development and along Halesfield 13 this includes hedgerow and specimen tree planting. Further tree planting is proposed for the north western section. Officers are satisfied that given the location and presence of existing planting that the proposed landscaping is acceptable subject to implementation condition. In essence the proposal has been designed to reflect that of an industrial building, though without a roof, and softened by landscaping to the street scene. The proposal therefore reflects and reinforces the character of the surrounding employment area compliant with policy CS15 of the Core Strategy and UD2 of the Wrekin Local Plan.

### Noise

The applicant has submitted an independent noise impact assessment to assess the noise emissions from the proposed site and to identify and additional noise mitigation required to achieve an acceptable development. The detailed report summarises that the proposed site is located within a very large industrial area where a mixture of road transportation and commercial/industrial noise is expected. This was evident on site where large vehicles used the adjacent access road heading towards the scrap vehicle merchants on Halesfield 14 approximately 200m south of the site, in addition to the general industrial and road noise. Officers also acknowledge the location of the existing scrap yard to the south of the site which is in closer proximity to residential units on the opposite side of Brockton Way (A442), and set at a lower level than the highway.

The report advises that there is adequate separation distance between the proposed site and residential locations such that there is no demonstrable harm to amenity. The report states that using worse case propagation conditions and typical worst case daytime background noise levels, predicted source noise from EMR operations are below limits of acceptability proposed by MAS Environmental and the NPPF technical guidance. The boundary screening is proposed between 6 and 7m in height and will specifically reduce noise levels whilst maintaining visual amenity. The report concludes that the site is considered suitable for metals recycling with regards to noise impact and with the screening mitigation, use of worst case noise values and lowest background levels which therefore provides a good margin of certainty. This is further improved with strategic positioning of on-site activities to maximise screening for noise reduction. The report advises that the noise measurements and predictions indicate this locality is ideally suited to this type of industrial development.

Environmental health have assessed this report and have not raised any objections to the proposal; whilst it is noted there are issues related to a similar use this is located at a more secluded location at Lightmoor in closer proximity to residential

units (approximately 60 from the nearest operations to the nearest dwelling , situated on higher ground, with a woodland buffer between, and no other noise sources surrounding); and not within an industrial estate where an element of background noise from other uses exists. Consideration is also given to the use of conditions to control the hours of use, ensuring the work is conducted in reasonable hours where background noise is high; the applicant has requested 07:00 -19:00 Monday to Friday and 07:00 – 14:00 Saturday however in line with the Environmental health comments it is considered reasonable to condition slightly shorter hours, these are 08:00-18:00 Monday to Friday and 09:00-13:00 Saturdays with no workings Sunday or public holidays.

The planning statement estimates that the site is expected to handle 50,000 tonnes per annum; as some of this volume is scrap metal it will be exempt from the EA permit, and as such it is considered necessary to control the entire site. No concerns have been raised with regard to the proposed volume and as such it should be limited to 50,000 which will also ensure the impacts to the environment including noise are reduced.

It is noted that the EA have objected and requested further clarification, it is anticipated that that this will be removed on the submission of further information. Consequently it is considered that the proposal will not have an adverse impact on amenity of either adjacent uses or much further wider residential amenity by virtue of noise.

### Environment

It is proposed that all site activities will be carried out under the terms of a waste management permit issued and regulated by the Environment Agency. This permit covers all the required controls, management operations and waste acceptance conditions. The requirements are monitored by the Environment Agency by site inspection, enforcement of compliance to ensure the desired standards are met in terms of the onsite operations. The whole of the yard will be surfaced in concrete with all run off from the concrete hard standing being drained into a sealed drainage system which will finally be discharged into a foul sewer subject to the appropriate consents. The Council's Drainage Officer has reviewed this application and the documents submitted and raises no objections to the proposed development subject to standard drainage conditions; it is therefore considered that the proposal will not cause flooding or ground water pollution and can be adequately drained.

