

## **PLANS BOARD**

### **Minutes of a meeting of the Plans Board held on Wednesday, 16 January 2013 at 6.00pm in the Walker Room, Meeting Point House, Town Centre, Telford**

**PRESENT:** Councillors J C Minor (Chairman), N A Dugmore, I T W Fletcher, R T Kiernan, J Loveridge, G C W Reynolds, S A W Reynolds and C R Turley

**ALSO PRESENT:** Councillor A J Eade (for planning application TWC/2012/0679)

#### **PB-073 MINUTES**

**RESOLVED** – that the minutes of the meeting of the Plans Board held on Wednesday, 12 December 2012 be confirmed and signed by the Chairman.

#### **PB-074 APOLOGIES FOR ABSENCE**

None.

#### **PB-075 DECLARATIONS OF INTEREST**

Cllr G C W Reynolds commented on her position as Ward Councillor with regard to planning application TWC/2012/0918 but stated that, in the circumstances, she would not be withdrawing from the meeting for that item.

#### **PB-076 DEFERRED/WITHDRAWN APPLICATIONS**

None.

#### **PB-077 SITE VISITS**

None.

#### **PB-078 PLANNING APPLICATIONS FOR DETERMINATION**

Members had received a schedule of planning applications to be determined by the Board and fully considered each report and the supplementary information tabled at the meeting regarding planning applications TWC/2012/0965 and TWC/2012/1000.

(a) TWC/2012/0679 - Land at Hoo Farm Animal Kingdom, Preston Upon The Weald Moors, Telford, Shropshire, TF6 6DJ

This application for change of use of land and the erection of a temporary prefabricated building to accommodate a pre-school children's nursery was deferred at Plans Board on 12 December 2012 to allow officers to investigate alternative suitable sites which could accommodate the nursery. Prior to the meeting, Planning Officers had received evidence of the applicant's 5 year search to find suitable alternative locations within the borough. Members were advised that the Planning Officer was satisfied that there were no other suitable alternative sites currently available within the timescales needed to complete works prior to the need to vacate the existing premises. Due to the need for rural pre-school and nursery provision (which would be significantly reduced following closures at Wrockwardine and High Ercall) and in conjunction with the under provision within the Donnington area, it was considered that this application demonstrated

sufficiently exceptional circumstances to consider development in this location on a temporary basis.

Cllr A J Eade, Borough Ward Member for Church Aston & Lilleshall spoke in support of the application. He welcomed the Officer's recommendation to grant temporary planning permission following further discussions and receipt of evidence relating to the extensive search for alternative suitable premises. He pointed to the requirement for high quality nursery provision in the area and dismissed claims that sustainability would be an issue. He also commented upon the need for a five year temporary permission in order to ensure viability.

Ms P Hustwick, owner of the relocating nursery, spoke to support the application. She reminded Members that the relocation was due to the building currently occupied by the nursery being unsuitable for continued use and explained the context of the five year search for alternative premises. She noted the shortage of nursery provision in the locality and commended the quality learning experience that would be on offer at the proposed site. She advised that a five year temporary permission was required to ensure viability.

All Members welcomed the retention of the high quality nursery provision offered by ABC Nurseries and were satisfied that firm evidence had now been provided to demonstrate that there were no suitable alternative locations. The Chair raised local residents' concerns regarding overgrowth of trees in the vicinity and the Assistant Director: Planning Specialist confirmed his understanding that hedge trimming at this location was in the programme of works. Following a vote, it was unanimously:-

**RESOLVED – that with respect to planning application TWC/2012/0679 planning permission be granted subject to the conditions as set out in the report.**

(b) TWC/2012/0892 - Woodlands Primary School, Ironbridge Road, Madeley, Telford, Shropshire, TF7 5HX

This was an application for the erection of a new 'Eco Classroom' within the 'Forest School' area of the Woodlands school grounds. Following wide-ranging local consultation with users, the proposed modular classroom had been designed to blend with the ethos of learning at the school and meet the specific needs of the learning community.

**RESOLVED – that with respect to planning application TWC/2012/0892 planning permission be granted subject to the conditions as set out in the report.**

(c) TWC/2012/0918 - Public open space rear of First Avenue, Ketley, Shropshire, TF2 0AJ

This was a Council application seeking planning permission to refurbish an existing ball court. The application proposed that existing recreational use would not change but fencing would be upgraded and the ground resurfaced and line-marked. Members welcomed the application. Councillor G C W Reynolds commented that repair to pathways in the vicinity would also be beneficial.

**RESOLVED – that with respect to planning application TWC/2012/0918 planning permission be granted subject to the conditions as set out in the report.**

- (d) TWC/2012/0932 - Open Space off Beaconsfield, Brookside, Shropshire, TF3 1LW

This was a Council application proposing the relocation and upgrading of children's play equipment. The facilities, for children aged between 2 and 12 years, directly replaced existing facilities which would be removed as part of wider regeneration proposals for Brookside Centre. Members welcomed the application.

**RESOLVED** – that with respect to planning application TWC/2012/0932 planning permission be granted subject to the conditions as set out in the report.

- (e) TWC/2012/0965 - Addenbrooke House, Ironmasters Way, Telford, Shropshire, TF3 4NT

This was a Council application seeking partially retrospective consent for the change of use of part of the ground floor area at Addenbrooke House, which had recently been occupied by Telford & Wrekin Council, to a café which would open independently of the Council Offices. It was also proposed that an external seating area at the premises would be created. An update report was tabled which detailed a consultation response from Lawley and Overdale Parish Council.

Members were somewhat disappointed that an element of this application was retrospective but, despite some concerns regarding sustainability at this location, all Members were generally supportive of the proposals.

**RESOLVED** – that with respect to planning application TWC/2012/0965 planning permission be granted subject to the conditions as set out in the report.

- (f) TWC/2012/1000 - Addenbrooke House, Ironmasters Way, Telford, Shropshire, TF3 4NT

This was a Council application which sought partially retrospective consent for the display of advertisements and erection of 3 flag poles at Addenbrooke House which had recently been occupied by Telford & Wrekin Council. The application was made partly in conjunction with planning application reference TWC/2012/0965 (above). An update report was tabled which detailed a consultation response from Lawley and Overdale Parish Council. Upon questioning, the Assistant Director: Planning Specialist clarified rules surrounding flag flying. Some concerns were raised regarding the overt colour scheme utilised by the café in the context of its surroundings but the proposals were unanimously supported.

**RESOLVED** – that with respect to planning application TWC/2012/1000 advertisement consent be granted subject to the conditions as set out in the report.

The meeting ended at 6.25pm

Chairman: .....

Date: .....

