

TWC/2014/0746

Maxell Europe Ltd, Hortonwood, Telford, Shropshire, TF1 6DA

Outline application for the erection of a mixed use development comprising of up to 495no. dwellings (Use Class C3), a local centre (Use Class A1) and public open space with associated access and landscaping following the demolition of existing factory (All other matters reserved) *** AMENDED PLANS AND AMENDED DESCRIPTION ***

APPLICANT

J Ross Developments Ltd, Nick Scott

RECEIVED

11/12/2014

PARISH

Eyton upon the Weald Moors, Hadley and Leegomery

WARD

Apley Castle, Edgmond and Ercall Magna

OFFICER Gareth Thomas

SUPPLEMENTARY REPORT

1 Background

1.1 This is a further update to the Planning Committee following Committee's decision to defer consideration of the application at the 22nd June meeting. The application has been considered at two previous meetings of Committee held on 14th January 2015 and 25th February 2015. At the February meeting, Planning Committee resolved to grant planning permission, subject to a section 106 Agreement. The Agreement was not signed before the announcement by the Council that a five years' housing land supply exists for the Borough following the receipt and publication of "Telford and Wrekin Objectively Assessed Need Report" (Peter Brett Associates, March 2015). The consequences of having a five year housing supply constituted a new material consideration which required officers to invite Planning Committee to review the original decision.

1.2 The adopted Minute of the meeting of 22nd June 2015 explaining the reasons why consideration was deferred reads as follows:

"that with respect to planning application TWC/2014/0746, determination be deferred to allow for further discussions with the applicant on the scale of the proposed development, and whether an alternative scheme, that would address the concerns of Members and local residents in relation to the extent of the loss of Green Network in order to reduce impacts on Apley Wood and Apley Pool, could be achieved."

1.3 The Committee's attention is also drawn to the introduction of certain provisions of the Community Infrastructure Levy Regulations 2010 which now restrict the pooling of s106 contributions. Section 106 agreements should seek to refer to specific infrastructure projects in order to help the Council use the restricted number of contributions to best effect.

1.4 The original report to the Planning Committee is attached to this report along with the report to Committee on 22nd June 2015.

2. Response to Committee's decision

2.1 Members will recall that despite the earlier decision to support the application, the Committee chose not to confine its consideration at the June 2015 meeting to just 5 year land supply issues but rather opened up its considerations to other key issues which continued to concern Members. These concerns related principally to the impact of the development on the adjoining Apley Woods, the size/scale of the development, the amount of Green Network land that was being lost, and the impact the development would have on local infrastructure, in particular roads and local schools. Officers from both Highways and Education had attended previous meetings of Committee and officers advised that in the absence of technical objections, it would be difficult to defend a refusal based on impacts on local infrastructure.

2.2 Members expressed particular concern in relation to the impact arising from 540 dwellings on the adjoining Apley Wood and the extent of loss of Green Network. Indirectly of course, issues of scale of development would also link back in to concerns about infrastructure. The adopted Minutes of the 22nd June 2015 Committee also indicates that Members recognised that the site comprising the brownfield area would be suitable for housing development but that the applicant should be asked to respond to Committee's concerns.

2.3 The applicant has revised the application to reduce the number of dwellings from 540 to 495 units, providing a scheme density of 22 dwellings per hectare (the applicant explains that this compares favourably by comparison with government guidance that seeks to achieve densities of between 30 and 50 dwellings per hectare). A revised masterplan has been submitted together with a cross-section drawing to help demonstrate the extent of Green Network land take now proposed.

2.4 The applicant wishes to point out that it has responded to Committee's concerns positively and points to the following:

- The proposal is now reduced to 495 dwellings, which is in line with the Council's previous site capacity assessment indicating a potential capacity of 500
- Enlargement of the visitor car park from 20 spaces to 30
- Increase in buffer between Apley Woods and the development from minimum 20 metres to 40 metres – cross-section demonstrates that in fact, the closest point to the nearest dwelling façade would be 55 metres
- The reduction to 495 is the minimum viable capacity
- The original proposal for the site was for an abattoir; a new purpose built factory for Elements Europe is dependent on the site redevelopment/development – this is an enabling development which will now be in jeopardy with the loss of potential new jobs to the Borough
- The site should be considered in the context of sustainable development (paragraph 49 of the NPPF)
- The development will deliver significant infrastructure funding
- The development will deliver new publicly accessible open space
- The development will provide enabling funding for new factory at Hortonwood
- The development will deliver improvements to Apley Woods footpaths and

- fishing facilities and car park
- The development will provide land free of charge for highway improvements to Shawbirch roundabout and help deliver LEP funded Telford Growth Package, the first stage in achieving much needed highway improvements.

3. NEW CONSULTATION RESPONSES

3.1 Officers have re-consulted interested parties following the submission of the amended masterplan and cross-section drawing and the proposed reduction in number of dwellings. All new comments received have been summarised below:

Parks & Open Spaces

3.2 No further comments to make other than with the additional POS proposed to make an extended buffer there would likely to be an increase in any commuted sum to maintain this space if the council were offered to adopt this area.

Environment Agency

3.3 No objection

Highways Agency

3.4 No objection

Local residents:

3.5 As at 23rd July, 2015, a further 45 letters of objection have been received. The comments can be summarized as follows:

- Although reduction in numbers is to be welcomed, still too many houses for this site – it does not allay concerns
- The revised increased buffer is not sufficient compensation for the loss of Green Network
- The site should be retained for employment purposes
- A response has already been made by the Council and unnecessary to reconsider
- The existing highway infrastructure is not capable of accommodating the number of dwellings involved
- The threats to the future of A&E at PR Hospital from traffic congestion is significant – no decision should be made until the future of A&E is assured; NHS Future FIT options may opt for Shrewsbury
- The scale of development remains excessive and will have a detrimental impact on Apley Woods and local wildlife
- Existing schools are at capacity and oversubscribed
- Families sending children to different schools is devisive
- Local dentists and doctor services at capacity
- Telford has now got adequate housing supply
- Other developments permitted elsewhere in the locality also impact on the same local infrastructure
- This revision does not meet the requirements of Planning Committee which decided that development should be restricted to the brownfield area of the site only
- The offer of s106 payments approx. £2m is not sufficient reason for

- granting permission for a development that impacts unacceptably on the local community
- The applicant's justification for allowing development based on intention to build a new factory at Hortonwood is not enforceable and must be ignored
 - The so called gift of land at Shawbirch is constrained in any event by presence of sewers

4. PLANNING CONSIDERATIONS

4.1 Officers have reviewed the proposal and their advice to the Planning Committee in the light of the resolution of Planning Committee held on 22nd June 2015. Committee was invited to consider the application at the June meeting following the publication of the five year housing land supply statement and asked whether the housing land supply position now changes Committee's views in respect of supporting the application. Planning Committee continued to have concerns about aspects of the proposal and despite an earlier decision to grant planning permission, it felt that further changes to the proposal were desirable.

4.2 The applicant has stated that the application represents an acceptable form of sustainable development of the type envisaged by the NPPF. The proposals have been revised to reflect Committee's concerns, including a reduction in numbers but this is more to do with providing an acceptable off-set from the boundary with Apley Woods rather than anything to do with infrastructure impacts, which the applicant believes have been resolved through mitigation. It is clear that education and highways officers believe that no grounds exist for opposing the development, subject to section 106 financial contributions being paid by the applicant, together with the offer of land to enable highway works to Shawbirch junction to take place. This report does not therefore re-open issues relating to impacts on local infrastructure and Members are urged not to seek to oppose this development on these grounds as it would be extremely difficult to sustain at appeal. It is therefore the impacts on the Apley Woods and loss of Green Network that have been the focus of negotiations following the June deferral.

4.3 In addition, the restriction in the pooling of s106 contributions which came into place in April 2015 is also clarified in this update report.

Reduction in housing numbers

4.4. The proposal has been revised to show a maximum of 495 units. This is considered by the applicant to be the minimum necessary to ensure that the re-development of the site coupled with the enabling economic development aspects associated with the applicant's other business are satisfied. Although Elements Europe have partly relocated into the former Maxell building, this is only a very temporary solution as the existing low bay structures are not conducive to enabling the company to fully relocate. The applicant has identified a site close to their new abattoir at Hortonwood for this development; however they also have the opportunity to retain and expand this enterprise at Oswestry. The cheaper option would be to expand at Oswestry; however, it is considered that Telford provides not only excellent transport links but also the skills base and economies of scale that locating the applicant's business interests together would bring. The applicant maintains that

the economic development opportunities that will flow from the release and re-development of the site are compelling and important considerations that should not be over-looked. Elements Europe is one of five companies leading the way nationally in modular buildings and Telford would be the headquarters providing up to 120 jobs.

4.5 The reduction in housing numbers (just over 8%) provides the opportunity to ease the density overall and enable a greater amount of Green Network to be retained. However to reduce the numbers further would also lead to a reduction of section 106 contributions and the offer of land free of charge next to Shawbirch roundabout that would provide the first part of the jig-saw of highway improvements envisaged in the part LEP funded Telford Growth Package. It must also be remembered that development has been supported elsewhere in the locality that also relies on the highway schemes going ahead. The local highway authority has sought to respond in a co-ordinated and planned fashion in advance of the Local Plan (and in the absence of an up-to-date development plan to provide certainty). Having previously supported development at Maxell and other decisions being made on the back of those decisions, it is now placing this comprehensive package of highway improvements in some jeopardy.

4.6 The previous reports to Committee confirmed your officers' opinion that the development at this location represented sustainable development within the meaning of paragraph 49 of the NPPF. Moreover officers also advised that the proposals should be supported as a site capable and suitable for development in line with Government's drive towards housing and economic growth that also constituted an acceptable form of sustainable development. It is felt that the masterplan as revised for 495 houses is capable of being developed and the addition of a small local centre at this location would be desirable.

Green Network and Apley Woods

4.7 The existing Local Plan designated Green Network amounts to 42% of the application site area, with the remainder of the land (13.88 Ha) made up of either factory buildings or employment designation (Wrekin Local Plan). However, none of the Green Network is publically accessible but rather remains in private ownership. The margins of the designated Green Network adjoining Apley Woods is in poor condition with several areas prone to trespass.

4.8 The amended proposals show that 30% of the site (7.2 Ha) will now be used to provide areas of new open space. The proposals also show a minimum 40 metres offset from Apley Woods, which is increased to a minimum 55 metres to the actual closest house façade. The applicants point out that the combined areas of new publically accessible open space and "frontage zone" (the additional 15 metres) represents 43% of the total area of the site (10.5 Ha), which corresponds albeit in crude terms to the extent (in area) of the existing designated Green Network.

4.9 Clearly the site fulfils some of the criteria or some of the six aims of the Green Network as described in Local Plan Policy OL3, most particularly the need to help maintain separation of the built up areas with green wedges. However the criterion also talks about "easily accessible...providing open space linkages through which footpath, cycleway...corridors can join different parts of the town". This is not the case here. Policy OL4 states that development will be permitted

provided...”environmental and community benefits are an integral part of the proposal”. There are of course significant and meaningful community benefits and ecological enhancements offered as part of the development proposals. These are described in the original report attached. Most importantly, a landscape strategy is proposed that will help integrate the site with Apley Woods; this will be supported by new planting and footpath links and existing footpath maintenance and improvements, including the provision of connections to the Silkin Way all of which will be have disabled access.

4.10 The proposals now show a 30 space visitor car park. Section 106 financial contributions are also offered towards improvements within Apley Wood and provision of replacement fishing pegs. The overall approach is to provide qualitative improvements to the area of Green Network and adjoining recreational areas.

4.11 It is argued that the existing Green Network offers very little; your officers across service areas have worked closely with the applicants to achieve some fundamental community gain. The revised proposal now retains 30% of the site as meaningful and publicly accessible open space. The adopted Local Plan Green Network policies are fully complied with and should receive the Committee’s support.

4.12 Finally, the Committee is reminded that it has to consider all of its development plan policies in the light of the NPPF. This both requires Councils to boost housing supply notwithstanding development plan policy and to support planning proposals which meet sustainable development objectives of the NPPF. Officers recommend that this scheme should be approved.

5.0 OTHER MATERIAL CONSIDERATIONS

5.1 The remaining material consideration in this application is the changes to the law with regard to the pooling of s106 contributions. This consideration is discussed below.

Pooling of s106 contributions

5.2. The original application was presented to the Committee with the following heads of terms:

- The provision of 15% on site affordable housing;
- A contribution of up to £1,085,231 towards primary and secondary education;
- A payment of up to £80,000 for local transport infrastructure;
- A payment of up to £130,000 towards on-site provision and off-site contribution towards sports/leisure including improving angling facilities at Apley Pool;
- A payment of £50,000 for footpath enhancement at Apley Wood;
- Maintenance of Local Centre landscaping and drainage via a management company and £350,000 for POS maintenance if adopted by the Council;
- Approval of drainage scheme and details of maintenance of drainage features including appropriate funding thereof;
- A payment of £100,000 for public art;
- A payment of £112,350 for Shawbirch junction improvements and £46,200 for Leegomery junction;

- Land sufficient to effect Shawbirch junction improvements to be transferred to the Council at nil cost;
- A payment of £5,000 for Travel Plan monitoring;
- A payment of £15,000 for financial management and monitoring of the legal agreement.

5.3 The Council no longer has the flexibility to pool s106 contributions to the same extent that it could before April 2015. A revised recommendation is set out below which specifies in detail where contributions should be applied. Officers are satisfied that contributions towards these projects are necessary and appropriate having regard to the requirements of the CIL 2010 Regulations.

RECOMMENDATION

(a) That DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to GRANT PLANNING PERMISSION subject to the following:

The applicant entering into a section 106 legal agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relation to:

- The provision of 15% on site affordable housing;
- The provision of the total sum of £1,477,845 to be paid by the Owner to the Council as a contribution towards the following education facilities in the following amounts:
 - £1,004,100 towards the provision of facilities at Millbrook Primary School, Leegomery; and
 - £473,745 towards the provision of education facilities at Charlton School, Wellington;
- The payment of £102,480 as a contribution towards the cost of highway works to the Shawbirch Roundabout
- The payment of £41,325 as a contribution towards the cost of highway works to the Leegomery Roundabout
- A payment of up to £50,000 for the provision of a Control Crossing over Whitchurch Drive
- A payment of the sum of £30,000 as a contribution towards the provision of Bus Stops along Whitchurch Drive
- A payment of £130,000 towards on-site provision and off-site contribution towards sports/leisure including improving angling facilities at Apley Pool;
- A payment of £50,000 as a contribution towards the costs of works to improve footpaths around Apley Pool;
- A payment of £130,000 as a contribution towards the cost of providing accessible disabled angling facilities and environmental improvements around and within Apley Pool
- Approval of scheme of maintenance of Local Centre landscaping and drainage via a management company and approval of scheme of maintenance for POS (which will require a commuted sum if adopted by the Council);
- Approval of drainage scheme and details of maintenance of drainage features (which will require a commuted sum if adopted by the Council);

- The approval prior to commencement of the Local Centre public art (to the value of £100,000) to be implemented concurrently with the Local Centre (this may be better placed in planning conditions and delegated authority is sought to finalise this option);
- The transfer of land to the Council at nil cost sufficient to effect Shawbirch junction improvements;
- A payment of £5,000 for Travel Plan monitoring;
- A payment of £11,500 for financial management and monitoring of the legal agreement.