Due to the nature of the operation being the handling of metallic waste, it is highly unlikely to generate any odours. It is further considered that the creation of dust will be minimised due to the whole site being concreted. The tipping of scrap on to concrete can in itself lead to the occasional occurrence of dust however this will be controlled by the regular use of a road sweeper. In addition, if dust occurs in the

event of particularly dry weather, a water bowser will be kept on site to suppress its release. Subsequently officers consider the proposal will not have an adverse impact on the environment by virtue of odour or dust.

At the time the report was prepared, the Environment Agency (EA) has submitted an objection to the proposed development as they require further supporting information to base their final considerations. The Local Planning Authority considers this issue can be readily overcome through further discussions with the applicant's agent and a representative from the EA. The required information has been requested and officers are currently awaiting a response from the applicant's agent. On a separate note, whilst planning consent may be awarded for the proposed development, the site will not be able to operate without the environmental permit which will be produced by the Environment Agency. The applicant will need to satisfy the outstanding concerns of the EA before this permit will be granted. Officers will provide members with an update on the situation at Committee.

### Contaminated Land

The applicant has carried out a Phase 1 Desk Study which assesses the potential contamination from previous uses. No intrusive investigations have been carried out to date. The desk study and walkover identified that there may be asbestos containing materials which would need to be dealt with appropriately when the existing building is demolished. Since the preparation of this report, the majority of the buildings have been demolished. Further issues raised relate to above ground storage tanks, groundwater and drainage systems as well as engineering wastes. Once the above concerns raised by the Environment Agency have been addressed, the EA will provide a suite of conditions relating to contaminated land, and consequently it is considered that the proposal can be adequately located on this site without harm from previous uses.

### Arboriculture/Ecological Issues

An arboricultural implication assessment and method statement was submitted as part of this application. This report highlights the tree works to be undertaken prior to the commencement of development as well as identifying the need for protective fencing to be erected on site. Whilst the recommendations are relatively minor, appropriate conditions will be imposed to ensure the works are carried out. An ecological assessment was also submitted however no evidence of any protected or priority species were found during the survey. The Council's Ecologist raises no objections to the proposed development subject to the imposition of appropriate wildlife conditions and informatives; accordingly it is considered that the proposal will not have an adverse impact on the flora and fauna located in the immediate area.

## Highways

Access into the site is currently obtained from multiple existing access points from Halsfield 13 and Halesfield 14. There are currently two access points into the site from Halsfield 13 and a further three access points from Halesfield 14. It is proposed to retain and re-use the two existing access points from Halsfield 13. A total of 25 car parking spaces are to be provided within the site of which two will be disabled spaces. The car parking spaces are to be sited outside of the operational yard to the east of the site. Furthermore, subject to a standard condition, the Council's Highways Engineers have raised no objections to the proposal. Whilst it is acknowledged that the proposed development may give rise to an increase in traffic, considering the existing use of the site, it is not considered the resulting level will have a significant adverse impact on the free flow or safety of highway users.

## Conclusion

Whilst a number of objections have been received; officers consider many of the issues raised have been addressed in this report in particular those matters relating to noise. There are a number of Industrial Estates within the Borough including Stafford Park, Tweedale and Halesfield. Stafford Park tends to accommodate less industrial uses and therefore it is considered that EMR sites such as the one proposed are better suited to Tweedale/Halesfield. There are no Enterprise zones /designated use class areas for different parts of the Industrial estate hence the requirement for planning permission each time the use changes in accordance with the Use Class Order. The Local Planning Authority has engaged in pre-application with the applicant and ultimately considers the site to be one of the most suitable sites for this type of operation within the borough.

Whilst there may well be an increase in noise as a result of the proposed metal recycling facility, fencing will be erected along the perimeter of the site ranging between 6 and 7m in height and specifically designed to reduce noise whilst maintaining visual amenity. It is considered that the site is situated at a suitable distance away from nearby residential dwellings. Whilst there are numerous neighbouring units in close proximity to the site it is considered that subject to design, noise mitigation, layout of the site, suitable landscaping together with the permit from the Environment Agency, the site will be suitably managed to prevent a significant adverse impact on the day-to-day running of nearby premises.