# TELFORD & WREKIN COUNCIL

## PLANS BOARD

6<sup>th</sup> February 2013

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| Schedule 1 - Planning applications for determination by Board |
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|  |            |
|--|------------|
| <b>TWC/2011/1102 Land off, Beech Road, Madeley, Telford, Shropshire</b><br>Outline planning application for part demolition of existing care village and nursery followed by construction of not more than 90no. open market residential dwellings, 3no registered social care bungalows, a new plant nursery and cafe, including the provision of means of access***Amended description, application form and plans received*** .....   | <b>3</b>   |
| <b>TWC/2012/0138 Hill Farm House, Land adjacent, Old Farm Lane, Lilleshall, Newport, Shropshire,</b><br>Conversion of barns to form 9no dwellings and erection of 12no dwellings with associated garaging, parking and access (Listed Building) .....  | <b>26</b>  |
| <b>TWC/2012/0139 Hill Farm House, Land adjacent, Old Farm Lane, Lilleshall, Newport, Shropshire,</b><br>Conversion of barns to form 9no dwellings and erection of 12no dwellings with associated garaging, parking and access .....  | <b>28</b>  |
| <b>TWC/2012/0314 Land adjacent The Cleveland Arms, High Ercall, Telford, Shropshire, TF6 6AE</b><br>Erection of 6no. dwellings with associated car parking (Amended plans received).....   | <b>45</b>  |
| <b>TWC/2012/0320 Land Off, Sommerfeld Road, Hadley, Telford, Shropshire,</b><br>Outline planning application with means of site access from Sommerfeld Road to be determined, (Layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 185no. dwellings (Class C3), demolition of all existing buildings, public open space including linear park and community allotments, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking and other ancillary works..... | <b>53</b>  |
| <b>TWC/2012/0583 Blockleys Bricks Ltd, Sommerfeld Road, Hadley, Telford, Shropshire, TF1 5RY</b><br>Reconfiguration of existing factory site to include provision of new office block (Class B1) relocation of wheel wash and reconfiguration of existing roadway and parking arrangements and other ancillary works .....   | <b>87</b>  |
| <b>TWC/2012/0808 Land adjacent to Rock Cottage, 39 Mill Lane, Tibberton, Shropshire, TF10 8NL</b><br>Erection of a 2 storey detached dwelling with integral single garage to side .....  | <b>94</b>  |
| <b>TWC/2012/0942 Land between 8 &amp; 16, Hordley Road, Wellington, Telford, Shropshire</b><br>Proposed development of 4 No. three storey town houses (Amended plans received) .....   | <b>102</b> |

**TWC/2012/1018 Unit 2-10, Sutton Road, Admaston, Telford, Shropshire,  
TF5 0AY**  
Installation of a pedestrian access and staff parking ..... **107**

TWC/2011/1102

Land off, Beech Road, Madeley, Telford, Shropshire

Outline planning application for part demolition of existing care village and nursery followed by construction of not more than 90no. open market residential dwellings, 3no registered social care bungalows, a new plant nursery and cafe, including the provision of means of access\*\*\*Amended description, application form and plans received\*\*\*

**APPLICANT**

Care Fund/Self Unlimited

**RECEIVED**

08/02/2012

**PARISH**

Madeley, The Gorge

**WARD**

Ironbridge Gorge, Woodside

This application has been referred to Committee by The Gorge Parish Council.

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Justification for the proposals and the principle of development in this location, affordable housing provision, ecology, highway and traffic issues.

**THE PROPOSAL:**

This is an outline application with all matters other than the means of access (appearance, landscaping, layout and scale) being “reserved matters” for consideration at a later stage, via a separate application(s). However, as required with such applications some key parameters for the proposed development are provided in relation to land use, access and movement, density and scale.

The application has been submitted by CARE Fund and Self Unlimited who own and operate, on a charitable basis, the Forbes Close site at Ironbridge. The site is operated as a care village for people with learning difficulties. Within the Forbes Close part of the operation there are currently 36 residents on site. There are 7 residents within the Beeches Spinney complex that caters for residents with higher dependency needs that is located within the eastern part of the application area, but these are unaffected by the proposals submitted.

The applicant states that the current accommodation (built in 1987) is in an “institutional” style the majority of which is in two main blocks where bathrooms, kitchens and lounge are shared amongst residents.

The Charity states it is responding to changing central Government best practice requirements in relation to the provision of residential care, and in particular, those relating to the provision of care for those with learning disabilities. For example, Policy Objective 11 ‘A home of your own’ of Valuing

People - Best Practice from Central' Government - states that: all people with learning disabilities and their families should:

*'have an informed choice about where, and with whom they live.'*

With particular reference to the Charity's requirements under this guidance, Paragraph 3.19 states that:

*'Those who plan and commission services should consider how they could develop creative solutions to meeting those aspirations.'*

This has resulted in Self Unlimited needing to review all of their sites to ensure that they provide:

- Less 'institutionalised' accommodation; and
- Deliver integrated residential opportunities for its customers (much the same as affordable housing is now provided).

In essence, the Charity's view is that it cannot house residents in standalone 'institutional' care villages, but should re-house residents in a choice of mainstream housing within the community. This necessitates the acquisition of a range of property across the District; however, funding for such acquisition can only be raised by existing assets and charitable fund raising.

Along with these challenges, the Charity states the changes in Government requirements provide the opportunity to scrutinise the performance of their sites and identify opportunities to optimise site potential to improve the Charity's offer to its customers by improving facilities, as well as assisting in the delivery of housing accommodation in a sustainable format.

On this basis the greater part of this application proposes the demolition of the existing Forbes Close buildings and existing on site hortic nursery and the construction of not more than 90 open market residential dwellings, together with three 2 bed registered care bungalows adjacent to the Beeches Spinney complex.

One of the Charity's key objectives is to seek to optimise employment opportunities for their customers. The Forbes Close site provides limited employment opportunities at present in the form of an on site hortic facility. It is put forward that the redevelopment proposals for the site provide the opportunity to diversify the uses and deliver real employment opportunities to the Charity's customers. This would also ensure that the future use of the site has excellent sustainability criteria by providing a mixed use development. The opportunity for paid real working opportunities is envisaged as being delivered through the provision of a nursery and ancillary café of some 687m<sup>2</sup> in total. In addition, it is also envisaged that gardening services for the communal open space and perhaps for private individuals, could be provided by the Self Unlimited customers.

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

- Planning Statement;
- Design and Access Statement;
- Specific planning statement on Green Network considerations in support of the application;
- Various plans and drawings including an Indicative Site Masterplan;
- Transport assessment and visibility splay plan of the proposed access;
- Phase I Geo-environmental assessment report;
- Flood risk assessment;
- Ecological assessment;
- Landscape and visual assessment report;
- Woodland management plan;
- Landscape and Ecological Mitigation and Management Plan;
- Archaeology and cultural heritage assessment; and
- Development viability appraisal reports (submitted on a confidential basis).

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

#### SITE AND SURROUNDINGS:

The site is located off Beech Road between Woodside and Ironbridge.

The application site extends to 5.98 hectares of land. In its current use the Forbes Close and Beeches Spinney complex (including the on site hortic facility) cover some 2.23 hectares, with the remained 3.75 hectares within the ownership of the Charity being open grassland and woodland. As well as the redevelopment of the Forbes Close and hortic area the application proposes to develop an additional 1.29 hectares of land and to open up 0.11 hectares for the balancing pond/LEAP area (which is currently within the developed part of the site).

Therefore, under the proposals the developed area would amount to 3.41 hectares; with the retained areas of open land amount to 2.57 hectares. The area to be developed is therefore roughly 38% Greenfield (1.29 hectares) and 62 % Brownfield (2.12 hectares).

To the north of the site is open land that appears to be in agricultural use. The site's eastern boundary is formed by Ironbridge Way public footpath leading from Beech Road towards the direction Woodside. On the other side of the footpath is an area of allotments.

The site's southern boundary is formed by Beech Road running east to west. In the easterly direction this leads up to Woodside and in a westerly direction it turns into Lincoln Hill the leads down to the Ironbridge Gorge. To the south of Beech Road is open land and the former Beeches Hospital. To the west of

the site is Castle Green Cemetery together with areas of adjoining woodland and a residential property called "The Lodge".

The topography of the site is such that the land slopes generally down from the north to south towards Beech Lane.

#### PLANNING HISTORY:

The site has no recent planning history other than a number of planning applications associated with its current use.

#### PLANNING POLICY CONTEXT:

National Planning Policy Framework

Saved Wrekin Local Plan policies

Policy UD2 – Design Criteria

Policy H9 – Location of new housing

Policy H10 – Scale of new development

Policy H22 - Community Facilities

Policy H23 – Affordable Housing

Policy T22 – Planning Obligations

Policy OL3 – Green Network

Policy OL4 – Development in the Green Network

Policy OL11 - Woodland and Trees

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

Policy OL13 – Maintenance of Open Space

Policy LR4 - Outdoor recreational Open Space

Policy LR6 – Developer contributions to outdoor recreation open space provision within new residential developments

LDF Core Strategy policies

Policy CS1 – Homes

Policy CS9 – Accessibility and Social Inclusion

Policy CS10 – Community Facilities

Policy CS11 – Open Spaces

Policy CS12 – Natural Environment

Policy CS13 – Environmental Resources

Policy CS15 – Urban Design

#### CONSULTATION RESPONSES:

TWC Highways Engineers

Have no objections to the proposals subject to a Section106 contribution. As the application is for the approval of just access and the submitted drawings are indicative of the layout only, conditions on any consent given must also be imposed as well as informative I11.