(b) and the following conditions to be attached:

1. A01 Time limit outline
2. A02 Time limit – reserved matters
3. A03 Time limit – submission of reserved matters
4. B002 Standard outline some matters reserved (delete access).
5. Phasing to be agreed
6. B011 Samples of materials
7. B032 Road design
8. B045 Travel Plan
9. B057 Contamination
10. B061 Surface water
11. B121 Landscaping
12. B126 Landscape Management Plan
13. B123 Landscaping to be phased
14. B152 Cycle facilities
15. B155 Leap/NEAP details
16. B130 Tree root protection
17. B145 Lighting plan
15. B149 Custom ecology – bird boxes
16. B150 Site Environmental Management Plan
17. B159 Custom archaeology
22. Public art
23. C038 In accordance with deposited plans

Informatives:

I106 – Section 106 agreements

I32 – Fire Authority

ICustom – Ecology informatives

I40 – Conditions

I41 – Reason for grant of permission

RANPPF - Approval – National Planning Policy Framework

PREVIOUS REPORT 22nd June 2015

OBJECTIONS RECEIVED: Yes.

THIS APPLICATION IS TO BE RECONSIDERED BY MEMBERS FOLLOWING A MATERIAL CHANGE IN POLICY

Background

This is an update to Members of Planning Committee following the announcement that a five year housing land supply exists for the Borough following the receipt and publication of the Telford & Wrekin Objectively Assessed Housing Need Peter Brett Associates, March 2015. The outline planning application remains undetermined but considerable work has been done to progress the required section 106 Agreement, which would enable the Council to issue outline permission subject to Members resolving to grant. The consequences of having a five year housing supply are a new material consideration which requires officers to ask the members to revisit applications which have resolutions to grant subject to signing of a section 106 agreement and to review the original decision in light of the change in the Council's housing supply figure.

The application seeks outline planning permission for up to 540 dwellings, of which 15% would be affordable together with a new Local Centre consisting of maximum of 700 sq m of commercial (retail) floorspace. The proposal includes the provision of highway and infrastructure including a new access off Queensway, formal and informal open space, including a combined NEAP and LEAP and associated landscaping.

Planning Committee resolved to approve the application at its the meeting of held on 25th February 2015 subject to the applicant entering into a prior Section 106 agreement that included the provision of:

1. A payment of £1,085,231 for primary education and £528,974 for secondary education based on no 1 bed units and 15% affordable;
2. A contribution of £130,000 towards on-site provision of open space and off-site sports/leisure provision and wildlife management of Apley Wood Wildlife Site;
3. A payment of £50,000 for footpath improvements around Apley Pool;
4. A payment of £350,000 (not inclusive of 5% admin fee) for maintenance of Local Centre, landscaping and drainage through a management company;
5. A payment of 100,000 for public art;
6. A payment of £50,000 for a control crossing, £30,000 for bus shelters and £5,000 for travel plan monitoring;
7. A contribution of £112,350 for land and transport network improvements at Shawbirch roundabout and £46,200 for the Leegomery junction;
8. A payment of £15,000 for planning and financial monitoring;
9. Provision of 15% affordable housing with a tenure split of 50:50 social rent/shared equity (or intermediate);
10. Scheme of drainage to be conditioned to be submitted before each phase of reserved matters is approved and future maintenance arrangement/funding agreed.

NEW CONSULTATION RESPONSES:

Following the announcement of the five year land supply position, the local authority has undertaken a period of consultation through direct notification to interested parties.

The Applicant:

The Council's recent objectively assessed housing needs study has not yet been properly examined. There are flaws in this study and reliance on the PBA report is questionable at this time. However the Maxell development was considered as part

of Shaping Places Local Plan Proposed Housing and Employment Sites 2014 document; consequently the five year land supply question was not a paramount consideration in the submission or its consideration by Committee. The site is capable of accommodating this number and is a suitable location for housing development and is largely brownfield land. It will contribute significantly to long term housing delivery in the Borough. The applicant is willing to provide significant financial contributions as part of a section 106 Agreement and is offering land sufficient to provide necessary highway improvements. In conclusion the site is sustainable in terms of NPPF guidance and local policy.

Statutory Consultees

Hadley & Leegomery Parish Council: notes the applicant's previous response to the concerns raised in respect of infrastructure provision. However, the Parish Council wishes to restate the concerns expressed in its comments dated 16 September 2014. In addition, the Parish Council has identified three issues which continue to cause concern with regard to the proposed development:

School Places

The Council has continuing concerns regarding capacity of schools in the local area and their ability to absorb the number of potential new students that this development will bring. This is of particular concern at primary level with local schools being at or very near capacity currently. While the Parish Council acknowledges that there are primary school places available within Telford many of these are a considerable distance from the site of the proposed development. This will inevitably lead to parents taking their children to school by car as the school their child attends may be too far away for public or other forms of transport to be practical alternatives; in some cases parents may even find that they have two primary-age children in different schools, both at some distance from their place of residence. This does not support the principles of sustainability as it will directly cause increased traffic and pollution. It will also lead to an increase in the number of parents taking their children to school by car, adding to issues of congestion around schools and increasing the risk of accidents.

Traffic

The increase in the volume of traffic at peak travel times as a result of the lack of local school places is also likely to increase the incidence of road traffic accidents in the area of the development itself. However, even if there were adequate places available locally at schools to absorb the increased number of pupils, the Parish Council believes that the existing transport infrastructure will not be able to cope with the volume of traffic that the development will bring at peak travel times. In particular, the Council believes that the proposed development will add considerably to existing congestion on A5223 Whitchurch Drive and will increase traffic volumes on A442 Queensway. This in turn is likely to result in local area roads experiencing increased traffic volumes as drivers attempt to avoid congestion at Trench Lock Interchange by travelling through Wheat Leasowes and Horton or along Leegate Avenue. Leegate Avenue is also likely to experience an increase in traffic volumes from drivers attempting to avoid A5223 Whitchurch Drive.

Hospital

The Parish Council is concerned that the increased volume of traffic associated with the proposed development will worsen existing problems of congestion on A5223 Whitchurch Drive. This is a particular concern as this route is the primary access for ambulances travelling to the Accident and Emergency Department of The Princess Royal Hospital. The likely increase in traffic on A442 Queensway and local area roads including Leegate Avenue, Pool Farm Avenue and Grainger Drive will also reduce accessibility to the hospital, this problem being worst at peak travel times when a large number of accidents requiring an emergency response occur. The increased traffic volume may also increase the effective response times for the police and fire service responding to emergencies occurring in the area surrounding the development.

Highways Agency: No Objection

Environment Agency: No Objection

Severn Trent Water: No Objection subject to the inclusion of the following condition. 'The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or create or exacerbating a flooding problem and to minimise the risk of pollution.' Severn Trent Water advise that there are public sewers located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Highways: Recommend conditions

Drainage: The development proposals included in the FRA are acceptable in principal. The network of ponds and swales shown in the masterplan should be adhered to as part of the reserved matters application. Detailed designs for the proposed drainage system should be submitted for approval at reserved matters stage. Condition: No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied. Reason: To ensure satisfactory drainage of the site and to avoid flooding. "Condition: Development shall not take place until a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall restrict surface water runoff to 5 liters per second per hectare and any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change. The approved details shall be implemented in full prior to the first occupation of the development. Reason: To ensure satisfactory drainage of the site and avoid

flooding. " Condition: Development shall not take place until a scheme for surface water treatment has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify the required number of treatment stages for each source of runoff and provide details on the required methods of treatment. The approved details shall be implemented in full prior to the first occupation of the development. Reason: To reduce the impact of this development on the surrounding surface water environment and improve water quality. Condition: Development shall not take place until a SUDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SUDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SUDS management plan shall be implemented in full in accordance with the agreed terms and conditions. Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

Shropshire Archaeology Section: Recommend Condition. The southeastern part of the proposed development lies within the site of a supposed deserted medieval settlement at Apley (Shropshire Historic Environment Record [HER] No. 03885), and a possible motte (HER 03835), the supposed site of the first medieval Apley Castle, lies immediately outside the southern boundary of the development site. The eastern and southern parts of the proposed development area lie within the former boundary of Apley Park (HER 07762) a post-medieval park and garden associated with Apley Castle, and the remains of a 17th century ice house (HER 20394) again lie immediately beyond the southern boundary of the development area. Finds of Roman coins and an early medieval (Anglo-Scandinavian) stirrup strap mount have also been made within the proposed development area. However a geophysical survey detected no anomalies of a definite archaeological origin. It is therefore considered that the proposed development area has a low to medium potential for archaeological remains of the Roman to early post-medieval periods.

Arboricultural Officer – Please see previous comments

Cllr Karen Blundell: Objects - As the Borough councillor for Apley Castle I continue to object to this planning application on behalf of residents and will be speaking against the application on the night. The council has now established that it has well in excess of the required five year housing land supply. This application is excessive and as I have continued to state throughout this process the sustainability credentials do not add up. One third of the site is currently Greenfield and as the council has established it already has 8.2 years land stocks there is no necessity to build on it at this time. We should take this opportunity to leave the site in its current form and when further development opportunities have come to fruition in the area, we may well consider that this would be a prime location for other local services including a further primary school. Potential pupil figures must be greater than predicted due to establishing we now have far more than five year's land supply. The local schools are full and Milbrook school is over two miles away, which is beyond the permitted walking distance for primary school children and therefore not a viable alternative school. Residents will bear the burden if we allow the site to be developed simply for development sake. We endure daily battles with the overstretched

highways and residents inform me they have difficulties securing doctor's appointments. The Pickstock Group have a thriving business established on the site and therefore the land is already being used to create jobs for the area, whilst minimising impact on the local infrastructure and retaining the visual pleasures of the greenfield land. This application is not necessary or sustainable in its present form and there is no justification to grant this application when the negative impact will outweigh any financial gains, therefore this application should be refused. As councillors we are the custodians of the Borough and the Planning committee now have the opportunity to reconsider this application and refuse it.

Third Party Representations:

West Mercia Police (Crime Prevention): West Mercia Police: Support subject to conditions:

Proposal should take opportunities to design out crime through Secure by Design award status.

Following a re-consultation exercise where it was explained that there had been a change in policy, some 27 individual representations have been received from members of the public objecting to the proposal (as at 10th June 2015). The basis of objections can be summarised as follows:

5 year land supply & Sustainability

- Several point out that the need to provide housing development on the basis of a perceived under-provision is no longer applicable and that the Council should now direct itself to prioritising the development on brownfield land.
- Members were misdirected last time the application was considered and only approved the application on the basis of an under-supply; this justification no longer exists
- The development on Green Network land is contrary to the Council's adopted policy and this Green Network contributes significantly to the maintenance and balance
- The development at this location is unsustainable for a variety of reasons including impact on the local environment, traffic impact and capacity of highway infrastructure, the need for additional education facilities not forthcoming in this application and the need for employment and job creation.
- This site has been highlighted for employment purposes thereby contributing to the economic development of the area; should be retained as such
- Local highway infrastructure is at capacity causing problems for emergency services accessing the hospital and parents taking their children to school.
- Impact on Apley Woods and Pool from over-use to the detriment of local wildlife
- The majority of the site is "green belt" (green network) and not brownfield – other brownfield sites should be considered first
- Proposal for 540 units will result in an over-dense development completely out of character
- Previous decision was rushed through and was ill-conceived
- Noise disturbance, overlooking of existing properties
- Represents un-sustainable development on grounds of over-development, traffic generation and impact on local infrastructure including local highways and schools

- Now that a 5 year land supply exists, no need for this development
- Since last meeting the applicant has moved one of its businesses into the former Maxell factory building and this investment represents a sustainable commercial operation at this site
- The site is subject to restrictive covenants preventing parts of the site from being developed
- This change in housing supply enables the Committee to make a more informed decision that should align better with Shaping Places Local Plan strategy

Highway concerns:

- Highway infrastructure unsuitable for the scale of the development.
- Local highway infrastructure is at capacity causing problems for emergency services accessing the hospital and parents taking their children to school.

Character, recreation and ecology:

- Character of the area seriously compromised by the development.
- Scale of development excessive
- Increase in Noise
- Loss of amenity through overlooking
- Destruction through over-use of Apley Wood woodland and Apley Pool lake of local ecological and recreational importance

Capacity of education facilities

- Local schools (both secondary and primary) are over-subscribed, as confirmed by local head teachers. Previous views of Education representatives inaccurate and discounted opportunity for this site could to accommodate a new primary school
- Existing children and families may be displaced with increased need to travel across the Borough for education

In addition one letter of 'support' has been received but - while acknowledging the need for houses, it is also pointed out that the proposed local centre may only result in yet another eating/drinking establishment which is not required - need exists for doctor's surgery and Shawbirch needs a new community centre; also need exists for smaller units rather than 4/5 bed houses.

PLANNING CONSIDERATIONS

Review and Five Year Land Supply

It is appropriate that this application, along with others, returns to Committee for re-consideration now that the housing land supply position has changed. Paragraph 47 of the NPPF requires local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements, with a buffer of 20% where there has been a record of under-delivery. Moreover, the Framework states that relevant policies for the supply of housing cannot be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Paragraph 49 also makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development.

At the time when this application was first considered by Committee at the beginning of the year, the Council did not have a five year housing supply; accordingly, its policies that impacted on the supply of housing could no longer be relied upon and the strong presumption in favour of sustainable development came into play. It was made clear in the report that this development proposal represented a sustainable form of development due primarily to the site's location within the built up area of Telford. As Paragraph 49 of the Framework directs itself at policies that impact on housing supply matters only; other policies contained within the Council's Development Plan relating to issues such as employment, infrastructure, leisure and recreation (issues that featured heavily in the consideration of this application) remained relevant in terms of the NPPF and which were carefully and thoroughly considered last time.

That said, the previous report recognised that Policy CS1 (Homes) that identifies housing requirements for Telford, Newport and the rural area was not considered to be up-to-date and that, for applications such as Maxell therefore, it was important to assess the site's sustainability and that of the development proposed in the application i.e. its compliance with Paragraph 49. A particularly important policy that retained its function in terms of Paragraph 49 was Policy CS3 (Telford), which outlines that Telford will be the focus for the Borough's spatial development accommodating the majority of new housing, jobs and services. The report drew attention to the fact that the site had been identified as having potential to help deliver the Council's housing and employment growth in Shaping Places Local Plan Proposed Housing and Employment Sites 2014 (PHES). Indeed, although the status of the PHES in planning terms was clearly explained, the sites that were identified in the PHES were presented as having the greatest potential to meet the borough's development needs in the most sustainable way.