The National Planning Policy Framework asserts that there is a presumption in favour of sustainable development and encourages Local Planning Authorities to do everything it can to support sustainable economic growth. The proposed site is situated in an existing employment area, and is accessible and as such considered a highly sustainable location and it is therefore the opinion of the LPA that the proposal is compliant with the guidance contained within the NPPF. The Local Planning Authority considers the proposal also complies with local policy including policies

CS2, CS3, CS9, CS13 and CS15 of the Core Strategy and EH7 and UD2 of the Wrekin Local Plan.

**RECOMMENDATION:**

GRANT DELEGATED AUTHORITY to the Development Management Service Delivery Manager to GRANT PLANNING PERMISSION subject to the removal of the Environment Agency objection and subject to the following conditions:

1. A04 Time limit
  2. B61 Foul & Surface Water, including Brownfield run off rates
  3. BCus Details of acoustic barrier
  4. B121 Landscaping
  5. C02 Finishing materials as detailed
  6. C13 Parking/Turning/Loading/Unloading
  7. C38 Development in accordance with plan Nos.
  8. C100 Erection nest boxes
  9. D04 Hours of operation 08:00hours to 18:00hours Monday to Friday, 09:00hours to 13:00hours Saturday, No working on Sundays or Public Holidays
  10. Dcus Stack heights – 7m high
  11. Dcus Limit of annual tonnes – 50,000 tonnes
- I32 Fire Authority  
Wildlife Informatives  
EA permit

Members will be provided with an updated list of conditions following further consultation with the Environment Agency

TWC/2013/0881

Land to rear of 49, 51, 53, 55, 57, 59, & 61, Muxton Lane, Muxton, Telford, Shropshire

Outline application for the erection of 5no. detached dwellings including access, layout and scale, with appearance and landscape matters reserved \*\*\*AMENDED SITE ADDRESS\*\*\*

**APPLICANT**

H G Clarke

**RECEIVED**

31/10/2013

**PARISH**

Lilleshall, Donnington and Muxton

**WARD**

Muxton

**OFFICER**

Anna Adams

THIS APPLICATION WAS DEFERRED AT 18<sup>TH</sup> DECEMBER 2013 PLANNING COMMITTEE TO ENABLE MEMBERS TO UNDERTAKE A SITE VISIT.

No further consultation comments or amended plans have been received since the application was considered at the previous Planning Committee meeting.

In relation to the highways issues raised in neighbour consultation responses and at the Planning Committee meeting, officers wish to reiterate that the Highways Engineers have no objection to the proposal and that they raised no objection in relation to the 2004 proposal (W2004/0965). This was noted in paragraph 14 of the Planning Inspector's decision, dated 29<sup>th</sup> June 2005, who stated that the relatively small volume of additional traffic which would be generated by the development would not significantly impact highway safety to justify refusal of permission on these grounds alone.

As stated in the original officer report, the previous application W2004/0965 was dismissed by the Planning Inspector as it conflicted with national planning policy contained in PPG3. This is not a saved policy. The current proposal is in conformity with the NPPF and local planning policies and is therefore acceptable and recommended for planning approval subject to conditions and informatives.

Accordingly, the recommendation is unchanged.

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

1. A01 Time limit Outline
2. A02 Time limit – submission of Reserved Matters
3. B02 Standard Outline - some matters reserved
4. B03 General details required
5. B10 Details of materials
6. B61 Foul and Surface Water
7. B75 Greenfield Runoff Rates

8. B121 Landscaping design
9. B130 Trees – protective fencing
10. B131 Trees – services root protection
11. B132 Trees – no dig method
12. B134 TPO tree – extent of works
13. B150 Site Environmental Management Plan
14. C13 Parking, Loading, Unloading and Turning
15. C71 Trees – soil levels and storage of materials
16. C100 Nest boxes
17. C38 Development in accordance with Approved Plans
18. D01 Removal of Permitted Development
19. D03 Restriction on Garage Conversion

Informatives:

- I22 Ecology informative
- I32 Fire Authority
- I35 Highways informative
- I40 Conditions
- I44 Reasons for Outline consent
- RANPPF Approval - NPPF

The update report and original officer report are attached below for information:

Further to the Arboricultural Officer's comments, an amended plan has been submitted with a slight realignment of the drive, to reduce the impact of the development on the root protection area of the trees covered by the Tree Preservation Order.