Chapter 7 of the submitted transport assessment is keen to promote the sustainability of the site and discusses the viable transport options aside from car use. The view is that the local footpath infrastructure between the site,

Woodside Avenue and Ironbridge Road requires dropped crossing improvements to ensure the sustainability of the site is fully maximised and ensuring safe routes to Abraham Darby School and public transport services.

It is also noted the assessment identifies that there are immediate footpath links to the Ironbridge Way and Shropshire Way from the site and therefore I think it necessary to further promote the recreational use of these routes for future residents of the development with some improvements to the local Rights of Way furniture.

Accordingly I ask for a Section 106 contribution of £12,500 to fund these improvements noted above. The monies to be paid upon the commencement of development, indexed and any unspent monies after 5 years refunded to the applicant.

TWC Drainage Engineers  
Support subject to conditions.

TWC Geotechnical Engineers  
Recommend an approval of this application subject to a number of conditions.

TWC Urban Design Officer.  
No comment.

TWC Parks and Open Spaces Officer  
Comment. The development proposes a number of properties which will contribute to the need of recreational facilities for the area. The development proposes to provide on site public open space within the development and this is highlighted throughout documents woodland / woodland edge.

The proposed development will meet the trigger to provide an on-site LEAP (Local Equipped Area of Play) in accordance with WLP policy LR6. The definition of a LEAP by Fields In Trust is that it provides an area of approximately 400m<sup>2</sup> identified for children's play (an equipped area of play primarily for younger children). An on site LEAP is now proposed and would meet this requirement.

The LEAP is required to be complete prior to the sale of any overlooking properties within 30m of the proposed edge of the LEAP so as to ensure residents are fully aware of the amenities provided prior to purchase.

As the detail of the landscape cannot yet be confirmed it is appropriate to provide a Landscape management plan at the time the POS detail (including the LEAP) has been agreed (reserved matters). This needs to be provided prior to the commencement of development and if phased prior to the commencement of any phase. This plan should detail the maintenance regime which shall be undertaken to manage the POS (including LEAP) for the long term future of the amenities. This will need to confirm the principles of community access, safeguarding the retention of community facilities and

financial management (e.g. management company paid for by contributions from the residents) as well as the practical management of the POS.

Should you be minded to approve, the following is required:

- A LEAP is provided on site to serve the residents arising from the development.
- Condition relating to the approval of open space / landscape detail by TWC (P & OS) prior to starting development to ensure appropriate landscape design.
- Condition relating to confirmation of the timing of implementation of the LEAP / POS.
- No overlooking housing being sold prior to the LEAP being built which would not be necessary if timing of the play area is earlier than the surrounding housing.
- Condition relating to the requirement of an approved Landscape Management Plan (identifying the proposed ownership / management and maintenance responsibilities) for after implementation to ensure continued use of the public open space and provided in association with the landscape detail.

#### TWC Education

Have considered the current situation with pupil numbers at what are deemed to be the local schools for the area, and have taken into account the individual circumstances of the proposed development. In this instance we would not be seeking a Section 106 contribution to primary education facilities on this application.

#### TWC Arboricultural Officer

Comment. The 'Woodland Management Plan' submitted with this application is comprehensive does not raise any objections with regard to the tree removal and restocking schedules set out.

This application, at this stage appears acceptable although it must be noted that there are number of issues that require address prior to approving any development at this site.

#### TWC Sustainability Officer

There are some positive sustainability aspects of the development, for example the development will be designed to achieve Code for Sustainable Homes level 3 rating.

#### TWC Planning Ecologist

Support subject to the conditions. Section 5 of the Ecological Assessment contains a Mitigation and Enhancement Strategy. This, taken with the Landscape and Ecological Mitigation and Management Plan and the Woodland Management Plan, provide details on the habitat creation to compensate for the loss of valuable habitats, mitigation measures to minimise the impact on protected and priority species and long-term habitat management of the retained and new habitats. I am satisfied that if these

documents are conditioned then the value of the site will be maintained and enhanced.

Under Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010, competent authorities must *have regard to* the Habitats Directive in the exercise of its functions.

Buildings B1 and B6 contain transitory roosts for small numbers of common pipistrelles, therefore EPS offences under Article 12 are likely to be committed by the development, i.e. the killing or injury of an EPS, or damage or destruction of an EPS breeding site or resting place.

The likely offence cannot be avoided through mitigation measures secured through planning conditions, as the buildings are going to be demolished.

The mitigation proposed in Mitigation and Enhancement Strategy (Section 5 of the Ecological Assessment) will be sufficient to ensure the continuing maintenance of the local bat populations at favourable conservation status. Therefore this part of the test is met.

Further information may be required from the applicant to answer the other two tests (overriding public interest and no satisfactory alternative). This should not be a burdensome request as this information will be required as part of the Natural England licence application. If further info is required, it can be requested under s62 (3) of the Town and Country Planning Act 1990.

I recommend that the following are conditioned:

- Section 5 of the Ecological Assessment (Mitigation and Enhancement Strategy)
- Landscape and Ecological Mitigation and Management Plan
- Woodland Management Plan

TWC Built Heritage Conservation Officer.

Comment. The site lies on the fringes of the Ironbridge World Heritage Site and Severn Gorge Conservation Area. It will be important to ensure that the overall design is not detrimental to this sensitive location (boundary area of a World Heritage Site). This includes ensuring that scale and massing and building height are appropriately detailed.

TWC Environmental Health (Noise)

No objection.

TWC Viability Officer

Comment.

- The viability assessment states values and costs which appear reasonable for this type of scheme.
- The land value established is below the current market rate per acre and therefore would not be able to accommodate any planning

obligations in viability terms. In any event the surplus created is being directed towards payment of relocation costs associated with the proposed development.

- The lack of developer contributions obviously needs to be balanced against other policy considerations when determining the application.
- Whilst the viability would not allow any affordable housing, there would be an opportunity to negotiate some education/open space contributions.

#### TWC Development Plans

Support. As the proposed development will reconfigure existing areas of open land within the Green Network, Wrekin Local Plan policies OL3, OL4 and OL5 and policy CS11 of the Core Strategy will apply.

#### Policy OL3 – Green Network

Whilst the content of the table is selective in which aspects of the six aims are assessed against the proposal, I am satisfied that overall the proposed green spaces within the completed development will be of a higher quality and accessibility than at present. This will satisfy the requirements of this policy and paragraph 74 of the NPPF.

#### Policy OL4 – Development in the Green Network

The applicants propose to improve the quality and accessibility of the remaining green spaces on the site. Specifically, more formal uses are proposed, including a new footpath through the site to the north and west. This will open up the remaining green spaces for wider public access which is currently not possible within the present site and it will increase the recreational connectivity of the area. A new amenity area and orchard is also indicated in association with the social care bungalows on the eastern side of the site.

These improvements are broadly in line with the recommendations of the Woodside Green Spaces Strategy which identifies this area as a 'new orientation space'. This strategy was prepared in partnership with Woodside residents and it provides the evidence to guide the regeneration and development of the area.

Finally, although much of the open land that will be developed (1.29 hectares) is currently informal semi-natural grassland and may have some ecological value, the proposed development will retain and enhance natural and semi natural elements as an integral part of the scheme, including the existing mature woodland at the northern and western boundaries, a nature walk and area of imaginative play, and a balancing pond with replacement wet grassland to the south of the site.

Provided that the ecological officer's comments do not indicate any significant detrimental impacts I am therefore satisfied that the improved and new green spaces will provide sufficient community and environmental benefits to compensate for the loss of some green space within the site.