Members were clearly advised that the proposal should be supported as a site capable and suitable of development in line with Government's drive towards housing and economic growth that represents sustainable development. The original attached report examines the economic, social and environmental issues and concludes that the proposed mixed use of the site represents clear sustainable development, and that technical issues can be resolved through planning conditions and a S106 agreement to ensure that contributions for necessary infrastructure and landscape and environmental enhancements, together with leisure facilities etc are provided to the satisfaction of the Council. Consequently, it is considered that approval was consistent with the NPPF and the presumption in favour of sustainable development.

Consideration of consultation responses:

With regard to the comments made by statutory consultees, there have been no material change in circumstances and as such the conditions previously recommended by consultees will be carried through should Committee resolve to again support the application.

A number of representations have been submitted by local residents. Members will recall that considerable debate occurred at two earlier Planning Committee meetings when this application was considered. Members received comments directly from

officers from the Council's highway and education services and were able to ask questions of those officers. It is clear that having considered the views in respect of issues relating to schools provision and the highway infrastructure considered necessary, and Committee having accepted the level of financial contributions that will be required, it would be difficult for the authority to now demand further contributions. It is also fair to say that there was common agreement that the proposed contributions to enhancing the leisure and ecological resource comprising Apley Wood and Apley Pool were acceptable.

Several representations suggest that the site is no longer suitable now that the council has a 5 year land supply, particularly given that the applicants' subsidiary company have now moved into the former Maxell factory premises in line with the site's employment designation and that given the premises is now occupied (at least in part), the Council cannot reasonably describe the site as brownfield land. They also raise concerns over the use of Green Network, which comprises up to a third of the application site.

In respect of these issues, the definition of brownfield land merely refers to previously developed land and whether any buildings situated thereon are vacant or not is irrelevant. The site is brownfield lying within the built up area of Telford. These factors carry substantial weight in terms of the NPPF.

With regards to the use of Green Network, a significant portion is certainly designated Green Network; however, the original report explains that this land is currently in private ownership and is not accessible to the public. It also borders Apley Woods. It is considered that the proposals before Committee represents a significant enhancement of the land in question as it will bring into play areas that were previously not open to the public, whilst significant financial contributions are proposed towards enhancing leisure and recreation facilities and the proposals themselves provide general amenity provision as well as direct recreational facilities, including NEAP/LEAP facilities.

When the Council did not have a five year housing supply and the NPPF directed that housing supply polices were therefore out of date , the presumption in favour of sustainable development meant that planning permission should be granted unless any adverse impacts of granting would significantly and demonstrably outweigh the benefits even though the strong presumption to grant no longer applies, in these circumstances officers remain of the view that there are significant and worthwhile enhancements to this land that compensate for the loss of Green Network and that the development would not have a detrimental impact as necessitated by saved Wrekin Local Plan Policies OL3 and OL4 .

Several objectors continue to comment that the capacity of the local highway network is unable to accommodate the level of traffic anticipated by this development. However, there are substantial financial contributions proposed that will assist in upgrading both the Shawbirch and Leegomery roundabouts whilst the applicant and landowner is providing sufficient land to the Highway Authority free of charge to enable the Shawbirch junction to be realigned and upgraded. The Local Highway Authority is satisfied that the development can proceed on this basis and recommend conditions accordingly.

Finally, in relation to education, again objectors wish to point out their very real concerns in relation to the ability of local secondary and primary schools to accommodate pupils from this development. Again, Committee previously considered the impacts arising on educational facilities and suggestions that part of the site should include land sufficient to accommodate a future primary school. The applicants moreover had also agreed to provide such land in lieu of the financial contributions set aside for education in the draft section 106 agreement. However education officers had provided adequate reasons why a financial contribution was preferable to a new school at this location and explained how the revenue would be used to expand existing facilities.

The attached report also considers the implications on the area, the landscape, the social implications, ecological, arboriculture, drainage and recreation/leisure issues; there has been no material change to any of these aspects.

Conclusion:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The proposed development is located within the built up area of Telford, on largely brownfield land and will deliver significant essential infrastructure funding, deliver new publicly accessible open space and leisure/recreational facilities, and provide for highway improvements that will act as a catalyst to enable the LEP funded strategic highway improvements in the Borough to take place efficiently and promptly.

Having regard to the suitability of the site in NPPF terms and the change in the five year land supply position, officers conclude that the development will not cause significant harm and is in accordance with both national and local planning policy and guidance.

Finally, Committee is advised that the Council no longer has the flexibility to pool section 106 contributions that it could prior to April 2015. However, each of the proposed Heads of Terms previously proposed have been examined to ensure that they are CIL Regulations 2010 compliant. Officers are satisfied that contributions towards the projects largely of infrastructure provision are necessary and appropriate having regard to CIL Regulations. Accordingly it is concluded that the proposal as a whole creates a suitable sustainable form of development consistent with local and national planning policy guidance.

RECOMMENDATION:

To GRANT DELEGATED AUTHORITY to the Development Management Service Delivery Manager to GRANT OUTLINE PLANNING PERMISSION subject to the following:

A.) The applicants entering into a Section 106 agreement with the Council (terms to be agreed by the Service Delivery Manager of Development Management) that includes the provision of:

- i. EDUCATION - £1,085,231 towards the provision of facilities at Millbrook Primary School, Leegomery, Telford and £528,974 towards the provision of education facilities at Charlton School Wellington, Telford.
- ii. OPEN SPACE – £130,000 as a contribution towards the cost of providing accessible disabled angling facilities and environmental improvements around and within Apley Pool, Telford
- iii. APLEY POOL – as a contribution towards footpath improvements around Apley Pool £50,000
- iv. MAINTENANCE – terms to apply to any transfer of POS areas to the Council or to a management company or to another person previously approved by the Council
- v. DRAINAGE – terms to apply to any transfer of the sustainable urban drainage systems to the Council or to a management company or to another person previously approved by the Council.
- vi. PUBLIC ART – £100,000 (with the option of this being dealt with by planning condition without a financial contribution or by planning obligation with this financial contribution as agreed by the Service Delivery Manager of Development Management)
- vii. PUBLIC TRANSPORT – £50,000 towards a Control crossing on Whitchurch Drive in the vicinity of the Development Land- and £30,000 towards the provision of Bus shelters on Whitchurch Drive in the vicinity of the Development Land
- viii. TRAVEL PLAN MONITORING - £5,000 towards the monitoring and implementation of the Travel Plan to be submitted pursuant to the planning conditions
- ix. TRANSPORT – the transfer of an area of land at Shawbirch Roundabout and a contribution towards the cost of network improvement funding at Shawbirch Roundabout of £112,350 and Leegomery Junction of £46,200.
- x. Planning & Financial Monitoring –. £15,000 (this is a maximum figure and may be changed if, in the opinion of the Service Delivery Manager of Development Management, such change is required)
- xi. Provision of Affordable Housing - 15 % of the total number of dwellings to be constructed with a tenure split of 50:50 social rent/shared equity (or intermediate B.) the conditions as set out in the original report.

ORIGINAL REPORT:

TWC/2014/0746

Maxell Europe Ltd, Hortonwood, Telford, Shropshire, TF1 6DA

Outline application for the erection of a mixed use development comprising of up to 540no. dwellings (Use Class C3), a local centre (Use Class A1) and public open space with associated access and landscaping following the demolition of existing factory (All other matters reserved)

APPLICANT RECEIVED

J Ross Developments Ltd, Nick Scott 11/12/2014

PARISH WARD

Eyton upon the Weald Moors, Hadley and Leegomery Apley Castle, Ercall Magna

OFFICER Gareth Thomas

Main Issues: Principle of development at this location, Town Centre Uses, Green Network, housing need, highway and traffic issues, surface water and foul drainage, open space and play provision, ecology and wildlife habitats, pollution and amenity considerations

Members will recall that at its meeting held on 14th January 2015 consideration of this application was deferred so that further information could be obtained in relation to two issues, namely:

- a) Education Provision – Committee had received representations from the Local Members and local schools representatives that suggested that local primary schools were currently at or close to capacity, whilst the design of the new Charlton School at the former BRJ school site had not been designed to accommodate large additional numbers that would be anticipated from this and other developments in the pipeline. Members recognised that the applicant had agreed to make a financial contribution towards schools provision in line with the report; however, Committee wished to receive further information on existing capacity and whether there was a need to develop a new primary school at this location.
- b) Highways Impact – Committee had received representations from the Local Members and others who believed that the existing road network was struggling to accommodate traffic flows from recent developments and that certain junctions had reached capacity, including the PRH roundabout junction. Members had recognised that the applicant had agreed to make a financial contribution towards the upgrading of the Shawbirch and Leegomery Roundabouts together with the making available of land at nil cost to the Council to enable Shawbirch Roundabout to be improved as detailed in the report; however Committee wished to receive further information on existing capacity and whether there was a need for yet further improvements off-site, for example at the PRH junction.

Following the meeting of Committee of 14th January 2015 both the Education and Highway Authorities were approached with a request that they consider the issues raised by Members. The following additional information has been submitted, which indicates that the original recommendation to Committee was sound.

1. Statement from Schools Organisation Service

“The development at Maxell is expected to be 540 properties which we believe will yield approximately 150 primary pupils and 86 secondary pupils.

Current legislation suggests that school places should be considered in planning areas so that schools are not looked at in isolation. Telford & Wrekin schools are currently divided into 7 planning areas on a geographical basis. The proposed development on the Maxell site is within the north central Telford planning area.

Whilst Apley Wood Primary School is full, approximately 50% of their pupils come from outside their attendance (catchment) area. Many of these out of area pupils come from the adjacent attendance areas of Millbrook and Hadley Learning Community. Apley Wood Primary has a capacity of 420 and there are currently 419 on roll. If housing is built on the Maxell site this would mean that Apley Wood would

be more likely to fill its places with these in area children displacing those who apply from outside their attendance area over time.

The adjacent school of Millbrook currently has a capacity of 350 and there are 282 on roll and we believe that this site would be suitable for expansion. At least a 2 class extension could be accommodated on this site expanding the school to 2 forms of entry and providing 70 additional places.

There is also a feasibility study currently underway to evaluate possible expansion at HLC primary phase so there could also be some scope for accommodating additional pupils here.

We believe that with this extra provision with possibly some adjustment to the catchment areas we will be able to accommodate the pupils generated from the Maxell site. Adjacent developments in the Hadley Castle area have also been factored in to decisions made about places within this planning area.

Charlton School has very little surplus capacity at the moment. The school has a total capacity of 1175 on its current site and there are currently 1145 on roll which gives a 30 place surplus we have some surplus at Ercall Wood Technology College, although we are mindful that the Lawley area feeds into Ercall Wood and so some of the surplus will be eroded at Ercall Wood as the Lawley development continues. However, as it stands at the moment there is a 36% surplus. at present. Charlton School also currently admits circa 29% of its roll from outside its attendance area and as in the primary phase, new students residing in the school's area would displace out of area applicants over time. In 2016 Charlton will be relocated and will have a net capacity of 1200 (a further 25 additional places.) As part of the education contribution for Maxell we are requesting monies towards the provision of secondary education. Alongside this there is some scope for expansion on both the Charlton and Ercall Wood sites, so we believe that with this scope and possibly some adjustment to catchment areas there will be the capacity for secondary pupils generated by the Maxell site.”

Planning Officer comments:

Following the January Committee, where the applicant had made representations in favour of the application proposals, the applicant submitted the following letter:

“One of the main areas debated at the meeting was the provision of education facilities in the locality of the site, both in respect of the lack of school spaces for existing residents and the question of where the additional school capacity would be created to serve this new development. The discussion at committee also focused on the possibility of the Maxell application site accommodating a new school alongside housing development and the Local Centre.

We are aware that the Local Authority's adopted education policies have not given rise to the requirement to provide a school on site, indeed this was not raised by the Planning Authority during SAW meeting discussions or in consultation responses from the Education Department. Nevertheless after taking into consideration the committee discussion and the possibility of accommodating a school on the application site, J Ross Developments wished to extend an offer to the Local

Planning Authority whereby the financial contribution currently sought by the Education Department could be replaced instead by providing an area of the site in lieu of the payment. Such land would have been for the future development of a school at the discretion of the Education Department.

Following careful consideration of this proposal with the Local Authority, we understand that the offer of land is unlikely to be taken up and we further agree that the calculation of the education contribution made by the local authority is accurate in relation to the proposed development. The calculation is in accordance with adopted planning policy and most importantly in conformity with the requirements of the Community Infrastructure Levy, specifically Regulation 122. It is therefore accepted by J Ross Developments that the financial contribution toward education will meet the local authority's requirements in respect of the education provision for the development and is proportionate to the impact of the scheme proposals.

Nevertheless J-Ross Developments would like to confirm that they have given careful consideration to this issue raised by Committee, reviewing the available options with the Local Planning Authority and would like to ensure that the Committee is made aware of the process followed by the applicant. I trust that the application will be presented back to committee as soon as possible so that additional information can be relayed to the committee, in support of your officer's recommendation for approval."

The above letter demonstrates that the applicant is willing to work with the Council to achieve an acceptable solution. However, it is clear that the Education Authority does not consider that this site is necessarily the most optimum location for a new primary school serving the needs of the area. From a planning point of view, the Council has entered an important phase in its plan-making. School provision is an important consideration as we plan for the Borough's needs. It is rarely good planning to react to an individual planning application proposal in isolation. In this instance, Members are correct to challenge its officers on schools provision given the evidence before it that local schools have either reached capacity or are close to capacity. But it does not make sense to cut across the development plan process, which must consider the wider picture. Shaping Places will identify the housing, employment and other needs of the Borough and when this is agreed, the best location for any new school provision will be identified. At this time, officers cannot justify demands that this site includes a site for a new primary school. The applicants have not promoted this in their application and given the views of Education specialists, there are no grounds for refusal based on any significantly adverse impacts on existing education provision.

2. Statement from Local Highway Authority

"Due to the high level of traffic growth associated with committed development and emerging shaping places allocations a number of improvements have been identified on the network. Shawbirch Roundabout has been identified as a key junction improvement in this area and provides an important link between the A442 to Trench Lock and the A5223 towards M54 Junction 6.

Queues and delays are experienced in this location and with the level of development coming forward this is likely to increase over the Shaping Places plan

period. As such funding has been secured to upgrade Shawbirch Roundabout through the Marches LEP Growth Deal – Telford Growth Point Package. The improvement seeks to provide additional capacity by widening the roundabout circulatory and entry arms to accommodate all existing committed traffic and forthcoming shaping places sites up to 2035.