The original officer report set out the previous planning applications in 'Planning History'. For clarification, the following planning history relates to the application site:

W2004/0965 Erection of 5 Detached Dwellings (Outline), Refused at Planning Committee 09/11/2004, Appeal dismissed 29/06/2005

Pre-application enquiry submitted in 2013 – principle of development considered acceptable

All of the other applications referenced relate to the adjacent land to the east of the application site, and to the rear of the Coach House, with access off the existing shared vehicular access:

W2003/1176 residential development of 3 houses (outline), Outline granted 15/03/2004

W2005/0617 Erection of 3no. Dwellings (Reserved Matters), Granted 31/08/2005

W2006/1007 Residential Development Comprising of 2no. One Bed and 2no. Two Bed Mews Flats, One Single Dwelling, Stabling and Double Garage to Coach House (Outline), Refused 11/10/2006

W2006/1352 Erection of 3no. Detached Dwellings (Amendment to Reserved Matters Approval W2005/0617), reserve matters granted 29/12/2006

TWC/2013/0058 Erection of a detached dwelling, Full granted 19/03/2013

Since preparation of the officer report, objections and comments have been received.

Shropshire Fire Service has no comment to make.

Lilleshall, Donnington & Muxton Parish Council objects on the following grounds:

- The proposed site is a greenfield site in the context of PPG3
- The site is not located within an urban area and its development would extend the urban area into an area of open countryside
- Loss of privacy to 49, 51, 53, 55, 57, 59 and 61 Muxton Lane
- Access to the site is extremely poor as it will be down a narrow lane.

The further neighbour objections are summarised thus:

- Proposal is not distinctly different from the 2004 application, which the Inspector considered “represents an unsustainable form of development which should not be allowed.”
- Reference to Policy H12 of the Wrekin Local Plan
- Hedge line clearly defines edge of urban area – Inspector’s view was that the urban area was the hedgerow at the rear of the gardens; not as shown in the Local Plan
- Site is beyond established built-up area and does not relate to existing street pattern and form of development
- Green belt/ Greenfield site and core principles of NPPF that require local authorities to have regard to the character of different areas, protect Greenbelts and recognise the beauty of the countryside. Furthermore local authorities should conserve and enhance the natural environment and reduce pollution. “Allocations of land for development should prefer land of lesser environmental value...”
- NPPF – effective reuse of previously developed (brownfield land), of which Telford has a large amount – will set precedent for development on other greenfield sites
- Telford’s green open spaces are one of its attractions
- Fields used for grazing of animals/ paddocks
- Definition of sustainability relating to economic, social and environmental impacts
- Material considerations include character, appearance and siting of existing building and oak trees protected by Tree Preservation Order
- Development is not plan-led
- Location and nature of development will not enhance and improve the area

- 5 year housing supply means such greenfield development should not be approved
- Does not take account of role and character of open countryside, nor will it contribute to conservation and enhancement of natural environment
- Impact on wildlife
- Impact of development on a badger sett on another greenfield site in Ketley
- Highway safety – access road, re: W2003/1176 permission for 3 dwellings to rear of Coach House, Highways Authority advised access was suitable for max. 8 dwellings – already 5 dwellings plus commercial vehicles associated with business at the Coach House
- Volume of traffic, including to golf club – one resident’s survey recorded over 300 vehicles over a 4 hour period using Muxton Lane
- Difficulty for emergency vehicles due to poor visibility
- Lack of footpath – safety of children, horse and riders – possible accidents
- SHLAA 2012
- Impact on local facilities
- Adverse impact on amenity - Loss of privacy, overlooking issues – NPPF para 17 – high quality design and good standard of amenity for all existing and future occupants
- NPPF – policies to resist inappropriate development of residential gardens
- Muxton has received enough development. This land was not designated for development and will set an irreversible precedent, which will eventually join Muxton and Lilleshall together
- The same Agent previously applied for development on surrounding fields in 2003
- Whilst there is no right to a view, loss of view can be relevant
- Light pollution
- Proposal will not meet housing needs as it will create 5 large family homes, of which there are many in the area
- Development will significantly alter character of area
- Presumption in favour of development if it is in accordance with the development plan
- Three houses opposite site does not form planning precedent

The above Parish Council and neighbour objections are noted. The majority of the issues have been addressed in the officer report.