#### Policy OL5 – Extensions and Redevelopment of in the Green Network

This policy complements policy OL3. It states that extensions to, or the redevelopment of existing uses within the Green Network will be permitted providing that; the function of the Green Network in that locality is not significantly affected; the proposals are not of a scale which would be incompatible with the long term aims of the Green Network in that locality; other environmental benefits are secured, and; sites of ecological, geological or archaeological value are not adversely affected.

In regard to the aims of the Green Network and environmental benefits, these are discussed under policies OL3 and OL4 above.

In regards to the ecological, geological or archaeological value of the site, a comment has been received from Shropshire Council in relation to potential archaeological remains within the site. The comments identify that a condition requiring a programme of archaeological works should be applied to any approval of this scheme. This condition would therefore need to be applied to the decision and properly implemented in order for the proposed scheme to be in accordance with policy OL5. In addition, the ecological officer's comments should be adhered to in order for the proposal to conform to policy OL5. Finally, there is no indication at this stage that the site is of geological significance however if this is determined to be the case then appropriate mitigation or compensation measures should be applied.

In regard to the function of the Green Network in this locality there was an evidential document published by the council in 2002 entitled the 'Green Network Guidance' document. This attempted to identify the functions that different areas of the Green Network fulfil. Not all areas of Green Network were identified with a function and this is one of those sites. The PPG17 Assessment is a more up to date study which identifies the types of green space and the local needs that they meet. The PPG17 Assessment is covered in more detail under Policy CS11 below.

#### Policy CS11 – Open Space

This policy reiterates policy OL4 in that it requires development to only take place on open space where the proposal will deliver significant community and environmental benefits. It also states that development on open space will be permitted where the land does not contribute to the open space standards set to meet the requirements of the local population.

There are currently no open space standards set within adopted local planning policy but the council's Assessment of Open Space, Sport and Recreation Facilities (PPG17 Assessment) provides the evidence to support this aspect of policy CS11.

This assessment identified the type of green space that is present on this site as being natural and semi-natural. It also found that there was a large overprovision in the amount of this type of green space in this area of Telford. This does not automatically signify that it is appropriate to remove this type of green space however as there may be a need for it to cater for future

population growth. It does however provide some flexibility for modifying the site to provide other types of green space within the development scheme.

The assessment also found that there are deficiencies in the amount of amenity green space (-12.73 hectares), provision for children (-0.13ha) and provision for young people (-0.48ha) in this area of Telford. Formalising some of the remaining green spaces within the completed scheme will help to address some of the deficiency of amenity green space, as will the 'positive engagement' of the overlooking properties. As the applicant has agreed to provide a Locally Equipped Area of Plan on the site then this will help to address some of the deficiency in provision for children.

I am of the broad view that the development can meet the requirements of the Green Network and Core Strategy Open Space policies, provided that the community and environmental benefits of the remaining green spaces within the site can be maximised as proposed.

The submitted scheme establishes a positive approach for providing new types of green space alongside improvements to remaining areas of natural and semi natural green space. The proposal is therefore in line with the requirements of the National Planning Policy Framework, policies OL3, OL4 and OL5 of the Wrekin Local Plan and policy CS11 of the Core Strategy.

TWC Environmental Health (Contaminated Land)

Support subject to the conditions. Having reviewed the phase 1 desk study submitted as part of the application recommend that a land contamination condition be imposed.

#### External consultations

Severn Trent Water

Comment. Any permission should include foul and surface water condition.

Environment Agency

Support subject to conditions.

Natural England

Comment. Based on the information submitted Natural England has no objections to the proposals on European protected species grounds as we are not aware that are likely to be adversely affected by the development.

Several small transitory pipistrelle bat roosts have been identified. While in small numbers, the applicants propose to include within the development several enhancements for bats. These include incorporation of a minimum of 8 bat boxes and further survey in the season immediately prior to demolition to ensure that the situation on site remains relevant as well as 2 years of post development monitoring.

Several small transitory pipistrelle bat roosts have been identified. While in small numbers, the applicants propose to include within the development several enhancements for bats. The applicants should be informed that

planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the *Circular 06/2005*.

The Council should secure the above measures through appropriately worded planning conditions which may include:

- Securing the retention of existing habitat and creation of new features.
- Securing the management of habitats in accordance with the principles set out in the landscape management plan
- Mitigation measures to prevent the killing or injuring of reptiles birds and bats
- Mitigation strategy to avoid impacts to nesting birds.

Shropshire Council Archaeologist

Comment: The south-western corner of the proposed development site lies over an area of 19th-century mining remains. Archaeological remains relating to the mine workings may therefore be impacted on by the proposed development. In view of the above and in accordance with PPS5, I recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development.

Shropshire Fire Service

Comment and highlight a number of relevant informatives.

#### Local consultation and representations

Madeley Parish Council

Support subject to conditions. Whilst Development Control will make representation on the increased demand on local services and facilities it is considered important to stress the need for:

- Highways contribution towards measures to reinforce the prohibition of traffic order that applies to Lincoln Hill, and for traffic calming measures on Roberts Road;
- Highways contribution to improve footways for pedestrian access to local public transport services at Woodside Avenue.

Development in the designated Green Network should demonstrate environmental and community benefit:

- Commutation of sum to provide footpaths linked to the local rights of way network thereby opening up public access to the boundary woodland and open spaces;
- Commutation of sum for the improvement of habitats throughout Rough Park in order to compensate for the loss of nearly 20,000m<sup>2</sup> of grassland habitat to development;
- Commutation of sum for environmental maintenance of developed site.

## Gorge Parish Council

The Gorge Parish Council has the following objections to this application:

- The extra traffic the proposals will generate will cause problems on small roads leading down into Ironbridge and Coalbrookdale. The documents claim the extra traffic from the site will not cause problems to the area. The traffic assessment within the paper work is incredibly conservative in its estimations and does not match what actually happens on the ground. Making the nursery more high profile will also increase the traffic again the paperwork states this will not be the case but wants more visitors. There are significant contradictions within the design and access statement relating to traffic in and out of the site.
- The proposed site is within the existing green network and an important corridor for wildlife. The development would break the corridor to and from the Lodge Field Nature reserve, allotment site close by and the cemetery close by.
- There is no affordable housing within the application. In fact it states there are no plans to build any. If not affordable housing is to be included a financial sum to the value of the homes not built should be available for homes elsewhere in the Parish.
- The current infrastructure both highway and services would struggle to cope with the extra demand. The current sewage system throughout The Gorge is almost at maximum use and will not cope with 90 extra homes.
- Any green runoff must be dealt with within the site. Any run off must not be allowed to cause problems downhill in areas that are more unstable.
- The extra number of children living within the parish could cause problems with the primary schools in the area.

## The Lodge Field Group

Object. Concerns are as follows:

- Disruption of moving a number of current residents from their homes;
- Concerned that drainage issues resulting from such a major development on site could be catastrophic to Woodlands Pool across the road;
- Traffic issues – congestion and condition, including that in Ironbridge area;
- Important to retain the green buffer zone to the World Heritage Site and that this can only be achieved through a planned approach across a wide area and development will place extra pressure on recreational use of adjoining area of Green Network. Section 106 money should be sought to improve footpath links in area.

## Local residents

The Council has received 7 representations from local residents objecting to the application. The responses received and the issues/concerns raised in relation to the application are summarised below:

- Traffic Assessment is insufficient and underestimates the impact of the development and the impact on Lincoln Hill to the south west;
- Despite traffic restrictions down Lincoln Hill these are being flouted and there is no enforcement on restrictions;
- Increased danger from more cars on Beech Road. In bad weather Beech Road is used as a parking area for Lincoln Hill;
- Replacement cafe and nursery will attract more traffic to local roads and bigger vehicles;
- Beech Road is narrow and inappropriate for the extra traffic the development would generate and construction traffic. Access should be from Woodside;
- It is inappropriate/incompatible to mix care facility with housing in the same site;
- The development would erode the natural barrier between Ironbridge and Telford;
- Concern for the current residents on site who would move;
- Concerns regarding surface water run off and shift in water table from earth works;
- Erosion of Green Network on the northern boundary of the World Heritage Site.