Without this land the scheme could not be delivered, jeopardising the funding from the LEP and potentially requiring a lengthy/costly CPO. The land is therefore required from the Maxell development as part of any planning permission. The developer is also required to contribute to the cost of the improvements along with bus services and pedestrian facilities.

In respect of the wider capacity of the highway network it should be noted that the Maxell site forms part of the emerging Shaping Places Highway Development Strategy. Using the Council's transport model the impact of all developments across the Borough has been modelled and all future strategic mitigation has been identified and costed. It is proposed that this mitigation package forms the basis for a developer contribution strategy with future network improvements being delivered through a mixture of government funding and developer contributions. These future network improvements will include appropriate mitigation along the A5223 corridor between the Shawbirch and Ketley Brook roundabouts, which includes the PRH roundabout at Apley. As it is proposed that the Maxell development contributes towards the Shawbirch improvement, no additional contribution is sought from the Maxell site towards the PRH improvement."

Planning Officer Comments:

Members understandably have to react to representations from local people who correctly point out the current capacity problems along certain sections of the local highway network, particularly during peak periods. The PRH Apley roundabout junction is a well-known bottleneck. However as indicated by the LHA, it is working with officers on ensuring that the highway network responds to the demands that will arise from Shaping Places. Currently, most large scale developments that have come forward outside Shaping Places have been assessed against robust Transport Assessments that have necessitated section 106 highway contributions. The LHA has prepared a transport model that will sit alongside Shaping Places; it is anticipated that sites that emerge from a future adopted Local Plan will be subject to the developer contribution strategy described above.

In terms of this proposal however, the LHA is satisfied that the level of contributions proposed as part of the section 106 Agreement detailed at the end of this report will mitigate impacts arising from this development. The Apley junction will be improved as part of the wider network improvements for which a strategy has been carefully prepared by the LHA in tandem with Shaping Places. The offer of land to facilitate the Shawbirch junction improvements is a key part of the strategy to facilitate wider network improvements.

The remainder of this report was considered by Members at the 14th January 2015 meeting. However the opportunity has been taken to include the information contained in the update report that was also considered on the 14th January 2015

meeting.

PROPOSAL:

The application seeks outline planning permission for up to 540 dwellings, of which 15% would be affordable together with a new Local Centre consisting of maximum of 700 sqm of commercial (retail) floorspace. The proposal includes the provision of highway and infrastructure including a new access off Queensway, formal and informal open space, including a combined NEAP and LEAP and associated landscaping.

Other than access, all other matters – appearance, landscaping, layout and scale are reserved for subsequent approval. The application is accompanied by the following documents:

- Planning Statement and section 106 Heads of Terms
- Design & Access Statement
- Parameters Plans (Density, Building Heights, Landscape, movement/Access and Character Areas
- Desk Top Archaeological Assessment and further Geophysical Study of archaeology
- Desk Based heritage Assessment
- Affordable Housing Statement
- Viability Assessment
- Illustrative Masterplan
- Landscape and Visual Impact Assessment
- Tree Survey and Arboricultural Impact Assessment
- Phase 1 Ecological Appraisal
- Transport Assessment
- Open Space Assessment
- Air Quality Assessment
- Noise Assessment
- Flood Risk Assessment and Drainage Strategy
- Statement of Community Involvement

The application seeks to demonstrate that in principle, the proposals have taken account of public comments following the pre-application community engagement exercise; the proposals have identified correctly the amount of development, the uses for the site including areas of open space and leisure/recreation facilities and the likely proposed built form across the site. The applicants also suggest that the proposed mix of housing including affordable housing is an appropriate response to meeting the housing needs of the Borough having regards to viability and that the whole will be sensitively integrated into the fabric of this equally sensitive rural-urban fringe location and one of the gateways into Wellington.

The proposed development will be served by two access points onto Queensway, one existing, which currently serves the Maxell premises and a new principal access comprising a new roundabout onto Queensway. The design of the proposed roundabout access includes a two-lane exit on the A442 arms that will help influence consistent lane usage on its approach in order to enhance capacity. Both access routes will be designed internally to form a loop road. The application is accompanied by a Transport Assessment, which the applicant suggests has properly

taken into account highway impacts arising from the proposed access arrangements. The proposal will provide mitigation for off-site highway impacts, including the making of financial contributions towards the enlargement of the Shawbirch Roundabout. It is expected that such contribution and works to the Shawbirch Roundabout will combine with other developer contributions and recent Government funding under the LEP process that will lead to the upgrading of a number of pinch points on the existing highway network.

An important gesture and provision by the applicant is the offer of a large swathe of land adjoining Queensway and the Shawbirch roundabout, which is shown on the amended red line drawing. The exact land take is still the subject of final discussions with the local highway authority. However, the provision of this land for highway improvements will assist in the delivery of improvement works on the northern strategic highway corridor but quite possibly at the expense of developable area of land within the application site.

This new local shopping centre would be located at the north east corner of the site adjacent to the Shawbirch Roundabout thus providing the opportunity for a commanding corner frontage development onto Whitchurch Road and Queensway. The proposed local centre area comprises approximately 1.2ha and will be accessed from the proposed new roundabout from Queensway. It is intended to be complementary facility to the existing services in Wellington and this is reflected in the size of the proposal. It is envisaged that the local centre would include a neighbourhood foodstore of around 400sqm gross (A1), and additional retail units of around 300sqm (A1). There is also the potential for a Pharmacy or additional healthcare services to be provided within this new centre, subject to requirements.

A Screening Opinion request under Regulation 5(1) of the Environmental Impact Assessment Regulations 1999 was issued on 18th November 2013 indicating that the application did not fall as an EIA development requiring an Environmental Statement.

As part of the proposals, the applicant has submitted a viability appraisal to demonstrate that the development can justify 15% affordable housing provision, which is significantly lower than the Council's policy requirement (38%). The case that is made for a lower contribution is that there are significant costs associated with the surrender of an ongoing lease with Maxell and the release and variation of restrictive covenants (five in number) that will be necessary to enable delivery of the scheme. There is also a very sizeable section 106 contribution requirement covering secondary/primary education contributions, highway and public transport contributions, open space and recreation contributions.

Because of the complexity of existing land ownership and land and property issues, the District Valuer was commissioned to undertake an independent evaluation of the viability assessment. The viability assessment contains sensitive and confidential information, which the applicant has asked should not be made public. However it has been accepted that the District Valuer's conclusions and basis of his assessment should form part of this officer report. This is detailed later.

SITE AND SURROUNDINGS

The site area amounts to 24.57 hectares and is situated some 2km to the north of Wellington and within the settlement of Apley Castle in the Hadley & Leegomery Parish area. The site is broadly square in shape with some irregularity to the southern boundary. The northern boundary fronts onto Queensway (A442) and to the west the site fronts Whitchurch Drive. Importantly to the east and south, the site merges into Apley Wood, a newly designated County Wildlife Site, which contains Apley Pool. Both these resources are very well regarded as important recreational space and wildlife corridors and features. Beyond the southern boundary lies the Apley Castle residential area and Severn Hospice.

Part of the site presently contains the large factory premises of Maxell. Maxell as a company has significantly reduced the scale of their operations at this site such that they now occupy only 88,000 sq ft of the overall premises. Maxell has agreed to surrender their lease and relocate. This is happening as this report is being prepared. The applicants, meanwhile and in addition, have relocated their prefabricated buildings manufacturing company to the site in preparation for the relocation of that business to a site elsewhere in Telford. The applicants purchased the site some years ago with the intention to build a meat processing and abattoir facility at this site for the benefit of one of its constituent companies. It made enquiries at the time to the Council who in turn confirmed that the Maxell building could be used as an abattoir without the need for planning permission. However the company's plans generated considerable local reaction, which culminated in the company seeking an alternative location at Hortonwood. The abattoir has since been built at that location.

Other than the area contained by the existing Maxell factory buildings and associated access and car parking, the remainder of the site is in agricultural use. The buildings in fact take on the appearance of an island surrounded by grazing and arable fields, which is designated as Green Network. The land rises from north to south and more gradually from west to east falling towards Apley Pool and Wood with Apley Farmhouse to the south-east. The woodland forms an important backdrop to the south and east boundaries. The factory buildings are partially screened from the north by the presence of mature and semi-mature native and ornamental trees. The Apley Woods and Pool areas are well used and there is evidence of pedestrians (walkers/dog walkers) spilling into the rough grazing areas to the east of the factory complex.

SUMMARISED CONSULTATIONS

Standard consultation responses.

Hadley & Leegomery Parish Council

The Parish Council has considered this application and taken account of the views expressed by local interest groups, residents and local school governors. The Council appreciates the changes that have already been incorporated by the applicant in response to comments from a wide range of sources as the master planning process has developed, however it wishes to make the following comments:

Sustainable Development

The National Planning Policy Framework is founded on the principle of achieving sustainable development. The issues raised below are considered vital to contributing towards a sustainable development.

Number/Density

The Council believes that a lower number of properties than the proposed 540 should be negotiated. The Shaping Places Local Plan proposed housing and employment sites consultation put forward a number of 500 homes on a mixed development for this site, and the local community wishes to see less than that. If 500 were considered appropriate for the local plan, then this should be an absolute maximum.

Buffer zone – Apley Woods

Following on from the need for a reduction in the number of properties is a request for a larger buffer zone between the development and Apley Woods. A 20 metre zone is proposed by the developer but the local conservation groups wish to see a greater distance to protect the ecology of the woods. Earlier stages of the master plan indicated a 30 metre buffer, and the council asks that a larger buffer zone is negotiated.

Parking for woods and pool

The Council appreciates that the developer has made provision to retain an element of parking (15 to 20 spaces) for visitors to Apley Woods and Pool but believes that a larger number is needed. Many visitors to the woods are from outside the immediate area and when the existing parking spaces are lost there will be a big impact on local residential roads – Peregrine Way and Apley Castle in particular - from parked vehicles. The Council asks that an increase in the allocated parking for public open space and Apley Woods is negotiated. It would appear from the master plan map that it would be possible to double the parking area on the public open space area

Doctors

The Council is pleased to see that the local centre proposals indicate that a doctors' surgery would be possible subject to demand. The Council is of the view that demand certainly exists with all local surgeries having long waiting times for appointments and asks that negotiations are opened with the relevant health service agencies to develop a viable proposal for a new surgery as part of the development.

School places

The Council shares the concerns of local residents and school governors that there appears to be a severe lack of strategy for ensuring that sufficient school places, particularly primary school, are available to meet the demands that will arise from all of the developments which are currently under construction or have planning consent. The proposal for a further 540 homes on the Maxell site will further increase demand and at the moment the nearest schools are at capacity. The LEA has said that there are sufficient school places in Telford, but the available spaces are across the whole borough and not close to this development or others nearby. This not only places a burden on parents who would have to travel an unacceptable distance to take children to primary school, it also goes against the principles of sustainability by adding to traffic volumes and pollution. Bearing in mind the time that it takes to bring a new school online, plans need to be made now to provide a new primary school to accommodate the additional numbers of pupils that will be generated by the developments currently being built and those in the planning process. There is an opportunity to include a new school on the Maxell site, and this should be considered.

The NPPF says that "The Government attaches great importance to ensuring that a

sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.”

Highways Section (Local Highways Authority - TWC): Significant ongoing discussions have taken place and the final views of the LHA will be provided in an update report to Committee. However, the initial views expressed on 17th October 2014 have informed ongoing discussions and any outstanding issues that remain are summarised as follows:

The Transport Assessment describes the site in the context of its surroundings and argues that it is a sustainable location for development. In this regard the site is seen as part of the urban conurbation and there are certainly opportunities to link into sustainable travel modes but it cannot be assumed that this will be the case. The census journey to work data for Apley and Shawbirch area suggests walking, cycling and public transport usage is not high. Taking public transport the site is not directly served and the existing services are at the extremes of the ideal distances for use or are being run on a trial basis with no certainty that they will exist in the future.

As mentioned above the development mix in the TA is slightly different to the Application. The site is to be accessed at two points from the A442 at a new roundabout and at the existing ghost right turn priority junction. The LHA has no objections in principle to this. Advice has been given on the design of the roundabout and it is noted that there has been a Stage 1 Road Safety Audit on the design.

There is no Travel Plan accompanying this submission so this will need to be conditioned out on any Consent. In such absence, no conclusions can be reached on how this site will promote sustainable travel.

The TA suggests the site will link into the existing footway/cycleway provision. The accompanying plans indicate connectivity on the A442 frontage, links to the Silkin Way to the southern end of the site by the bridge and a link across Whitchurch Drive with a TOUCAN. Any points of connection should be on the obvious desire lines and the layout should lead users to those points. At the moment the land use plan places the retail/community area on the Shawbirch Roundabout. This would represent an obvious desire line. I do not think this submission gives due consideration to the safe movement of pedestrians and cyclist at the roundabout. Any measures that might be promoted will have an effect on the capacity of this junction where there are already concerns about its operation. As previously mentioned the site does not have the best access to public transport. The route that passes closest to the site is the extended 25 service but this is only being run by Arriva on a trial basis. Please note any stops along Whitchurch Drive will need lay-bys.

The scope of the assessment is as generally agreed with the LHA. The LHA has asked that some adjacent developments be considered in this assessment. The TA discusses the possibility of reducing retail trips. This has not been discussed or agreed with the LHA and this is acknowledged. But the TA is based on 'total trips', which gives a robust assessment.

The TA has been asked to assess a number of junctions around the site. The Applicant has not assessed any of the study junctions where the impact from the development is below 5% of the total junction flow. This approach has not been agreed by the LHA. This was also not acceptable to the Highways Agency resulting in the holding objection.

Following the above comments, the LHA commented again on 4th December 2014, as follows (summary):

Ongoing discussions have taken place in relation to the need for S106 contributions associated with the development. The calculations were based on the trip generations included with the submitted TA. Since that time the Applicant has identified that the trips contained in the TA were rather onerous and so they have resubmitted this information. The new trip information assesses 540 dwellings in line with the application being sought (original TA assumed 600 dwellings), it nets out trips associated with the existing factory use being removed from the site and discounts retail trips in accordance with guidelines. All of this is acceptable to the LHA.

The upshot of this additional assessment which has also been agreed by the HA, is that the total trips generated by the development is lower than originally assumed. The impact at the various study junctions is therefore also reduced. The following section 106 contributions are therefore sought:

- A contribution to the improvement of the Shawbirch Roundabout of £112,350.
- The applicant is required to provide frontage land to enable the works necessary to meet the highway improvements anticipated in the wider LEP scheme
- There is also a contribution strategy for the Leegomery Roundabout which a number of sites have paid into. Based on the revised trips hitting that junction the contribution has been revised to £46,200.
- The Developer has offered a TOUCAN crossing (£50,000) and two bus stops (£30000).
- Travel Plan monitoring contribution of £5000.