For clarification, Policy H12 of the Wrekin Local Plan is no longer a saved policy and PPG3 has been superseded by the National Planning Policy Framework, as set out in the officer report. Currently the Council is drafting its Shaping Places document; which will set out the land allocations; however as outlined in the officer report, the Local Authority cannot demonstrate a 5 year deliverable housing supply. The Local Plan indicates that the site is located within the built-up area of Telford and can be accessed and drained, with appropriate conditions to address these and other matters such as trees and ecology; therefore the proposal complies with planning policies. Whilst the Inspector’s interpretation of the site is noted; the Local Planning Authority considers that the site is located within the built-up area, and it does not extend development into the open countryside. On balance, the issue of need for

housing supply outweighs any concerns regarding the loss of this greenfield land and is considered acceptable in principle.

With regard to comments raised in relation to Highways safety issues, the Highways Engineer has raised no objection subject to conditions. The previous Committee report in 2004 made reference to the access road being acceptable for a maximum of 8 dwellings. This proposal would result in 10 dwellings being served off the access road, which would equate to a small number of additional vehicle movements.

It is considered that the development can be accommodated without adversely impacting residential amenities of existing residents; with adequate separation distances between existing and proposed dwellings. The amended block plan with the realigned drive further addresses tree issues, and will ensure their protection and retention. In terms of the character of the area and the relationship of the proposed development with existing properties, the layout and orientation of the properties reflects the character of the 3 large modern dwellings erected at the rear of The Coach House and is therefore appropriate and accords with planning policy. A number of comments refer to the commercial business use at the rear of the Coach House. The Enforcement Officer is continuing to monitor the activities; however, initially, it appears to be ancillary to the property and does not require a formal change of use to be submitted.

Accordingly, the recommendation is unchanged and remains for approval subject to conditions and informatives, as set out in the officer report.

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

1. A01 Time limit Outline
2. A02 Time limit – submission of Reserved Matters
3. B02 Standard Outline - some matters reserved
4. B03 General details required
5. B10 Details of materials
6. B61 Foul and Surface Water
7. B75 Greenfield Runoff Rates
8. B121 Landscaping design
9. B130 Trees – protective fencing
10. B131 Trees – services root protection
11. B132 Trees – no dig method
12. B134 TPO tree – extent of works
13. B150 Site Environmental Management Plan
14. C13 Parking, Loading, Unloading and Turning
15. C71 Trees – soil levels and storage of materials
16. C100 Nest boxes
17. C38 Development in accordance with Approved Plans
18. D01 Removal of Permitted Development

19. D03 Restriction on Garage Conversion

Informatives:

I22	Ecology informative
I32	Fire Authority
I35	Highways informative
I40	Conditions
I44	Reasons for Outline consent
RANPPF	Approval - NPPF

COUNCILLOR LAWRENCE HAS REQUESTED THAT THIS APPLICATION IS DETERMINED BY MEMBERS AT PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of development, Access and Highway safety, Scale, Character, Residential amenity, Impact on protected trees

THE PROPOSAL: The application seeks outline planning permission for the erection of 5 detached dwellings and double garages, with access, layout and scale to be considered at outline stage. The dwellings would be two-storey and would be orientated with front elevations facing northeast. They would share the existing access on to Muxton Lane, which serves existing properties.

Appearance and landscaping are reserved matters for subsequent consideration.