#### PLANNING CONSIDERATIONS:

##### Justification for the proposals and the principle of development in this location.

As highlighted at the start of this report, the applicants (Care Fund and Self Unlimited) have historically provided institutional residential care for people with learning difficulties. However, they state that given changing Government guidance and the aspirations of their customers they must change this model of care and support.

Their key objective is to enable people, 'to have an informed choice about where, and with whom they live'. In order to achieve this, the Charity needs to provide

less 'institutionalised' accommodation and also to deliver integrated residential opportunities for its customers (much the same as affordable housing is now provided). The Charity therefore wishes to purchase in the wider community a number of smaller units as Registered Care/Supported Living for existing residents as part of their personalisation agenda.

In order to fund this, the Charity needs to realise as much return from obsolete sites as possible and to this end it has been in discussion with the Council (Planning and Social Services Departments) since 2005. Viability Assessments submitted with the application indicates that the remaining capital receipt from the sale of the site for open market housing (having first paid for the three 2 bed registered care bungalows and nursery/cafe proposed to be built on site) would be used to facilitate the relocation of residents in smaller Registered Care or Supported Living Units in the wider community. However the capital receipt would not cover the whole cost of this alternative

and therefore the Charity would need to fill the gap through charitable fund raising.

Notwithstanding the needs to move away from less institutionalised accommodation, the Viability Assessments submitted with the application also identifies several issues with the existing accommodation which render the existing buildings unsuitable and unattractive to meet the Charity's customer's requirements and this concludes that all viable potential refurbishment/reconfiguration opportunities have been exhausted at Forbes Close to meet the aspirations of both customers and guidance from Central Government. These conclusions are accepted as being reasonable.

On balance the need for alternative provision for residents in the wider community is accepted and that redevelopment of part of the site for open market housing is considered to be reasonable way of assisting the Charity in achieving its aims.

However, whilst the need for behind the proposals is acceptable the principle of development needs to be considered in light of fact that the existing part of Forbes Close to be redeveloped and the additional 1.29 hectares of land proposed to be built on is designated as part of the Green Network in the Wrekin Local Plan. As such saved Wrekin Local Plan policies OL3 (Green Network), OL4 (Development in the Green Network) and OL5 (Extensions and Redevelopment of in the Green Network) and policy CS11 (Open Space) of the Core Strategy will apply, as does relevant advice contained within the National Planning Policy Framework.

The applicant has included a specific Planning Statement on Green Network considerations in support of the development of land in the Green Network. This notes that a significant part of the site is already developed. In this regard it is noted that the area to be developed is roughly 38% Greenfield (1.29 hectares) and 62% Brownfield (2.12 hectares). Furthermore, it is argued that given that the site is private open space that it is inaccessible to the public as well as being poorly maintained and that the Council's Open Space, Sport and Recreation Facilities Study identifies a surplus of natural and semi natural space in South Telford.

The proposal provides enhancement and management of the open space and peripheral woodland around the periphery of the site. It is stated that this would enhance biodiversity and introduce public access. The improvements are detailed in the Landscaping Management and Mitigation Report and Woodland Management Plan. A Locally Equipped Area of Play is also to be provided within the site and is indicatively shown near the entrance to the site.

The applicant asserts that their proposals will provide the following:

- Protection and enhancement of protected and noted species present on the site;

- Protection, management and enhancement of habitats at the site;
- Creation of new habitats;
- Introduction of footpaths and cycle ways;
- Improvements to wider linkage;
- Provision of new publically available open space; and
- Overall enhancement and improvement to the function and operation of the Green Network in this location.

TWC Development Plans have considered the development proposals and the mitigation/enhancement measures described above in some length as detailed in their consultation response earlier in this report. They support the application and conclude that they are of the broad view that the development can meet the requirements of the Green Network and Core Strategy Open Space policies, provided that the community and environmental benefits of the remaining green spaces within the site can be maximised as proposed.

The submitted scheme establishes a positive approach for providing new types of green space alongside improvements to remaining areas of natural and semi natural green space together with greater public access to these areas. The proposal is therefore in line with the requirements of the National Planning Policy Framework, policies OL3, OL4 and OL5 of the Wrekin Local Plan and policy CS11 of the Core Strategy.

The advice from the Council's Ecology and Arboricultural Officers are supportive of the application subject to conditions securing the implementation of Landscaping Management and Mitigation Report and Woodland Management Plan.

Accordingly, it is accepted that the proposed development is acceptable in relation to Green Network and Open Spaces policies at both local and national level.

#### Affordable housing provision

In relation to open market housing there would normally be an expectation that an element of affordable housing provision should be made as expressed in both local and national policy.

The Council's Viability Officer has reviewed the Viability Assessments submitted and the advice given notes that the values and costs appear reasonable for this type of scheme. The response also notes that as the land value established is below the current market rate per acre the sale value of the site would not be able to accommodate any affordable housing obligations in viability terms and that in any event the surplus created is being directed towards payment of relocation costs associated with the proposed development.

It is therefore accepted that given the value of the land for the open market housing proposed against the costs associated with providing the three 2 bed registered care bungalows and nursery/cafe proposed to be built on site

together with the alternative accommodation for existing residents, that a proportion of affordable housing is not viable option for this scheme.

Saved Policy H23 (Affordable Housing) from the Wrekin Local Plan states that the actual amount of affordable housing will depend on the level of local need, the specific circumstances of the site and whether there have been specific costs incurred to enable the site to be brought forward for development, which would help fulfil other objectives of the Local Plan. Given the specific circumstances regarding the Charity's operation and its aims for housing provision of existing residents in the wider community, together with the specific costs as described above, the lack of affordable housing associated with this application is accepted on the basis that it will fulfil an objection of Core Strategy that "a range of types and tenures of new homes is provided to meet local housing need". In addition paragraph 50 of the NPPF encourages local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, that include planning for the needs of different groups in the community such as people with disabilities.

In order that the alternative housing provision for existing residents in the wider community is provided by the Charity from the sale of the part of the site for open market dwellings, the local planning authority has agreed with the applicant that a Section 106 agreement would need to be signed so that the alternative provision can be secured prior to the occupation of any open market dwellings. In addition that such provision to remain available in the longer term when voids arise, with Telford and Wrekin Council having first nomination by individuals known to TWC as being suitable to be nominated for such accommodation.

These discussions have led to the following heads of terms being agreed between the LPA and the applicant in what has been termed as an alternative to affordable housing provision that would be provided prior to the occupation of any open market housing on site.

- At least 12 Registered Care or Supported Living Units, with requirements with each of the 12 units should sleep at least 3 people and be capable of meeting the Social Services requirements for Registered Care/Supported Living;
- Those persons already residing at Forbes Close would have priority for the newly acquired properties;
- At least 3 of the 12 units being available on site if required by existing Forbes Close residents;
- In the event that vacancies arise in any of the properties over time, that TWC has the opportunity to nominate an alternative resident for that vacancy from individuals known to TWC as being suitable to be nominated as Tenants of the Property.

#### Ecology

The Council's Ecologist has reviewed the Ecological Assessment statement submitted with this application. This identifies that Buildings B1 and B6

contain transitory roosts for small numbers of common pipistrelles; therefore European Protected Species (EPS) offences under Article 12 are likely to be committed by the development, i.e. the killing or injury of an EPS, or damage or destruction of an EPS breeding site or resting place. The likely offence cannot be avoided through mitigation measures secured through planning conditions, as the buildings are going to be demolished.