Highways Agency: Initial Holding Objection pending receipt of further assessments; this has now been undertaken and Highways Agency has no objection

Education (TWC): No objection. Given the number and type of dwellings we would seek a contribution towards education facilities in the vicinity of the development. Advise that financial contribution of £1,276,742 is necessary for primary education and £622,323 for secondary education. Total contributions sought: £1,899,065

Parks and Open Space (TWC): Size of development is considerable and would normally generate the need for the creation of an onsite NEAP and LEAP, amenity open space and sports facilities.

The applicant has worked alongside the council's Parks & Open Spaces section to identify a centrally located area for children's play and other facilities which are highlighted in the planning statement. The applicant points out that further discussion took place with relevant officers who agreed that the scheme should incorporate a large equipped area for children's play (serving a wide range), a multi-use games area (MUGA) and also a naturalised walkers' route around the site.

The proposed children's play provision as identified by the P&OS Officer above would therefore effectively combine to create a combined LEAP/NEAP provision and cater for all age groups.

Subject to agreeing the detailed design of these facilities in any reserved matters (should the application be approved) P & OS can confirm the combined LEAP/NEAP as identified above is acceptable to meet the needs arising from this development. It is important for the LEAP/NEAP facility to be built prior to the sale of any overlooking property to ensure future residents are fully aware of the provision prior to purchase.

It should also be noted that the details of any SuDS scheme may be identified as a hazard for children particularly if this is proposed within the central LEAP/NEAP and any access routes; and the design will need to consider the safety of children who will be nearby.

There is a significant amount of land identified as Green Network which is included within the development. However, there are a number of benefits provided onsite which are welcomed, such as an onsite walking / activity trail (this route needs to be confirmed, as a circular route around the development is not clear), the securing of controlled drainage for Apley Pool, the landscape buffer zone to Apley Pool, car parking for and access to Apley Wood. The access path to Apley pool needs to be DDA compliant if possible.

The proposed offsite improvements will be anticipated to be significant and will need to be agreed in the S106 prior to commencement of development. The offsite improvements to Apley Wood / Pool highlighted in the application include:

- Footpath improvements
- Refurbishment of disabled fishing pegs
- New fencing
- Interpretation board
- Plug planting.

The applicant should consider providing some onsite art provision.

There is to be significant Public Open Space proposed within the development. A number of references in the application refer to Telford & Wrekin Council as proposed to adopt the POS within the development. In order for the Council to adopt, there will be a requirement of a commuted sum for maintenance and this will be required to be identified within any S106 agreement.

Arboricultural Officer (TWC): No objection subject to conditions including the

submission and approval of detailed landscaping scheme, tree protection measures, agreement to soils levels and Arboricultural Method Statement. A number of vistas have been proposed to be created on the eastern area of the site to facilitate views onto Apley Pool. Although having no objections to this, the Council's Tree & Woodland Officer should be notified prior the commencement of proposed remedial tree works so that the nature and extent of the work can be agreed.

TWC Drainage Section: The drainage principals for the site set out in the FRA are acceptable in principle and are supported by TWC. The reserved matters application should include an updated drainage strategy and detailed drainage design setting out in detail how the site will be drained. The proposed central swale system and above ground attenuation features are integral to the design of the site and should be included in any future submission. Recommend conditions requiring approval of surface water drainage to include an updated drainage statement and detailed drainage layout plan that retains the proposed swale features with the detailed drainage design calculations to demonstrate that the site can be restricted to the rates of discharge set out in the FRA and that all attenuation features are capable of dealing with all rainfall events up to and including the 1 in 100 year event +30% for climate change. Agreements setting out the future ownership and maintenance of each of the drainage features serving the site should be agreed by the LPA.

Strine Internal Drainage Board maintains water carrying structures into which this site drains. The IDB request, therefore, that any surface water drainage scheme proposed for this site is approved by the Local Planning Authority. The IDB also request that the rate of run off from the site does not exceed green field rates. The Strine drainage system is already under considerable pressure and can struggle for capacity when heavy rainfall events occur. For this reason the IDB also seek evidence that there is a long term plan for maintenance of foul & clean water drainage on the development site. There needs to be clearly designated responsibility for drainage, so that any issues with misconnections or failing SUDS features can be resolved quickly and effectively.

Environment Agency: No objection subject to Standing Advice as the proposed site appears to fall within Flood Zone 1 based on our 'indicative' Flood Map for Planning (Rivers and Sea).

Severn Trent Water: no objection subject to the inclusion of the following condition. 'The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or prevent the creation or exacerbating a flooding problem and to minimise the risk of pollution.'

Shropshire Archaeological Services (SCC) No objection: Taking the results of the geophysical survey into account, that there has been sufficient pre-determination evaluation of this site – trial trenching will not be required. It is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development. The programme of archaeological work should take

the form of an archaeological watching brief on destructive groundworks associated with the development.

Planning Ecology:

The Planning Ecologist agrees with the conclusions and recommendations contained within the ecological study and findings that the site is considered to be of low ecological value with no BAP species present. The following elements are supported:

- Retention of the lime tree
- A 'Meadow area for Ghost Moth' in the east of the site - Ghost moth is a Biodiversity Action Plan species.
- Although common spotted orchid is not a BAP species, it is a notable species on the site and the report recommends that the orchid is translocated to an area of open green space during landscaping.
- The provision of Woodland edge mix to comprise of native species, in particular around Apley Home Farm and along the eastern boundary
- Attenuation features / linear wetlands' along the northern, western and eastern boundaries. These should be planted with a wetland species mix and include hibernacula/refuge for amphibians, reptiles etc.
- Native tree planting to enhance landscaped buffer, species to include Oak, Beech, Lime. To be planted in informal groups.
- Existing trees to site boundary and beyond to be selectively removed / thinned out / pruned subject to agreement by the LPA
- The factory building was inspected for bats in August 2013. No potential access points were identified externally. The report concludes that the building has no potential to support roosting bats.
- bat survey identified that bat activity was concentrated around Apley Pool and along the connecting woodland corridors. No bats were observed or recorded around the buildings
- In terms of great crested newts, the Habitat Suitability Index (HSI) assessments undertaken calculated all three pools as having 'poor' suitability to support great crested newts. No further consideration of great crested newts is therefore required.

Recommendations:

1. Any trees which are to be removed to allow the development and trees which are selectively thinned as part of the ongoing management are retained as deadwood in suitable locations on the site or within Apley Wood.
2. To ensure that the habitats on site are retained, enhanced and managed appropriately in the future, a fully costed biodiversity management plan should be produced, which sets out the management requirements, actions and responsibilities. The management plan should include details on the following elements:
 - translocation of the common spotted orchid(s);
 - planting scheme (species, densities etc.);
 - maintenance of planting (mowing regimes, selective thinning etc.);
 - management of the area in the east of the site for ghost moth;
 - treatment of deadwood;
 - maintenance of wildlife boxes (and their replacement as necessary);
 - creation of refugia and/or hibernacula around the attenuation features; and
 - creation of hedgehog passes under garden fences.

3. Section 106 contributions:

The development proposal should include a sufficient financial contribution to the future management of Apley Wood Local Wildlife Site (which is owned and managed by Telford & Wrekin Council) to ensure that the site can sustainably managed and its biodiversity and amenity value maintained in the long term.

Urban Design (TWC): The Urban Designer considered the original submission and, although this is an outline application, has made suggestions that a matrix setting out the character for the site should be clarified to define the existing and intended character of the site and to establish a separate but complementary set of design principles. She helpfully suggested an approach where the three primary character areas shown on plan are supported with an overall vision statement, highlighting what sort of place is envisaged and what the common or unifying elements might be for each area before being further sub divided if necessary to respond to particular location or features of the site; in addition, the character areas could also be renamed so they are more place specific from the outset; she suggests:

1. Local Centre: this is the “urban fringe” and effectively a “gateway” to the development and the wider area: it features two points of arrival and a transitional edge between what exists and the new development; it will be predominantly single sided and potentially feature a high degree of landscaping which complements the relatively low level of engineering.

- Shawbirch/Apley Gateway: retail focus and key public realm with potential landmark building: is this envisaged as having a residential element as well?
- Queensway: arrival space, open overlooking the fields to the north; potentially greener and more open due to the presence of existing grass verge?
- Whitchurch Drive: west facing edge: potentially more urban than the north since it faces existing development?

2. Central Court /Core – this is a prime residential area should be suburban in the character matrix and arranged in fairly formal streets linking a series of formal/informal landscaped spaces such as a play area which is to be a key focus for this character area. Whilst there are opportunities to create smaller “squares” or spaces along the avenue, these will need to be landscaped and better. However both sides of the “Avenue” should be in this character area to create an appropriate streetscape; if necessary, the Avenue could vary in terms of it width, materials, landscape, etc.

3. Woodland: suburban or semi-rural emphasis, with less continuous streetscape, feeling more open, green with larger detached dwellings arranged to capitalise on internal and external views. This could be separated into two:

- East: focusing on the pool and adjacent open space; development possibly set 90 degree to the contours to frame views down to the pool.
- South: strong woodland feel with views overlooking the fields to the north: development arranged parallel to the contour of the land in terraces.

In conclusion the Urban Design Officer advised that the character areas and characteristics, as well as the overall vision for placemaking, needed to be reviewed and better defined to create the overall sense of what is being envisaged at this

location. This has been done and further submissions have been submitted and the Urban Design Officer's views have been taken into account. The Urban Design Officer is satisfied subject to final strengthening of the Character Areas Matrix and Members are advised that the above character areas are now depicted in the masterplan and can be conditioned to help create a sense of place in the Reserved Matters that will follow if outline permission is granted.

Cllr Karen Blundell: As the Borough Councillor for Apley Castle I wish to 'green card' the application to be heard by the Plans Board committee and wish to speak at this meeting. Although not against the development per se I feel there are a number of areas of concern including density levels together with the height of dwellings, noise levels especially as the acoustic report incorrectly refers to the A5223," as a busy dual-carriageway which runs from the west towards the southern site boundary." There is mention in the planning statement of good public transport links " Access to public transport is good with several bus services operating from local bus stops on Whitchurch Road" I believe residents would definitely dispute this. I have serious concerns about the infrastructure as the local schools do not appear to have capacity for the extra primary and secondary pupils. The new Charlton School is being built with capacity to accommodate the current level of pupils, where do we expect the additional pupils to go? As this development is close to Apley woods the visitor car park should be larger to ensure that the viability of the woods are not compromised, as Apley woods will soon be enveloped by development from all sides. I have further concerns which I have already raised with the planning department, but I will also raise these at the meeting.

Telford & Wrekin Local Access Forum The site of the proposed development has a Definitive Public Right of Way (highway) (footpath) just to the east of it leading around the outside of Apley Woods from the Apley Home Farm entrance. There are also new routes suggested on the plan. The new Public Rights of Way should be minimally of bridleway status as this would allow the lawful use by cyclists, which footpaths do not, and it would join up with the existing network, promoting sustainable transport in and around the site. It would also allow a safe and non-motorised route for the public to use and enjoy with good connections to Apley Woods and the surrounding network of paths. Any new route should be of a suitable surface to be used as a multiuser route. This should enable the less-able and those with limited mobility to pass freely. There should be no restrictive furniture/kissing-gates placed on the route. In summary all routes, both new and existing, in and around the site should be created or upgraded to bridleway status and placed on the Definitive Map and Statement. I strongly recommend that the developers engage with the Highway Authority and the Local Access Forum at the earliest opportunity to see that the matters of the PRow are resolved before development begins. The Local Access Forum can advise the developers of suitable designs, width, and surfaces.

West Mercia Police - Crime Prevention Design Advisor. I do not wish to formally object to the proposal at this time. However there are opportunities to design out crime and /or the fear of crime and to promote community safety. Therefore should this proposal gain planning approval, I request that the following planning condition be placed upon the said approval. The applicant should aim to achieve the Secured by Design (SBD) award status for this development.

Third Party Representations

A significant level of objection has been received from local residents; a petition was also lodged against the development. The following section provides a summary of the objections received. Members can view the full text online.

Petition signed by 47 residents – concerned supporters of Apley Woods urge TWC to sympathetically consider the impact of the woods that a development of this size will cause. “We” care about the wildlife, flora and fauna in the woods; the additional footfall will seriously erode the pathways and create new ones. Actions – ask that a space is given for a larger buffer zone between the edge of the wood and proposed buildings providing a green corridor for wildlife.

- Many objectors refer to the sheer scale of development proposed and its effects on the local natural area. Neither the local woodland nor the existing amenities can support this influx of residents. Volunteers work tirelessly to protect Apley Woods – the extra footfall and pollution will cause detrimental impact
- 540 new homes will generate at least 1500 new people living in the area. There are already 1050 homes either under construction or planned for the Apley Castle area. There is simply no need for additional housing.
- Development of this scale should await an adopted Neighbourhood Plan or Local Development Plan
- This development is not sustainable given the local infrastructure is already overloaded.
- The existing road infrastructure is at capacity, particularly at peak periods; whilst the additional roundabout is a good idea in theory, it is so close to an existing major roundabout that it will just increase congestion
- The road leading to the hospital and BRJ School is already gridlocked in the morning.
- Car parking problems already exist at the Hospice and the PRH
- The existing medical practices in the area are at capacity
- The existing primary and secondary schools are at capacity and there are no plans for additional schools in the area for the next 5 years.
- Apley Pool - the water that runs off the existing Maxell site is filtered before it enters Apley Pool. The new plan will produce more surface water will this be filtered? The parking spaces allocated for visitors to Apley Wood is too few as they will also be used by the fishermen as well as the resident's visitors
- Impact on ecology. Moreover, the LPA should oppose developments that threaten the woods and wildlife
- Scheme does not accord with the local development plan which designates site for part employment, part Green Network & will damage the green network.
- Our local MP Mark Pritchard, and the Parish Council have listened to our concerns and are therefore also against such high level development & want to preserve this area.
- The development also has no ready access to public transport
- Opportunity should be taken to have an extensive buffer between houses and woodland and better integrate into the wood.
- Already a new pub built locally

The update report considered by Members at its meeting of 14th January 2015 noted

that a further 5 letters of objection had been received since 4th January 2015 from residents in the Apley/Dothill/Shawbirch areas raising the following issues:

- Road infrastructure at capacity – the problems caused by temporary traffic lights on A442 in early January caused significant tailbacks
- Existing schools at capacity following the closure of the BRJ and development of the new Charlton School
- No need for further development and there are significant new housing schemes being built out elsewhere e.g. Lawley
- Impact on local wildlife
- Noise from building work will affect health of local people; one particular family raising these concerns have an autistic child who is affected by noise and lighting.

Head of Apley Wood Primary School letter dated 12th January 2015:

- Lack of school places within our school and local schools – this development along with others will create a huge impact
- Our local roads heavily congested
- Impact on Apley Wood – site of the established Forest Schools project frequented for wildlife education and subject to regular training events

Friends of Apley Wood: Apley Woods is an area of council-owned woodland adjacent to the former Maxell site. We are a volunteer group which actively works with TWC in the management, protection and conservation of the flora and fauna in the woods which is only now showing signs of recovery following many years of neglect and 20 years of ever increasing fringe development. This recovery process is already threatened by additional planned fringe development so an additional large scale development, as proposed, can only serve to significantly increase and compound the potential for and likelihood of negative ecological impacts on flora and fauna.