SITE AND SURROUNDINGS:

The application site comprises paddocks covering an area of 0.55ha, located to the north (rear) of established residential properties, Nos.49 to 61 Muxton Lane, which are 2-storey houses, except No.51 which is a bungalow. The site is bounded by a timber five-bar farm gate and fencing, with mixed hedgerows and trees. There are Tree Preservation Orders on 3 trees adjacent to the site entrance at the southeast of the site and to the northern boundary of the site.

To the north of the site is agricultural land, to the east are stables and an outbuilding, with recent planning permission for residential conversion, with 3 modern large detached dwellings on the opposite side of the shared access. The Coach House also shares this access and fronts Muxton Lane.

The access road from Muxton Lane is a narrow hard surfaced lane and serves existing properties and stables. A grass verge with brick boundary wall and conifers bound the site entrance to the south, with hedgerows to the garden boundary of No.61 on the north side of the entrance.

The application site is located in the urban boundary in a residential area comprising a mix of traditional Duke of Sutherland properties and modern semi-detached and detached dwellings.

**PLANNING HISTORY:**

W2003/1176 residential development of 2 houses (outline), Outline granted 15/03/2004

W2004/0965 Erection of 5 Detached Dwellings (Outline), Refused at Planning Committee 09/11/2004, Appeal dismissed 29/06/2005

W2005/0617 Erection Of 3no. Dwellings (Reserved Matters), Granted 31/08/2005

W2006/1007 Residential Development Comprising Of 2no. One Bed and 2no. Two Bed Mews Flats, One Single Dwelling, Stabling and Double Garage to Coach House (Outline), Refused 11/10/2006

W2006/1352 Erection of 3no. Detached Dwellings (Amendment to Reserved Matters Approval W2005/0617), reserve matters granted 29/12/2006

TWC/2013/0058 Erection of a detached dwelling, Full granted 19/03/2013

Pre-application enquiry submitted in 2013 – principle of development considered acceptable

**PLANNING POLICY CONTEXT:**

National Planning Guidance  
National Planning Policy Framework

Core Strategy  
CS1 Homes  
CS5 District and Local Centres in Telford  
CS12 Natural Environment  
CS13 Environmental Resources  
CS15 Urban Design

Wrekin Local Plan  
UD2 Design Criteria  
H6 Windfall Sites in Telford & Newport  
OL6 Open land  
OL11 Woodland and Trees

**CONSULTATION RESPONSES:**

Lilleshall, Donnington & Muxton Parish Council: no comments received

Councillor Lawrence objects to the proposal and has 'greencard' the application, so that it is determined at Planning Committee. He has concerns on the following issues:

- Access
- Existing traffic issues on Muxton Lane

- Previous planning issue from 10 years ago, same issues were raised at the time and a similar application was refused and rejected on appeal
- Encroaching onto Green Network
- Setting precedent of development on Green Network
- Visually intrusive

Highways: No objection subject to condition regarding parking, loading, unloading and turning. A comment is also made that although the road is to remain private the proposed new turning head for delivery vehicles appears rather tight. The road will need to be privately serviced.

Drainage: Support subject to conditions regarding details of foul and surface water drainage and runoff rates.

Arboricultural: makes the following comments that a soil survey is required which will dictate the depth of the foundations adjacent to the trees. The management recommendations require tree T2 to be crown lifted; however the access could be adjusted to facilitate the canopy of the tree. If the application is approved, conditions should be imposed in relation to the following: landscaping design, protective fencing, services impact on tree roots, 'no dig' method, extent of tree works to TPO tree, soil levels and storage of materials.

Ecology: Support subject to a condition regarding Erection of nest boxes and informatives regarding Nesting birds, Trenches, Enhancement planting and Retention of deadwood.

Shropshire Fire Service: Advice regarding Access for Emergency Fire Service Vehicles, Water Supplies for Fire Fighting and Sprinkler Systems.