Under Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010, competent authorities (such as the Local Planning Authority) must *have regard to* the Habitats Directive in the exercise of its functions. Therefore, the following question must be asked: Is the applicant likely to be issued with a Natural England development licence so that works can be carried out that would otherwise, in the absence of a licence, constitute an offence? That is, are the 3 derogation tests likely to be met?

Does the development meet the purpose of “preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”? (Reg. 53(2)(e)).

Is the LPA satisfied that:

- “there is no satisfactory alternative”? (Reg.(9)(a))
- “the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”? (Reg. 53(9)(b)).

The mitigation proposed in Mitigation and Enhancement Strategy (Section 5 of the Ecological Assessment) will be sufficient to ensure the continuing maintenance of the local bat populations at favourable conservation status. The Council’s Ecology Officer therefore considers that this part of the test is met.

Further information may be required from the applicant to answer the other two tests (overriding public interest and no satisfactory alternative). This should not be a burdensome request as this information will be required as part of the Natural England licence application. If further info is required, it can be requested under s62(3) of the Town and Country Planning Act 1990.

With regard to the other two tests, overriding public interest is accepted on the basis of the need for alternative provision for residents in the wider community and that redevelopment of part of the site for open market housing is considered to be reasonable way of assisting the applicant in achieving its aims.

The Viability Assessment submitted with the application identifies several issues with the existing accommodation which render the existing buildings unsuitable and unattractive to meet the Charity’s customer’s requirements and this concludes that all viable potential refurbishment/reconfiguration opportunities have been exhausted at Forbes Close to meet the aspirations of

both customers and guidance from Central Government. In light of this it is accepted that the final test i.e. there being no satisfactory alternatives has also be met.

It is concluded that with regard to the bat habitat on site that would lost due to demolition, the local planning authority have paid due regard to the relevant parts of the Habitats Directive in the exercise of its functions and are satisfied that the 3 derogation tests with regard to a Natural England development licence are likely to met.

#### Highway and traffic issues.

The entrance to the site is slightly repositioned from that which currently exists into the Forbes Close development. Concern has been raised from local residents regarding the capacity of Beech Road to accommodate traffic arising from the development, parking on Beech Road in bad weather and also the impact on Lincoln Hill to the south west. Despite there being traffic restrictions on Lincoln Hill these are being flouted and there is no enforcement of the restrictions.

The response from TWC Highways raises no objections to the proposals subject to conditions and a Section 106 contribution towards footpath improvements in the vicinity of the application site. With regard to the flouting of the restrictions along Lincoln Hill (Traffic Regulation Order restriction on access to properties on Lincoln Hill only) this is not considered to be a material planning matter as the issue can be resolved by stricter enforcement by the Police who are responsible in this regard.

#### CONCLUSIONS

On balance the need for alternative provision for residents in the wider community is accepted and that redevelopment of part of the site for open market housing is considered to be reasonable way of assisting the applicant in achieving its aims. The applicant's submission that all viable potential refurbishment/reconfiguration opportunities of the existing accommodation have been exhausted at Forbes Close to meet the aspirations of both customers and guidance from Central Government are accepted as being reasonable.

The submitted scheme establishes a positive approach for providing new types of green space alongside improvements to remaining areas of natural and semi natural green space together with greater public access to these areas. The proposal is therefore in line with the requirements of the National Planning Policy Framework, policies OL3, OL4 and OL5 of the Wrekin Local Plan and policy CS11 of the Core Strategy.

The advice from the Council's Ecology and Arboricultural Officers are supportive of the application subject to conditions securing the implementation of Landscaping Management and Mitigation Report and Woodland Management Plan.

Accordingly, it is accepted that the proposed development is acceptable in relation to Green Network and Open Spaces policies at both local and national level provided that the community and environmental benefits of the remaining green spaces within the site can be maximised as proposed.

With regard to the open market housing element of the proposals, the applicant has satisfactorily demonstrated that a proportion of affordable housing is not a viable option for this scheme.

In light of the accepted position regarding viability, the specific circumstances regarding the applicant's operation and its aims for housing provision of existing residents in the wider community justifies the lack of affordable housing associated with this application on the basis that it will fulfil an objection of Core Strategy that "a range of types and tenures of new homes is provided to meet local housing need". In addition, paragraph 50 of the NPPF encourages local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, which includes planning for the needs of different groups in the community such as people with disabilities.

In order that the alternative housing provision for existing residents in the wider community is provided by the Charity from the sale of the part of the site for open market dwellings, the local planning authority has agreed with the applicant that a Section 106 agreement would need to be signed so that the alternative provision can be secured prior to the occupation of any open market dwellings. In addition that such provision to remain available in the longer term when voids arise, with Telford and Wrekin Council having first nomination by individuals known to TWC as being suitable to be nominated for such accommodation.

It is concluded that with regard to the bat habitat on site that would be lost due to demolition, the local planning authority have paid due regard to the relevant parts of the Habitats Directive in the exercise of its functions and are satisfied that the 3 derogation tests with regard to a Natural England development licence are likely to be met.

The response from TWC Highways raises no objections to the proposals subject to conditions and a Section 106 contribution towards footpath improvements in the vicinity of the application site. With regard to the flouting of the restrictions along Lincoln Hill (Traffic Regulation Order restriction on access to properties on Lincoln Hill only) this is not considered to be a material planning matter as the issue can be resolved by stricter enforcement by the Police who are responsible in this regard.

Overall, it is considered that the development proposed in the application represents sustainable development and there is a presumption in favour of sustainable development in National Planning Policy Framework.

**RECOMMENDATION:**

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

- A.) The applicants entering into a Section 106 agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:
- (i) Alternative affordable housing provision (to be provided prior to the occupation of any open market housing on site) in the form of at least 12 Registered Care or Supported Living Units, with requirements that;
    - Each of the 12 units should sleep at least 3 people and be capable of meeting the Social Services requirements for Registered Care/Supported Living;
    - Those persons already residing at Forbes Close would have priority for the newly acquired properties;
    - At least 3 of the 12 units being available on site if required by existing Forbes Close residents;
    - In the event that vacancies arise in any of the properties over time, that TWC has the opportunity to nominate an alternative resident for that vacancy from individuals known to TWC as being suitable to be nominated as Tenants of the Property.
  - (ii) Contribution of £12,500 to fund public footpath improvements in the vicinity of the site.
- B.) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

|     |           |   |
|-----|-----------|---|
| 1.  | A01       | Time limit - Outline.   |
| 2.  | A03       | Time limit – Submission of Reserved Matters.  |
| 3.  | B02       | Standard outline some matters reserved.   |
| 4.  | B10       | Details of materials.   |
| 5.  | B150      | Site Environmental Management Plan for construction and demolition works.   |
| 6.  | B61Custom | Foul and surface water scheme (to include requirements specified by Drainage Engineers and Environment Agency).                 |
| 7.  | B34       | Highways details.   |
| 8.  | B41       | Visibility Splays stating 2.4m x 50m.   |
| 9.  | B53       | Treated Mineshaft.  |
| 10. | B59       | Retaining wall design.  |
| 11. | B57       | Contamination.  |
| 12. | B112      | Archaeological Survey.  |
| 13. | B155      | Details of Locally Equipped Area of Play and its implementation being no later than 50% of occupation of open market dwellings. |
| 14. | B121      | Landscape design.   |

|     |         |  |
|-----|---------|--|
| 15. | B126/8  | Landscape Management Plan and Maintenance details for areas of public open space and LEAP.   |
| 16. | BCustom | Management Plan to ensure the implementation of the recommendations outlined in the Ecological Assessment report, Landscape and Ecological Mitigation and Management Plan and Woodland Management Plan submitted with the application. |
| 17. | BCustom | Details of pedestrian footpath links as shown on plans to be confirmed.  |
| 18. | CCustom | Parameters in respect of size of plant nursery/cafe building.  |
| 19. | CCustom | Slope Stability and earthworks   |
| 20. | C38     | Development in accordance with deposited plans.  |
| 21. | CCustom | LEAP to be constructed prior to occupation of overlooking houses within 30 metres of the edge of the LEAP  |
| 22. | DCustom | Limitation on the goods to be sold from the plant nursery building to plants, associated horticultural items and craft objects.  |
| 23. | DCustom | Extent of cafe floorspace to be limited to no more than 15% of total of plant nursery floorspace.  |
| 24. | DCustom | Opening hours of plant nursery and cafe to be between 08:30 and 18:30 hours Monday to Saturday.  |
|     | I06     | Section 106 agreements.  |
|     | I11     | Highways Informative.  |
|     | I32     | Fire Authority.  |
|     | ICustom | Environment Agency informatives.   |
|     | ICustom | Ecology informatives as set out by TWC Ecology Officer.  |
|     | I40     | Conditions.  |
|     | I44     | Reasons for Grant of Approval.   |
|     | RANPPF  | Approval – National Planning Policy Framework  |