Apley Woods with its 56 acres of meadows, pools and woodland dates back hundreds of years. The woods provide an invaluable habitat for a wide variety of wildlife, including approximately 30 species on the NERC* list, e.g., song thrush, Noctule bat, hedgehog and Ghost moth; and as such, are regarded as being of principle importance. Consequently, in line with our objectives, we will now be working towards establishing Apley Woods as a designated Local Nature Reserve. Indeed, Apley Woods is one of the few remaining relatively open natural spaces in this area and, as such, must be regarded as a special area of natural beauty, interest and heritage.

This site is an irreplaceable resource for biodiversity - an important part of our cultural heritage. The housing density of this proposed development poses a serious threat to the ecological balance of the woods and levels of concern are high.

Our concerns, as the Maxell site is developed, relating to the negative ecological impact caused by land use development fall principally, but not exclusively, into the following areas:

1. Chemical effects (both during development and after).
2. Disturbance (noise, earth movement, etc.).
3. Fragmentation (isolation of wildlife habitat).
4. Invasion of non-native plant species (garden escapees).

5. Increased road traffic (from new residents and their visitors).
6. Increased regular footfall (from new residents and their visitors).
7. Interruption of existing surface water flow into the fishing pool and proposals for future water flow.
8. Cumulative effects (two or more of the above).

The Friends of Apley Woods are also concerned that an archaeological field evaluation of this site has not been carried out. Shropshire Council's Archaeology Service have confirmed that the south eastern part of the proposed development lies within the site of a supposed deserted medieval settlement at Apley.

Our concerns also extend to what appears to be an absence of a complete and robust infrastructure evaluation relating to this proposed development.

Apley Wood Preservation Society: Aware that some minor changes have already been made but is not sustainable and needs further changes. The NPPF is founded on the principle of achieving sustainable development. The current plan for the 'Maxell site' changes the concept from the campus style industrial facility originally conceived, surrounded by wide open spaces and well planted with trees, to full coverage high density housing for the site that despite some small open spaces effectively covers the area in question. This is excessive by any measure. Given the position of the site relative to the green corridor for Telford, network of open spaces and the densities of associated areas, the number should be reduced to 250 dwellings. This area at the edge of the urban boundary, known as Apley, was never intended to be developed as a high density residential area and to ensure an open aspect and sustainability the new development should reflect the density of associated properties.

Buffer zone – Apley Woods - The 20 metre zone proposed by the developer is insufficient to protect the ecology of the woods. 40 m was originally proposed. Our natural areas in Apley are under threat. Large numbers of trees have been planted on the site during the time of Maxell - how many of these trees are to be retained to comply with T&W's stated policies?

Parking for woods and pool - 50 spaces required in addition to 20 on offer.

Doctors and Schools - a revised plan for the Maxell site should be encouraged to include facilities for a new doctor's surgery, a new dentist's surgery and a new primary school. A proposed development of this size requires infrastructure to support it especially when existing services are already at full stretch.

Traffic - Currently at peak and near peak times the road infrastructure in the Apley area is barely able to cope. It is acknowledged that the developer has volunteered to take responsibility for enlarging the Shawbirch roundabout and providing other widening facilities but surely that is not the point. The area of Apley was never planned to have the volume of traffic it currently endures never mind the inevitable additions anticipated.

Shropshire Wildlife Trust welcomes the measures taken so far to accommodate the population of Ghost Moth found on site and provides some green infrastructure to help buffer and connect the Apley Woods site. However we do have a number of comments that we feel need consideration.

While the amended plans provide an improved buffer to the site and incorporate

some additional green space they also indicate that vistas will be created over the lake. We can see no ecological reason or benefit to this. Any works to open up views should be supported by sound ecological reasons and avoid causing any fragmentation in habitat.

The ecological measures included in the scheme are relatively modest and should require minimal management. We would however recommend that management requirements and actions are defined within a costed biodiversity management plan that clearly identifies responsibilities. Shropshire Wildlife Trust is becoming increasingly involved in providing management services for green infrastructure associated with development and would be willing to discuss potential options.

Since the data search was undertaken, to inform the Ecology Report, Apley Woods has been adopted as a Local Wildlife Site (County Wildlife Site or Local Sites as referenced in Lawton Review/Environmental White Paper). This highlights the importance of the site at a county level and would support our request that a more robust buffer zone would be appropriate. In addition to an enhanced buffer zone a contribution to cover managing the increased visitor pressure on the Apley Woods LWS should also be secured.

Good practice guidance for green infrastructure and biodiversity states that “local planning authorities can reasonably expect proposed new development to”, among other things, “reflect the priorities of the Natural Environment White Paper in relation to the value of GI in supporting ecosystem services”. This in turn has been connected with the establishment of ‘coherent ecological networks’ which require buffering and linking existing sites and habitats.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Core Strategy:

CS1 Homes

CS2 Jobs

CS3 Telford

CS5 District and Local Centres in Telford

CS7 Rural Area

CS9 Accessibility and Social Inclusion

CS10 Community Facilities

CS11 Open space

CS12 Natural Environment

CS13 Environmental Resources

CS14 Cultural, Historic and Built Environment

CS15 Urban Design

Wrekin Local Plan:

EH7 Contaminated Land

EH14 Land Stability

UD2 Design Criteria

UD3 Urban Design Assessments

UD4 Landscape Design

UD5 Public Art

UD6 Major transport corridors and gateways into Telford
H6 Windfall development in Telford & Newport
H22 Community Facilities
H23 Affordable Housing
T4 Development Principles
T22 Planning Obligations
OL11 Woodlands 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 within New Residential Developments

PLANNING CONSIDERATIONS

This planning application raises the following main issues:

- The Principle of development including loss of the site as an employment site and the remainder as Green Network;
 - The principle of a new Local Centre
 - Highway Impacts
 - Landscape and Visual Impact
 - Ecology & nature conservation
 - Outdoor recreation and open space
 - Design
 - Flood Risk
 - Archaeology;
 - Affordable Housing and Viability of development and Planning Obligations
1. Loss of Employment Land and Green Network

The National Planning Policy Framework (NPPF) is the most up to date national policy guidance that all development needs to be assessed against, especially if the existing local development plan conflicts with the national advice. The presumption in favour of sustainable development is now to be regarded as the “golden thread running through both plan-making and decision-taking” (para 14) and the NPPF advises that “Housing applications should be considered in the context of the presumption in favour of sustainable development” (para 49).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise, and this is reiterated in paras 11 and 196-197 of the NPPF. The guidance contained in the NPPF is a material consideration in determining applications.

The NPPF directs councils to boost significantly the supply of new housing at paragraph 47. It further requires the council to demonstrate a five year plus 20% housing supply. This argument is well known to Members and currently, the council cannot demonstrate such a supply. In the absence of a five year supply of deliverable sites, policies around housing supply cannot be considered up-to-date and cannot be relied upon alone to justify refusal and there will be a presumption in favour of sustainable development. Sustainable development comprises three mutually dependent dimensions - namely economic, social and environmental - and

these should be mutually dependent and balanced out to ensure appropriate development. However other relevant policies in the development plan can still be relied upon if they accord with the NPPF. Officers consider there are material considerations that should be taken into account and these will be explored in the report below.

At paragraph 52 of the NPPF, the Government recommends that the boost in housing set out in national policy can sometimes be best achieved through planning for larger scale development such as (urban) extensions that follow the principles of sustainable development. Paragraph 55 of the NPPF recommends that delivering a choice of high quality homes, widening opportunities for home ownership and the creation of sustainable and mixed communities can be achieved through planning for a mix of housing, identifying the size, type and tenure and range of housing and meeting affordable housing needs preferably on site. The amount of new retail, community uses and public open space associated with a housing development of the scale proposed and the attention to good design that provides a sustainable and mixed and inclusive community can help demonstrate a strong alignment with national planning policy.

Part of the site is designated as Employment land in the Wrekin Local Plan, which is currently the only Development Plan that actually contains a spatial plan. Local Plan Policy E2 relates to Employment Land Allocation and allocates employment land throughout the District. However, it should be noted that the policy relating to the supply of employment land (Policy E1) was not saved by the Secretary of State in 2007 and reference to employment land allocations are therefore out of date and no longer apply. Core Strategy Policy CS2 (Jobs) states that 'provision should be made to establish and maintain a portfolio of sustainably located employment sites attractive to developers, operators and appropriate to market needs'. Paragraph 9.22 states that 'within Telford a large supply of land is available in order to accommodate long term growth'. In support of wider regeneration objectives, Policy CS8 relating to regeneration states that development associated with regeneration initiatives will be supported where amongst other criteria it, improves the quality of existing housing and assists the creation of job opportunities.

Policy CS3 (Telford) outlines that Telford will be the focus for the Borough's spatial development accommodating the majority of new housing, jobs and services. Policy CS5 (District and Local Centres in Telford) outlines that Local Centres will be the focus for more accessible local services and small scale community facilities to meet people's day to day needs. It also provides the incentive to create new Local Centres in line with housing growth and customer accessibility. The proposals include a Local Centre that seeks to respond to the day to day needs of Apley and the proposed residential development and therefore in a highly accessible location relative to existing and proposed development. The scale of development proposed for the Local Centre would be complementary to existing services in Wellington and this is reflected in the size of the proposal, together with providing opportunities for local health facilities.

The Council is working on identifying updated housing targets through the emerging Local Plan and published its Shaping Places Local Plan Proposed Housing and Employment Sites 2014 (PHES). This document presented a range of sites for

housing and employment development and suggests a revised housing target of 20,000 homes over the 20 year Plan period. The sites identified are presented as having the greatest potential to meet the borough's development needs in the most sustainable way. The application site has been identified in the PHES as a mixed use site (employment and housing) (reference 500 and 509). Although this document does not have development plan status, it has been the subject of wider public consultation including with statutory consultees and directly follows on from the Shaping Local Places Local Plan Strategy & Options document released and consulted on during 2013. PHES has also been prepared to demonstrate a five year-plus housing land supply consistent with the NPPF. As a site that has been put forward and accepted for mixed use development, there is a degree of consistency with the Council's direction of travel. In your officer's opinion, the proposal when balanced against existing housing and employment/regeneration policies and against emerging plan proposals should be supported as a site capable and suitable of development.

Drawing on information from the Strategic Housing Land Availability Assessment and other relevant evidence, Local Planning Authorities are guided to identify sufficient specific deliverable sites to deliver housing in the first five years of a Local Development Document (LDD). To be considered deliverable, sites should, at the point of adoption of the relevant LDD:

- be available – the question being, is the site available now?
- be suitable – whether the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities
- be achievable – is there is a reasonable prospect that housing will be delivered on the site within two years?

The application site comprises part employment related uses and part Green Network but within the urban area of Telford and is reasonably convenient to Wellington and well located in terms of employment related development to the north-east. It is recognised that the peripheral edges of the site are allocated as Green Network. The Green Network allocation runs alongside the A5223, Whitchurch Drive and A442 Queensway and currently takes up just over 8 hectares of land on the site with the remainder being brownfield land and/or designated employment land. Saved Policy OL3 relates to the Green Network and states that the Council will protect the Green Network and, in particular, key sites and links throughout Telford in order to achieve the six aims of the Green Network. The six aims of the Green Network can be summarised as follows:

- To maintain Telford's image as an attractive place to live and work...;
- To retain and enhance the individual identity and/or sense of local community of parts of the Town through the separation of built up areas with green wedges;
- To provide easily accessible 'green lungs' ... as these spaces relieve the sense of congestion and pressure ...;
- To provide an appropriate supply of open land ...
- To protect, enhance and maintain Telford's ecological and geological heritage
- To provide open space linkages through which footpath, cycleway and ecological corridors can join different parts of the Town.

Local Plan Policy OL4 states that development may be permitted provided that:-

- There are exceptional circumstances
- It contributes or is complementary to the aims of the Green Network;
- Environmental and community benefits are an integral part of the proposal.

The applicant explains that in preparing the Illustrative Masterplan for the site, consideration has been given to the six aims of the Green Network in terms of delivering significant and lasting enhancements including significant environmental and community benefits. These include providing substantial areas of informal open space around the perimeters of the site that replicate much of the position and extent of the Green Network. New planting is proposed at strategic locations and the areas of open space will include an attenuation pond and swales to provide sustainable drainage features and habitat potential. The informal areas of open space total some 5.64ha and include a minimum 20m buffer to the eastern boundary with Apley Woods. A landscape strategy has been prepared to help integrate the site with Apley Woods, which are recognised as an area of importance for recreation and conservation. This strategy is detailed in the Design & Access Statement has been the subject of extensive dialogue with Council officers and with local conservation groups. Within the buffer, trees of lesser significance will be removed and replaced elsewhere to allow an opening of views of Apley Pool from the new housing development and proposed public vantage points. Replacement planting will reinforce the woodland area where appropriate. It is expected that the woodland buffer, along with other areas of informal open space, will be adopted by the Council as publicly accessible open space.

At present the Green Network at this site is in private landownership and is not publicly accessible and therefore has with no public benefit. A significant benefit of the scheme therefore is the transfer of these areas to public use so they can be used by the community. The public right of way network will be considerably enhanced with new links proposed to the existing network, including the provision of new connections to footpath routes around Apley Woods to the east and along Silkin Way to the south. This will include access for the disabled and will lead to new areas of formal and informal open space, including an activities trail, which will ease pressures on Apley Wood itself. .

To further enhance the recreational potential of Apley Woods, and in response to community requests, a new visitor car park is proposed to the east of the housing area that will be secured as part of a S106 Agreement. The location of the car park is identified on the Illustrative Masterplan and is anticipated to provide 20 visitor spaces. The car park will be carefully designed to be publicly accessible and overlooked to avoid any issues of nuisance or anti-social behaviour. It is accepted that the provision of a visitor car park will provide a significant community benefit to those who walk locally and fish at Apley Pool.

It is also intended that the scheme will provide a financial contribution towards other enhancements at the adjacent Apley Woods area. These enhancements include a contribution towards footpath improvements around Apley Pool and the refurbishment of disabled angling pegs, the provision of new fencing to protect areas of woodland and appropriate disabled access gates, a contribution towards a historical interpretation board and plug planting within the site to increase botanical diversity and aesthetic value. The overall purpose is to provide qualitative

improvements to the area of land within the Green Network and to the adjacent Apley Woods.

Overall in planning policy terms, it is considered that the proposal accords with the Council's existing and emerging policy framework.