8 letters from local residents have been received with the following summary of comments raised:

- Highway safety – number of existing vehicle movements from residential properties and courier vans and livery vehicles to businesses – impact of further traffic from additional 5 dwellings
- Narrow access road, with no footpaths – pedestrian safety issues
- Visibility issues on access road and on Muxton Lane
- Amount of existing traffic associated with Shropshire Golf Club
- Ownership of access road
- Insufficient parking
- Issues in relation to this and adjacent site with regard to the Strategic Housing Land Availability Assessment (SHLAA) 2012 report SHLLA site 630 deemed to be outside suitable settlement and site 446 has access issues
- Impact on protected trees (TPO) and local wildlife – large variety of birds observed in trees and hedgerows on and adjoining the site
- Development in old part of Muxton is inappropriate, as existing properties adjoin countryside and fields and the area has significant character
- Impact on 'Green Belt' and open land which would be contrary to national policy in NPPF and PPG7/ PPS7 and OL6 of the Wrekin Local Plan

- Detrimental impact on residential amenities – currently safe with available on-road parking, valuable green space, peaceful environment
- Muxton is overcrowded, with local school oversubscribed and doctor's surgery near capacity. Proposal will exacerbate these pressures on services
- Position of tree T7 on block plan is incorrect as located on neighbouring land
- Previous objection to W2004/0965 – subsequent appeal was dismissed by Planning Inspector in relation to PPG3, which has now been superseded
- Original site address – land to rear of The Old Coach House – was misleading
- Lack of direct notification and delays with letters being posted and site notices being displayed, confusion with dates being different, inadequate notice period
- Wider consultation required
- Loss of view
- Devalue property

Following the issues raised by residents that the site address on the notification letters was misleading; amended letters with the revised address were sent and a new site notice placed at Muxton Lane. The consultation period expires on 9<sup>th</sup> December. Any further consultation comments will be summarised in an update.

#### PLANNING CONSIDERATIONS:

The application seeks outline planning permission for the erection of 5 dwellings. The current proposal is similar; although not identical to the previous outline planning application, W2004/0965, which was refused by Members at Planning Committee and the appeal was dismissed by the Planning Inspector in 2005. The appeal was dismissed on the grounds that it was a greenfield site, as in line with the relevant national policy guidance at that time, Planning Policy Guidance note 3 (PPG3), it was considered a sequential approach should have been undertaken, with priority given to building on previously developed ('brownfield') land.

National planning policy has changed significantly since the determination of the appeal in 2005. PPG3 was replaced by PPS3 in 2011, and this was subsequently superseded by the National Planning Policy Framework (NPPF) in March 2012. Within NPPF, the document outlines that Local Planning Authorities (LPA) should encourage the effective use of land by reusing previously developed land; however it does not set out the requirement for a sequential approach to be taken. The NPPF sets out that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is identified in the Strategic Housing Land Availability Assessment (SHLAA) 2012 as 'available' and 'achievable', but not 'suitable', as the report states it is outside of a suitable settlement. The SHLAA provides baseline evidence regarding sites with housing potential; however this does not mean that all sites identified in the report will or will not be allocated. Despite its listing in the SHLAA as being outside a suitable settlement, the application site is located within white land in the Local Plan, (land without any designation) and falls within the urban boundary of Telford. The site bounds established residential development and does not extend into the open countryside. Therefore it is considered that the site is appropriate for residential development.

Furthermore, in accordance with paragraph 47 of the NPPF, all Local Authorities are required to identify that they have a 5 year housing supply of deliverable sites, and this is updated annually. Telford & Wrekin Council currently has a 2.5 year housing supply. Therefore, as the LPA cannot demonstrate a 5 year land supply, relevant policies relating to the supply of housing cannot be considered up-to-date. In this instance, the principle policy is CS1 (Homes) which identifies housing numbers over the plan period for Telford, Newport and the rural area. In addition, where the required number of houses has been persistently under-delivered, the LPA is required to provide an additional buffer of 20%. Accordingly, the LPA cannot refuse applications purely on the grounds of housing supply, and, in accordance with the NPPF, there is a presumption in favour of sustainable development. In this regard, the proposed development is located in an established residential area within the built-up area of Telford, with access to local services and facilities. The development is considered acceptable in principle and accords with national policy in NPPF.