#### REASON FOR APPROVAL:

On balance the need for alternative provision for residents in the wider community is accepted and that redevelopment of part of the site for open market housing is considered to be reasonable way of assisting the applicant in achieving its aims. The applicant's submission that all viable potential refurbishment/reconfiguration opportunities of the existing accommodation have been exhausted at Forbes Close to meet the aspirations of both customers and guidance from Central Government are accepted as being reasonable.

The submitted scheme establishes a positive approach for providing new types of green space alongside improvements to remaining areas of natural and semi natural green space together with greater public access to these areas. The proposal is therefore in line with the requirements of the National Planning Policy Framework, policies OL3, OL4 and OL5 of the Wrekin Local Plan and policy CS11 of the Core Strategy.

The advice from the Council's Ecology and Arboricultural Officers are supportive of the application subject to conditions securing the implementation

of Landscaping Management and Mitigation Report and Woodland Management Plan.

Accordingly, it is accepted that the proposed development is acceptable in relation to Green Network and Open Spaces policies at both local and national level provided that the community and environmental benefits of the remaining green spaces within the site can be maximised as proposed.

With regard to the open market housing element of the proposals, the applicant has satisfactorily demonstrated that a proportion of affordable housing is not a viable option for this scheme.

In light of the accepted position regarding viability, the specific circumstances regarding the applicant's operation and its aims for housing provision of existing residents in the wider community justifies the lack of affordable housing associated with this application on the basis that it will fulfil an objection of Core Strategy that "a range of types and tenures of new homes is provided to meet local housing need". In addition, paragraph 50 of the NPPF encourages local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, which includes planning for the needs of different groups in the community such as people with disabilities.

In order that the alternative housing provision for existing residents in the wider community is provided by the Charity from the sale of the part of the site for open market dwellings, the local planning authority has agreed with the applicant that a Section 106 agreement would need to be signed so that the alternative provision can be secured prior to the occupation of any open market dwellings. In addition that such provision to remain available in the longer term when voids arise, with Telford and Wrekin Council having first nomination by individuals known to TWC as being suitable to be nominated for such accommodation.

It is concluded that with regard to the bat habitat on site that would be lost due to demolition, the local planning authority have paid due regard to the relevant parts of the Habitats Directive in the exercise of its functions and are satisfied that the 3 derogation tests with regard to a Natural England development licence are likely to be met.

The response from TWC Highways raises no objections to the proposals subject to conditions and a Section 106 contribution towards footpath improvements in the vicinity of the application site. With regard to the flouting of the restrictions along Lincoln Hill (Traffic Regulation Order restriction on access to properties on Lincoln Hill only) this is not considered to be a material planning matter as the issue can be resolved by stricter enforcement by the Police who are responsible in this regard.

Overall, it is considered that the development proposed in the application represents sustainable development and there is a presumption in favour of sustainable development in National Planning Policy Framework.



TWC/2012/0138

Hill Farm House, Land adjacent, Old Farm Lane, Lilleshall, Newport,  
Shropshire

Conversion of barns to form 9no dwellings and erection of 12no dwellings with  
associated garaging, parking and access (Listed Building)

**APPLICANT**

Shropshire Homes Ltd

**RECEIVED**

10/02/2012

**PARISH**

Lilleshall, Donnington and Muxton

**WARD**

Church Aston and Lilleshall

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

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

Amended drawings in respect of Barns 8 & 9 have been received which now  
include a modest single storey extension on the western elevation of Barn 9 to  
provide a new kitchen/dining area which is separate from the living room.

The Council's Conservation Officer has confirmed that she has no objections  
to this alteration and considers that the amended design is an improvement to  
the previously approved scheme. Therefore, the proposal is deemed  
compliant with policies CS14 & CS15 of the Core Strategy which seek to  
protect and enhance the historic environment within the Borough and  
strengthen local identity and project a positive image, and national guidance  
contained within chapter 12 of NPPF which aims to conserve and enhance  
the historic environment.

Accordingly, there is no change to the recommendation which is the grant  
planning permission.

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

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

- 13. Racustom reason
- 14. NPPF reason for approval

REASON FOR APPROVAL:

The conversion to residential will safeguard the future of this important listed building and a careful and sympathetic renovation will preserve the adjacent farm buildings which will result in an enhancement of the setting of the listed barn. Failure to secure an alternative use may result in the buildings being left vacant and prone to dereliction which would have a detrimental impact upon the character and appearance of the area.

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PLANNING POLICY CONTEXT:

National Planning Guidance  
NPPF 2012

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

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

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

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

REASON FOR APPROVAL:

The conversion to residential will safeguard the future of this important listed building and a careful and sympathetic renovation will preserve the adjacent farm buildings which will result in an enhancement of the setting of the listed barn. Failure to secure an alternative use may result in the buildings being left vacant and prone to dereliction which would have a detrimental impact upon the character and appearance of the area.

TWC/2012/0139

Hill Farm House, Land adjacent, Old Farm Lane, Lilleshall, Newport,  
Shropshire,

Conversion of barns to form 9no dwellings and erection of 12no dwellings with  
associated garaging, parking and access

**APPLICANT**

Shropshire Homes Ltd

**RECEIVED**

10/02/2012

**PARISH**

Lilleshall, Donnington and Muxton

**WARD**

Church Aston and Lilleshall

Members may recall that they granted planning permission to GRANTED PLANNING PERMISSION on 03.10.12 for the conversion of unused barns to form 9no. dwellings and the erection of 12no. new dwellings (of which six are affordable properties), with associated garaging, parking and access at Hill Farm House, Old Farm Lane, Lilleshall, subject to the applicant entering into a s106 agreement in respect of the specified affordable homes being transferred to an RSL, a commuted sum of £12,600 to be payable for improvements towards the upgrading of the nearest community use recreational, the implementation of works to the carpark carried out in accordance with planning application reference TWC/2012/0558, and a commuted sum of £16,500 to be payable for use by the Parish Council for improvements to Lilleshall Memorial Hall and any other minor works identified within Lilleshall by the Parish Council.

Amended drawings in respect of Barns 8 & 9 have been received which now include a modest single storey extension on the western elevation of Barn 9 to provide a new kitchen/dining area which is separate from the living room.

The Council's Conservation Officer has confirmed that she has no objections to this alteration and considers that the amended design is an improvement to the previously approved scheme. Therefore, the proposal is deemed compliant with policies CS14 & CS15 of the Core Strategy which seek to protect and enhance the historic environment within the Borough and strengthen local identity and project a positive image, and national guidance contained within chapter 12 of NPPF which aims to conserve and enhance the historic environment.

There will be no adverse impact upon the residential amenity of Barns 8 & 9 and adequate private amenity space and parking is provided. Therefore, the proposal is compliant with policies UD2 and CS15 and national guidance contained in NPPF which attaches great importance to the design of the built environment.

Accordingly, there is no change to the recommendation which is the grant planning permission.