2. The Principle of a new Local Centre

The proposed Local Centre is intended to serve the local community, particularly the 540 houses the subject of this application. But a local centre comprises shops and other services in policy terms are considered to be town centre type uses. Both national and local policies would promote these uses within a town centre to ensure the centre's vitality and viability. As a matter of principle, such uses should be the subject of an assessment of likely impact on the town centre. References to town centres or centres apply to designated city centres, town centres, district centres and local centres but exclude individual or small parades of shops of purely neighbourhood significance. Notwithstanding, and, in the absence of a Local Plan set threshold, the proposed scheme falls below the NPPF threshold where impact tests will be necessary (2500 sq m). There is a small parade of shops at Leegomery; however, there is no policy protection towards these neighbourhood facilities.

The second arm of the town centre test is the sequential test. Main town centre uses should be located firstly in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. But the NPPF recognises that there is a need to apply a degree of flexibility and a common sense approach; it would be unusual to seek to locate a neighbourhood facility of this type anywhere else but the actual neighbourhood. What is important to the concept of the sequential test is the need to ensure that sites are accessible – accessible to the community it will serve. In this instance, the proposed location for the Local Centre will be highly accessible to Queensway/Whitchurch Drive, to Apley and to the development itself.

The NPPF advocates the principle of sustainable communities and to plan and make decisions that achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.

LPAs are encouraged to deliver the social, recreational and cultural facilities and services the community needs. Planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. Local shops and facilities should be permitted where they serve the local community.

This philosophy is promoted through the Council's Core Strategy vision and in Wrekin Local Plan Policy S8 that promotes retail developments in Local Centres including those that are connected to residential developments. Policy S25 in

relation to new Local Centres states: “the District Council will permit the creation of new shops of a size and scale related to the needs of the immediate communities which they serve subject to satisfactory arrangements with respect to access, servicing and parking. “

In terms of local provision there are a number of small local centres on the west side of the A5223 at Acorn Way which includes a Spar and Boots, Admaston which includes a post office, newsagents and general stores, Dot Hill which includes a Co-op and independent butchers, Roden Road which includes a Co-op. On the east side of the A5223 the nearest local centre is at Leegomery. The local centre in Leegomery at Pool Farm Avenue may potentially serve the existing housing areas to the south east of the subject site.

The Council’s Retail Study 2006 sought to clarify the expected demand for new retail floorspace within the Borough up to 2021. It also looked at the role of Local Centres, although did not seek to identify whether there was a gap in provision. In relation to Local Centres, it concluded that these centres typically meet the needs of local populations of 5,000 residents (2,000 households). Currently it is anticipated that an urban extension may be promoted in Shaping Places on the land north of the A442 with current estimates suggesting around 6,400 dwellings. The applicant argues that this proposed development, in combination with additional housing on and around the application site would generate need for a new local centre including convenience floorspace.

Whilst it would be an understandable reaction to seek to protect existing neighbourhood facilities, in this instance there is simply no policy protection and to introduce such an argument would suggest that planning should involve itself in the issue of private competition, which it cannot. It is considered that on balance, the proposed local centre is suitably located and of suitable scale consistent with national and local planning policy and guidance.

3. Highway Considerations

In order to assess the suitability of the local highway network and its capacity to accommodate the proposed development, the applicant submitted a Transport Assessment (TA) for the Council’s Highway Engineer to consider. The NPPF advises at para 32 that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe”. The scope of the TA had not been agreed with the Council’s Highways department beforehand, but after requesting additional information and clarification of trips rates and various assumptions, the Council’s Highways officer is now satisfied that the local highway network and junctions have the capacity to accommodate the increase in traffic and the traffic movements that would result from a development of 540 dwellings in addition to the proposed Local Centre. This is verified by the Highways Agency who also expressed initial concerns. This is on the basis of considerable section 106 contributions being made towards improvements along the northern quarter in accordance with the LEP strategic highway improvements scheme. A critical part of these improvements is the proposal to improve the Shawbirch roundabout and its approach from both Whitchurch Drive and Queensway. This requires the provision of a substantial swathe of developable land within the

application site. The applicant has offered this land to the Highway Authority and nil cost as part of the section 106 Agreement. The application site boundary (western boundary) together with the masterplan has been amended to omit this land from the developable area.

In addition to the land provision detailed above, which will enable the Council to deliver significant improvements to the Shawbirch roundabout, the applicant's TA proposes highway mitigating measures, most notably in the vicinity of the two access points and also will provide s106 financial contributions of £112,350 for the upgrading of Shawbirch roundabout, £46,200 for the upgrading of the Leegomery roundabout, £50,000 to provide a TOUCAN crossing across Queensway, £30,000 to provide two bus stops either side of Queensway and £5,000 for Travel Plan monitoring.

The application site is privately owned with no public rights of way through the site. Due to its close proximity to Apley Woods/Pool, a number of informal incursions have been made into the site, particularly along the site's eastern boundary. The A442 Queensway to the north has an existing 3m wide pedestrian-cycleway, which will be maintained as part of the proposal. In the southern vicinity of the site, a shared pedestrian/cycle bridge connects the paths either side of the A5223 Whitchurch Drive. The illustrative masterplan indicates that two access points will be created onto the PRow that run through Apley Woods and enhanced to provide green links. A connection onto Whitchurch Drive is also proposed, which will be controlled via a Toucan. Final agreement as to its exact crossing point is the subject of ongoing discussions.

Objectors raise the issue of the lack of public transport facilities, most notably bus links. The applicant's TA acknowledges that the recent 25 bus service extending from the PRH to Shawbirch (Telford TC/Forge Retail Park/PRH) is currently on a trial basis and could terminate if passenger usage is low. Bus service 65 operates 570m to the west at Glade Way and No.55 is 500m to the south along Whitchurch Road. The Institution of Highways and Transportation suggests that a bus service within 400m would be considered convenient. It is unlikely that the application could be refused purely on the basis of the additional walking distances involved

In conclusion the Council's Highways Engineer does not object to the proposed development and there are no technical reasons on highway capacity or safety grounds against which to substantiate a refusal reason.

4. Landscape and visual impact

The application site lies within primarily an urban context but benefits substantially from the woodland area along its southern and eastern boundaries. A Landscape and Visual Impact Assessment accompanies the planning application. The Assessment has established the landscape and visual baseline assets and constraints of the site and has identified the key landscape issues that are specific to the proposed development. This has informed the Illustrative Masterplan, which has been refined in order to lessen the landscape and visual effects.

As a result a number of enhancements are proposed, including:

- the provision of landscape zones to the southern and eastern boundaries, including in the north-eastern corner of the site (informal open space) to soften the visual effect of the development on Apley Woods;
- reduced building massing and height to the eastern portion of the site to help prevent degradation of the character and enjoyment of Apley Woods, a newly designated County Park;
- reduced massing and height to the southern portion of the site to take into account the rise in level in relation to buildings to the south and protect views from the southern boundary towards the countryside to the north.

WLP policies UD4 and OL12 expect new development, amongst other things, to be appropriately landscaped into its setting; replace any footpath/cycle way links that may be lost; identify any positive features that should be included into the scheme. WLP policy OL11 seeks to resist development that will result in the loss of trees that make a valuable contribution to the character of the landscape, a settlement or its setting. Core Strategy policy CS10 seeks to protect and enhance areas of open space and recognises that “Open spaces and countryside underpin the quality of life in the Borough... and protect them from unnecessary development.”

The applicant has also carried out an Arboricultural survey. The site does not have any statutory landscape designation. Under the Shropshire County Council Landscape Typology (2006) the site lies within the Urban Area but directly adjacent to Landscape Type ‘Estate Farmlands’ typology of the Shropshire Plain to the north. The key characteristics of this particular typology are “Mixed farming land use; clustered settlement pattern; large country houses with associated parklands; planned woodland character; and medium to large scale landscapes with framed views”. The key characteristics of the Estate Farmlands typology are not considered relevant to the Site because of its urban location and previously developed character.

As stated above, the site is situated within Green Network. However the Council’s Strategic Housing Land Availability Assessment (SHLAA) in 2012 identifies the Site as being Available, Suitable and Achievable with no known constraint but with part of the Site being designated as Green Network. In landscape effect terms, there will be a loss of open space which forms part of the Green Network of Telford. This however, is private open space surrounding the factory and is not publicly accessible. There are few mature trees on the Site and the ecological audit concluded that the majority of the Site was of low ecological value. The significantly important landscape elements of the Site are the woodland buffer to the south within the Site and the Apley Woods adjacent to the eastern Site boundary which are an important community landscape resource and are significant in terms of nature conservation. It is important the development of the Site does not compromise the nature conservation value of the woodland and does not degrade the character of it.

The applicant’s landscape consultant concludes that views of the site and its impact will be limited to a few residential properties to the west, as other views are filtered by woodland and elevated nature of parts of the site. The site will include a minimum 20m width woodland buffer with landscaping ‘graded’ from being more amenity based towards the development edge through to ecologically based towards the woodland edge has been proposed.

Accordingly, it is considered that the development accords with Wrekin Local Plan policies OL11, H9 and Core Strategy policies CS7 and CS11.

5. Ecology and Nature Conservation

The NPPF expects the planning system to conserve and enhance the natural and local environment by, amongst other things, “minimising the impacts on biodiversity and providing net gains in biodiversity where possible ...” (para 109). When determining planning applications the NPPF asks local planning authorities to apply various principles in order to conserve and enhance biodiversity, which include refusing planning permission if there is significant harm that cannot be mitigated against or compensated for, or where irreplaceable habitats are lost or destroyed, but encouraging opportunities to incorporate biodiversity in and around developments (para 118). Core Strategy policy CS12 is already in conformity with the NPPF on this and Wrekin Local Plan Policy OL2 seeks to prevent development that will adversely affect certain protected landscape/wildlife designations, unless the benefits outweigh the importance of the area and the loss of any habitat is fully compensated for by the creation or enhancement of other habitats of equal or greater value in the local area.

The site itself does not have any statutory wildlife or nature conservation designation. Appropriate Phase 1 and 2 habitat surveys were carried out. The surveys divided the site and its immediate surrounds into 5 sections and summarised that most are of low ecological value. Bat activity surveys were conducted around the factory building and around the perimeter of the site. The factory building was examined thoroughly internally and externally for evidence of bats with no evidence recorded. Very little bat activity was recorded to the east of the site close to Apley Pool. There was no evidence of nesting birds or badgers. Two additional pools 300m from the site were examined, in addition to Apley Pool, following a request from the Council’s Ecologist with no evidence found of Great Crested Newts (GCN).

The Planning Ecologist for the Council accepts the applicant’s conclusions that that development can proceed without the loss of habitat of significant value and without the loss of favourable conservation status of any protected species. Furthermore, the site will be enhanced through effective landscaping and planting of trees. The survey makes recommendations that a lighting scheme is drawn up to ensure no direct illumination of hedgerows and trees and that a range of artificial nesting boxes for bats and birds are incorporated into the design of the dwellings. It also includes a management plan to protect Ghost Moths.

6. Outdoor recreation and open space

Policy LR6 of the Local Plan ‘Outdoor Recreational Open Space Provision within New

Residential Developments’ establishes that when granting planning permission for new residential development, the Council will require the provision of outdoor recreational open space within new housing developments to meet the standards set out by the National Playing Fields Association (now Fields in Trust). This works out as 2.43 hectares per 1,000 people. On larger sites of 200 new childbed spaces or

more a neighbourhood equipped area of play will be required and secured through a legal agreement.

The Council has undertaken a Borough Wide assessment of Open Space, Sport and Recreation Facilities in 2008, which provides provision and accessibility standards for differing typologies of open space. More recently this Borough wide assessment was supplemented by a quantitative assessment of open space undertaken on behalf of the LPA by Peter Brett Associates in 2012.

Based on the proposal for up to 540 dwellings, and assuming an average of 2.2 people per dwelling, Policy LR6 requires the minimum provision of 3.21ha of qualifying public open space if the maximum site capacity is realised. The scheme proposes to provide 6.17ha of public open space, a figure in excess of the policy requirement. The proposal includes a large combined LEAP and NEAP facility with an activity zone of 1,000 sqm and located within the centre of the site with natural surveillance from dwellings located a minimum 30m distant.

In addition to the formal open space provision, the proposals also include informal open space to promote and improve the off-site recreational potential of the adjacent Apley Woods by including a woodland buffer and new visitor car park within the informal areas of open space. To the angling use of Apley Pool, the drainage proposals for the site include the controlled discharge of water into Apley Pool to ensure water levels are 'topped up'. In total the areas of informal open space around the edges of the development site amount to 5.64ha in size, exceeding the requirements of Local Plan Policy LR6. These areas have been revised and extended following significant engagement with the Council and local stakeholder groups and provides considerable opportunity to enjoy amenity green space within the site.

7. Design

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people. The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both urban and rural areas. In terms of design, the NPPF advises that:

"Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

Paragraph 58 of the NPPF states that planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimize the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- Respond to local character and history, and reflect the identity of local

surroundings and materials, while not preventing or discouraging appropriate innovation;

- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- Are visually attractive as a result of good architecture and appropriate landscaping.

Using land efficiently is a key consideration in planning for housing. Good design is fundamental to using land efficiently. More intensive development is not always appropriate; however, when well designed and built in the right location it can enhance the character and quality of an area. Density is a measure of the number of dwellings which can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

A Design & Access Statement and an illustrative masterplan accompany the application, supported by a Design Code in the form of a Character Area Matrix. Members will appreciate that this is an outline application and whilst your officers have sought to tie the applicant down to a reasonably fixed design philosophy, it is extremely difficult to introduce precision at this stage. A copy of the masterplan and the Character Area Matrix are attached to this report.

Officers are satisfied that the design ambitions for the site respect the site's landscape characteristics and the presence of the adjoining woodlands. The indicative masterplan layout demonstrates that a mixed use development, including a Local Centre, together with roads, footpaths, connectively, green spaces and a nature conservation area can be accommodated on the site. Properties would be of a traditional brick and pitched roof construction, and most would be 2 storeys in height but with some two and a half storey units at appropriate locations. The illustrative layout demonstrates that it is possible to achieve the numbers proposed without detriment to visual or residential amenity. The urban designers have integrated existing landscape features into the scheme by the retention of trees and hedgerows where possible and have included buffer zones that should protect the setting and conservation value of Apley Woods. The development proposals as illustrated are in general accordance with WLP policy UD4 which expects landscape to be integrated into any design layout from the outset.

The applicant has agreed to the provision of public art facilities to the value of £100,000 to be located within the development possibly within the Local Centre to act as a focal point and/or close to one of the entrances into the Apley Wood.

8. Flood Risk and Drainage

The NPPF clearly states that Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. The NPPF advises that the aims of planning policy on development and flood risk are to ensure that flood risk is taken into account at all stages in the planning process to avoid

inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Flood risk assessment should be carried out to the appropriate degree at all levels of the planning process, to assess the risks of all forms of flooding to and from development taking climate change into account and to inform the application of the sequential approach. The aim of the sequential Test is to steer new development to areas with the lowest probability of flooding.