With regard to policy H6 of the Wrekin Local Plan and the consultation comments, it is considered that the site can be adequately accessed with sufficient onsite parking proposed. Appropriate conditions can be applied to ensure the site can be adequately drained, in accordance with policy CS13 of the Core Strategy. The previous application in 2004 proposed the dwellings to the north and the access road to the south of the site; whereas the current proposal indicates the access road to the north and the rear gardens of the new dwellings adjoining the existing rear gardens. The site can be accommodated without adverse impact on adjoining residential amenities subject to conditions. The layout indicates that the proposed dwellings will be at least 10 metres from the shared boundary with existing dwellings; thus a sufficient separation distance between properties and will not lead to overlooking or loss of privacy.

The site is considered to be large enough to accommodate the development and can be accessed via the existing access road from Muxton Lane. Whilst the plots are smaller, the proposed residential dwellings would have similar building footprints to the existing properties to the south of the site, and therefore the development is considered appropriate in scale and layout. The proposal accords with design policies at national and local level.

The development would not appear prominent from Muxton Lane, and retention of the existing trees and hedgerows on the boundaries of the site will help to screen the development from existing properties and the existing agricultural land to the north. The proposal is considered appropriate in terms of the character and appearance of the site and surrounding context. Details regarding appearance and landscaping will be submitted at reserved matters stage.

It is considered that the number of additional vehicle movements using the access road and Muxton Lane will not have a significant impact on the overall capacity of the highway nor impact highway safety. With regard to traffic issues raised at the time of the previous application and appeal; whilst the Planning Inspector noted these concerns, the appeal was only dismissed on policy grounds regarding the greenfield site.

It is noted that some of the hedgerows and trees will be removed to accommodate the development; however the existing boundary treatments to the rear of existing dwellings and adjacent to the existing agricultural land will be retained; and the position of the access road can be designed so that it does not impact on the root protection area or canopy of the trees that are protected by a Tree Preservation Order (TPO). The Arboricultural Officer's comments are noted in respect of the impact on TPO trees. Details of landscaping will be provided at reserved matters, and appropriate conditions can be imposed to ensure the design and construction of the road and new dwellings do not adversely impact on the TPO trees. There are no Ecology objections, subject to conditions and informatives. The proposal therefore accords with Policy CS12 of the Core Strategy and OL11 of the Wrekin Local Plan.

The concerns raised by Councillor Lawrence and the local residents are noted; however the application site and adjacent land are not designated Green Network or Green Belt. As outlined above, national planning policy changes in the past 10 years mean development on greenfield land can be supported. Both PPG7 and PPS7 have been superseded.

The highways issues and consideration of the previous application and appeal have been addressed. It is considered that the development will not be visually intrusive as it will be viewed in the context of existing residential development and will remain well screened on the boundaries. Whilst it is noted that the 5 additional dwellings will require local services and facilities, the scale of the development is small, therefore the LPA would not request contributions towards education and recreation etc.

In conclusion, the proposal is considered acceptable; and whilst the previous Committee and Inspector's decisions are noted; the proposal complies with current national and local planning policy. The development is appropriate in scale and can be accommodated with adequate access and parking arrangements and will not adversely impact on adjoining residential amenities, the character of the area or highway safety and TPO trees. Accordingly, officers recommend the application is approved subject to conditions and informatives.

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

1. A01 Time limit Outline
2. A02 Time limit – submission of Reserved Matters
3. B02 Standard Outline - some matters reserved
4. B03 General details required
5. B10 Details of materials
6. B61 Foul and Surface Water
7. B75 Greenfield Runoff Rates
8. B121 Landscaping design
9. B130 Trees – protective fencing
10. B131 Trees – services root protection
11. B132 Trees – no dig method
12. B134 TPO tree – extent of works
13. B150 Site Environmental Management Plan

- 14. C13 Parking, Loading, Unloading and Turning
- 15. C71 Trees – soil levels and storage of materials
- 16. C100 Nest boxes
- 17. C38 Development in accordance with Approved Plans

Informatives:

- I22 Ecology informative
- I32 Fire Authority
- I35 Highways informative
- I40 Conditions
- I44 Reasons for Outline consent
- RANPPF Approval – NPPF