A Flood Risk Assessment (FRA) has been submitted in support of the planning application. The FRA report identifies that the site falls within an Environment Agency Flood Risk Zone 1 area and is considered to be at a level of low risk of flooding. The applicants propose the use of attenuation tanks combined with flow control devices to ensure that the outfall from surface water does not exceed the existing discharge rates. The Council's Drainage Engineer has raised no objections to the proposals subject to conditions relating to drainage and the need to incorporate a surface water regulation scheme which could include sustainable urban drainage measures.

The applicants propose sustainable urban drainage solutions, possibly surface level swale features. The applicant's drainage consultants believe that there is adequate space within the site to enable SuDS to occur. Consequently, proper management arrangements would need to be in place, which are not included in this application. Given this, a condition is proposed that would require the revisiting of precise means of surface water drainage either at the Reserved Matters stage or prior to commencement of development. Suffice to say at this stage, there is a technical solution.

With appropriate safeguards and conditions, it is considered that the proposal could be developed without placing unacceptable pressure on existing capacity or having a detrimental impact on the capacity, flow or quality of groundwater or surface systems, and would not result in an unacceptable risk of flooding. As such, the proposal would accord with the provisions of the NPPF and Policies of the Local Plan.

9. Archaeology

A Desk-based Archaeological Assessment accompanying the application and identified that the proposed development site lies within an area that has a low to medium potential for archaeological remains of the Roman to early post-medieval periods. The south-eastern part of the proposed development lies within the site of a supposed deserted medieval settlement at Apley and a possible motte. Furthermore the supposed site of the first medieval Apley Castle lies immediately outside the southern boundary of the development site. The eastern and southern parts of the proposed development area lie within the former boundary of Apley Park a post-medieval park and garden associated with Apley Castle, and the remains of a 17th century ice house again lie immediately beyond the southern boundary of the development area. Finds of Roman coins and an early medieval (Anglo-Scandinavian) stirrup strap mount have also been made within the proposed development area.

The NPPF at Paragraph 128 states that "In determining applications, local planning

authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed or has potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.

The County Archaeologist has advised the LPA that the desk-based assessment that has been undertaken is sufficient for the purposes of understanding the resource and subject to a condition requiring implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation to be undertaken prior to commencement of development, this would be a satisfactory and proportionate response to the desk-top findings of the applicant.

10. Affordable Housing and section 106 Contributions

The applicant has produced an extensive and thorough viability appraisal which proposes 15% affordable housing. This amount of affordable housing falls short of the council's target for the area of 38%. Due to the complexity of the scheme's financial inputs, the District Valuer's Service has been commissioned to assist the Council in its deliberations. Costs associated with the lease surrender of Maxell and the payment to the HCA in respect of the release/modification of various covenants on the land in their favour have had to be included in the assessment. These figures represent a very significant cost to the developer. A developer profit level consistent with other schemes in the Borough has been allowed. The DVS queried the valuation of the site given the nature of the site (part employment/part Green Network-agricultural). The sums however were confirmed as reasonable on a site of this type. The DVS confirmed that an assessment based on nil affordable housing would provide a surplus in excess of £4m. At 15% affordable housing, the scheme would be viable with no surplus. The DVS recommends that should permission be granted on the basis of 15% affordable housing (based on a 50:50 tenure split – social rent/shared equity), which is less than the policy requirement, a review mechanism should be included in the section 106 Agreement. Although this would provide a means of taking account of any increase in values/costs over time, the applicants maintain that the DVS report acknowledges that the development is not viable with the 15% affordable housing figure but the company is willing to provide this given the policy position. However this is on the understanding that there would not be a review clause as this will cause yet further uncertainty and will impact on the applicants' ability to deliver a phased release of development. On balance, given that a higher affordable housing figure will be achieved than the viability assessment justifies, a review clause is not recommended.

On 9 December 2010 the Department for Education published a paper, National Pupil Projections: Future Trends in Pupil Numbers (OSR31/2010). This Government Paper confirms a national pattern of peaks and troughs of school pupil numbers, which is mirrored in the Borough. The Paper also shows that it is necessary to retain

15% surplus school pupil places to effectively manage the changes in numbers in the indigenous population. That 15% surplus does not take into account additional children moving into an area from a new housing development. At the present time, both nationally and locally, pupil numbers are at the bottom of a trough, which is likely to peak in 2020/21. Presently, the Borough Council does not have 15% surplus places available and the Authority will therefore be under pressure to comply with its statutory duty to provide places for the existing population.

The provision of affordable housing is necessary in order to be consistent with Core Strategy Policies CS1 and CS7, Local Plan Policy H23 and the NPPF. The contributions towards highway improvements reflect the features of the site, the necessity for road widening and its location relative to public transport and the negotiation of these contributions is consistent with Local Plan Policy T22. The provision of a financial contribution towards educational improvements is necessary because of the link between the development and the impact on local school rolls and contribution to off-site play provision in the vicinity of the site will help mitigate against the increased population pressure on these facilities in accordance with CS10, OL13 and LR6. The remaining section 106 contributions as detailed in this report are set out as follows:

Education - £1,614,205 (comprising £1,085,231 Primary; £528,974 Secondary)
Open Space £130,000 (Off-site leisure provision eg Apley Pool)
Maintenance of Open Space £367,824
Public Art £100,000
Toucan Crossing £50,000
Public Transport £30,000
Shawbirch roundabout £112,350
Leegomery roundabout £46,200
Sustainable Urban Drainage Systems maintenance: Clause to secure a commuted sum for maintenance of the SuDs features if deemed necessary and not operated by a management company. (To be confirmed)
Travel Plan Monitoring £ 5,000
Planning & Financial Monitoring £20,000

CONCLUSIONS

At the national level, sustainable development is promoted through the NPPF, which defines three dimensions: economic, social and environmental, which cannot be considered in isolation. The proposed development will help provide the delivery of new homes in a short time frame. The proposal for 540 dwellings together with a new Local Centre will have a positive effect on the local economy providing construction investment and employment in the short term and by delivering additional homes, will increase spending within the local economy longer term. The Council is currently unable to demonstrate a borough-wide five year supply of deliverable land. This means that under the NPPF, development plan policies relating to housing supply can be regarded as out-of-date and cannot be relied upon alone to justify refusal and there will be a presumption in favour of sustainable development. However it is considered that this development accords with relevant policies in the development plan and with the guidance contained within the NPPF, notwithstanding the 5-year land supply issue. It is considered that the proposal represents an acceptable form of sustainable development.

The development proposal would deliver 15% affordable housing on the site, i.e. 81 affordable residential units and would, therefore, fulfil a social role by delivering a mix of affordable and open market housing to meet current and future needs with a range of tenures. The mix of housing proposed together with affordable housing will encourage a mix of households. This provision would therefore help promote the national policy to deliver the right type of housing within the right place and at the right time to meet the market need and the Council's growth ambitions.

Clearly, Wellington and its neighbouring communities are considered to be a sustainable location suitable for accommodating potentially significant amounts of housing growth in the local context. It is a market town with a wide range of facilities, a central retail core offering a wide range of services and excellent transport links. The outlying communities such as Apley, Shawbirch and Leegomery themselves depend on Wellington for their services while enjoying local centres themselves. Although highly likely to be included within the forthcoming Local Plan for development, in the absence of an up-to-date Plan at this juncture, the material considerations promoted in the NPPF in relation to housing supply, carry significant weight - so much so, that the principle of development at appropriate urban-rural fringe locations cannot really be questioned provided they meet the tests of sustainability.

There will be no adverse effect on any historic assets in the vicinity of the site. There are no technical reasons on grounds of drainage, highways or ground conditions to warrant a refusal, as matters can be mitigated against by the imposition of planning conditions and necessary s106 financial contributions. The site is not a designated or protected landscape or wildlife site and the development will not have an adverse impact on the nearby Apley County Wildlife Site. There is no protected flora or fauna on the site that that would prevent development, and which cannot be dealt with by proposed mitigation measures or planning conditions. Officers are generally satisfied that the proposed indicative layout in itself theoretically demonstrates that a suitable design layout, incorporating distinctive and definable character areas with a mix of densities can be accommodated on the site and the proposed illustrative layout could be worked up into a detailed scheme in any subsequent Reserved Matters application, should outline planning permission be granted.

The proposal consisting of housing and a local centre is considered to represent sustainable development as detailed in the NPPF. The adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits assessed against the policies in the Framework. Whilst the development would have some conflict with Green Network policies, the development would provide a useful contribution to housing land supply in addition to the economic and social benefits that would flow from this. The loss of Green Network is compensated for by significant environmental enhancement of the Apley Pool area.

Each of the planning issues considered in respect of the current application has been carefully considered by officers and appropriate weight has been attached to each planning issue in reaching a planning balance. The proposed site is available and deliverable, the Council can ensure this delivery with the use of appropriate conditions. It would contribute to the provision of housing land for the Borough and it is proposed to be developed in a sustainable and accessible location within fairly

close proximity to Wellington.

The proposed development site can be adequately developed without detrimental impact to highway safety, nor any adverse impacts to ecology, drainage, and will not be adversely affected by previous land uses, noise or air quality. Furthermore the proposal is as suitable use which will not cause harm to the surrounding residential amenity provided adequate conditions are imposed.

This application has generated considerable objection and concern locally. Officers have recognised the strength of local opinion. However the issues that have been raised have been carefully considered and amendments and clarification sought on several key issues. In addition to the benefits derived from meeting housing need, it is concluded that the development would not cause significant harm and is in accordance with national and local planning policy guidance

It is therefore RECOMMENDED GRANT DELEGATED AUTHORITY to the Development Management Service Delivery Manager to GRANT PLANNING PERMISSION subject to the signing of a S106 agreement and to add and/or amend planning conditions. The Section 106 Agreement shall secure the following planning obligations:

- EDUCATION - £1,085,231 for primary education and £528,974 for secondary education based on no 1 bed units and 15% affordable.
- OPEN SPACE – on site provision through the development and with off-site contribution towards sports/leisure and that in principle this could be used to improve angling facilities at Apley Pool. £130,000
- APLEY POOL - Footpath improvements around Apley Pool £50,000
- MAINTENANCE – maintenance of Local Centre landscaping and drainage through management company – POS maintenance £350,000 (not inclusive of 5% admin fee)
- DRAINAGE – scheme of drainage to be conditioned to be submitted before each phase of reserved matters is approved and future maintenance arrangement/funding agreed.
- PUBLIC ART – £100,000
- PUBLIC TRANSPORT – Control crossing £50,000 - Bus shelters £30,000
- TRAVEL PLAN MONITORING - £5,000
- TRANSPORT - Shawbirch Roundabout land and network improvement funding at Shawbirch Roundabout of £112,350, Leegomery Junction £46,200.
- Planning & Financial Monitoring –. £15,000
- Provision of Affordable Housing - 15 %

Proposed Conditions

1. Time Limit: (Outline) works to commence within 2 years;
2. Time Limit for submission of Reserved Matters applications (7 years);
3. Reserved Matters to include layout, scale, appearance and landscaping;
- Requirement to submit for approval a Development Framework and Design Codes
4. Approved plans – Location Plan, Illustrative Masterplan, Design & Access Statement and Character Areas Matrix;
5. Up to 540 dwellings. To be subject of agreed phasing plan
6. Development parameters plan. No development other than areas of car parking and public open space shall take place within the areas marked on that plan.

7. LEAP/NEAP details to be agreed prior to commencement of development together with its management arrangements and be fully implemented/operational before completion of xx no. of houses on site (to be agreed) together with minimum separation distances from the nearest dwelling.
8. Development shall not take place within a Phase until details of Affordable Housing Units for that Phase have been approved by the Council.
9. Surface Water drainage details to achieve greenfield run-off rates
10. Surface water and foul drainage details to be agreed and to include sustainable urban drainage systems
11. Archaeological scheme of investigation
12. Ecology conditions as recommended by the Planning Ecologist
13. Biodiversity Management Plan to be agreed
14. Landscaping implementation to include a 25 year management plan
15. Tree and hedgerow protection
16. Connections to existing Public rights of way and enhancement
17. All highways, footways and cycleways, bus stop and pedestrian link shall be designed and completed in accordance with the highways Authority specification
18. Details and agreement of Public Art
19. Submission of a full travel plan to be agreed
20. Samples of materials
21. Scheme to be agreed for the protection of dwellings within the development from road traffic noise.
22. Construction method statement with measures to control dust, noise, vibration, light and odour.
23. Hours of construction
24. Contaminated land mitigation
25. Informatives

UPDATE REPORT CONSIDERED AT FEBRUARY 2015 PLANNING COMMITTEE

Following preparation of the latest report, further submissions have been received from the Friends of Apley Woods. Although raising nothing new, the Friends wish to re-emphasise their previous comments that they fear the scale of development will have an irretrievable and cumulative impact on the historically significant Apley Wood and LNR; the Friends have worked closely with TWC officers over the last 10 years to manage and conserve the woodland – it is a special place and contains some 30 species that are in danger (NERC/BAP list). The dangers include:

- Chemical effects (both during development and after).
- Disturbance (noise, earth movement, etc.).
- Fragmentation (isolation of wildlife habitat).
- Invasion of non-native plant species (garden escapees).
- Increased nearby road traffic (from new residents and their visitors).
- Increased regular footfall (from new residents, their pets and their visitors).
- Interruption of existing surface water flow into the fishing pool and proposals for future water flow.

The Friends would like to see a 20% reduction in density and an increased buffer between the housing development and boundary with the Wood.

The Friends provide the following list of species that are present at Apley Woods and comprising priority species under NERC/BAP listing, with some under threat, as follows:

Noctule Bat
Soprano Pipistrelle Bat
Brown Long-Eared Bat
Dusky Thorn Moth
Rosy Rustic Moth
Dot Moth
Oak Hook-Tip Moth
Ghost Moth
Small Phoenix Moth
Red Carpet Moth
Common Fan-Foot Moth
Seraphim Moth
Grey Dagger Moth
Shaded Broad-Bar Moth
Small Emerald Moth
Cinnabar Moth
Chestnut-Coloured Carpet Moth (Red listed as `nationally scarce`)
September Thorn Moth
Leaf Miner
Psylla Buxi
Fagocyba Carri
Wasp Nest Beetle
Hornet Rove Beetle (Red listed as `critically endangered`)
Mallard
Song Thrush (Red listed as `vulnerable`)
Mistle Thrush
Grey Lag Goose
Hedghog
Common Toad

What is the Red List?

The IUCN Red List of Threatened Species (also known as the IUCN Red List or Red Data List), founded in 1964, is the world's most comprehensive inventory of the global conservation status of biological species. The International Union for the Conservation of Nature (IUCN) is the world's main authority on the conservation status of species. A series of Regional Red Lists are produced by countries or organizations, which assess the risk of extinction to species within a political management unit.