**RECOMMENDATION:** to GRANT PLANNING PERMISSION subject to the applicant entering into a s106 agreement in respect of the specified affordable

homes being transferred to an RSL with the tenure noted above, a commuted sum of £12,600 to be payable for improvements towards the upgrading of the nearest community use recreational, the implementation of works to the carpark carried out in accordance with planning application reference TWC/2012/0558, and commuted sum of £16,500 to be payable for use by the Parish Council for improvements to Lilleshall Memorial Hall and any other minor works identified within Lilleshall by the Parish Council.

1. A04 time limit
2. B06 Details of Materials
3. B07 Sample brick panel (for new build)
4. Bcustom Structural repairs
5. Bcustom Details of services to the interior and exterior
6. B19 window and door sections at 1:10 & elevations at 1:20 including finishes
7. B20 Road design
8. B33 Foul & Surface water drainage
9. B72 updated survey (if not commenced by 2012)
10. Bcustom lighting strategy
11. B73 Tree Protection
12. B74 Brownfield run-off rates
13. C20 parking, loading and turning
14. C25 mud on highway
15. C38 in accordance with approved plans
16. C49 brickwork repairs
17. C76 Landscape implementation
18. C100 nest boxes
19. D01 PD removed
20. D04 domestic garages – rural area
21. D09 no further windows or dormer windows in plots H10 & E13
22. I06 Section 106 agreement
23. I11 Highways Licence
24. Icustom EA Licence
25. I25a Nesting birds (pre-construction)
26. I25b Nesting Birds (vegetation)
27. I25f Replacement planting
28. I32 Fire Authority
29. I40 condition
30. I41 reasons for grant
31. Racustom reason
32. NPPF reason for approval

#### REASON FOR APPROVAL:

In this particular case, the buildings are of sufficient historic and architectural merit and contribution they make to the local character is such that its retention is highly desirable and outweighs the issues relating to location and the number of new dwellings required in the open countryside in this Plan period. The conversion will safeguard the future of the buildings and a careful and sympathetic renovation will preserve these important farm buildings. Failure to secure an alternative use may result in the buildings being left

vacant and prone to dereliction. The proposal will provide the identified affordable housing needed in Lilleshall, and the design and appearance of the 'new' build properties is acceptable and sympathetic to their setting. There will be no adverse impact upon highway safety, protected species or adjacent land uses by way of over-looking or loss of privacy.

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OBJECTIONS RECEIVED: Yes

MAIN ISSUES:

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

THE PROPOSAL:

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

SITE AND SURROUNDINGS:

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

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

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

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

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

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

#### HISTORY OF THE SITE:

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

#### PLANNING HISTORY

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

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

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

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

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

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

#### PLANNING POLICY CONTEXT:

National Planning Guidance  
NPPF 2012

LDF Core Strategy  
Policy CS1 - Homes  
Policy CS7 - Rural Area  
Policy CS12 - Natural Environment  
Policy CS14- Cultural, Historic and Built Environment

## Policy CS15 - Urban Design

Wrekin Local Plan (saved policies):

UD2 - Design Criteria

HE16 - Alterations and Additions to Listed Buildings

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

H24 - Affordable Housing Rural Exceptions Policy

L4 – Outdoor Recreational Open Space

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

### CONSULTATION RESPONSES:

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

The comments in support are summarised below:

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

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

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

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

The objections are summarised below:

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

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

- The corner of Church Road/Old Farm Lane is difficult to negotiate when I meet the bus, which runs every 30 minutes.
- The incoming vicar of the village about 3 or 4 years ago was unable to get both of children into Lilleshall Primary School; the school does not have the places to cater for several more young families.
- The Red House Pub Roundabout onto the A518 is already congested in the morning with difficulty for vehicles from the village to join.
- Rubber tyre traces on the kerbs and tyre tracks on the narrow pavement in Church Road, leading to Lilleshall Cricket Club, evidence the problematic situation already existing in this well trafficked route which includes a frequent bus service. The particularly narrow section does not feature on the Plan.
- In 2006 TWC attempted to classify Lilleshall as having Key Settlement Status (KSS) in order to push through the development of Hill Farm. The justification document was flawed in the extreme and contained numerous errors. After a protracted debate in which the Planning Officer steadfastly refused to accept that the basis for KSS was incorrect, in spite of the overwhelming evidence to the contrary, he finally had to admit that about one third of the "facts" were wrong and the KSS was withdrawn. Since then Shropshire Homes has continued to press for the development and each time the proposals have been rejected. It now appears that TWC are prepared to ignore the KSS decision and override its own planning procedures to consider authorising this development. All this tends to lead to the question of why TWC are so determined to push this development through and is there some financial benefit to the council that overrides local wishes?
- The role of planning officers in advancing this proposal under the last LDF was disgraceful. Their repeated public denials that they were in consultation with a developer were eventually contradicted by the developer's representative at the Public Hearing, and a complaint saw the Chief Executive apologise for the 'misinformation' provided to villagers by two senior planning officers. Planning Officer performance was matched by that of two Lilleshall councillors.
- It should be noted that an application for additional warehousing in the area of Hill Farm was previously rejected on the grounds of the additional traffic it would bring. This amounted to 2 lorries/week – considerably less than the additional 40 cars that this development would bring.
- T & W letter PE/2009/0674 dated 25 January 2010 to Shropshire Homes.  
The letter lays down the conditions under which Shropshire Homes can circumvent the current Planning Regulations. That the plan must only consist of affordable housing up to a maximum of 8 dwellings and the proposal would only be approved if the builder can demonstrate a housing need in Lilleshall for the dwellings. The current proposal does

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### PLANNING CONSIDERATIONS:

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

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

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

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

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

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

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

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

#### Affordable housing

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

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

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

#### Historic value and interest of the buildings

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

The farmhouse and the timber framed barn are Listed; the other brick and tile barns to the rear represent a good survival of a characteristic C19<sup>th</sup> regular courtyard plan. Typically these types of buildings were built at broadly the same time and were design with specific function within that courtyard. This can be seen to some extent within the surviving buildings with cart sheds and animal sheds within the group.

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

#### Character and appearance of the area and residential amenity

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

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

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

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

#### Protected Species Bats & Birds

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

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

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

#### Highway safety & s106 contributions

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

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

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

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

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

### Conclusion

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

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

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

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

**REASON FOR APPROVAL:**

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

TWC/2012/0314

Land adjacent The Cleveland Arms, High Ercall, Telford, Shropshire, TF6 6AE  
Erection of 6no. dwellings with associated car parking (Amended plans received)

**APPLICANT**

Punch Taverns plc

**RECEIVED**

11/12/2012

**PARISH**

Ercall Magna

**WARD**

Ercall Magna

COUNCILLOR BENTLEY AND ERCALL MAGNA PARISH COUNCIL HAVE REQUESTED THAT THIS APPLICATION IS DETERMINED BY MEMBERS AT PLANS BOARD.

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Principle of development, scale and design, impact on character and appearance of the area, impact on residential amenity and impact on community facility.

**THE PROPOSAL:**

The proposal comprises the erection of 2 detached 4-bedroom dwellings fronting the main highway, B5063, which would follow the building line of the Cleveland Arms Public House. A terrace of 4 units, each with 3 bedrooms, would front Ridgway. All the properties would be two-storey. Vehicular access would be from Ridgway, with a single garage and 2 parking spaces provided for the larger properties at plots 1 and 2. A communal car parking area providing 9no. spaces will be located at the rear of plots 3 to 6. Private amenity space will be provided at the rear of each unit, along with provision of existing and proposed landscaping.

In addition, the car parking area to the Cleveland Arms public house will be relocated at the rear of the building on the existing beer garden. A one-way system is proposed to serve the Public House car park with the entrance off B5063 and the exit on to Ridgway as per existing arrangements.

The proposal has been amended from the initial submission and the red line site area has been extended to include the existing beer garden at the rear of the public house which it is proposed will accommodate a replacement car parking area to the public house.

**SITE AND SURROUNDINGS:**

The application site comprises the existing car parking area to the Cleveland Arms Public House and allotments. It is an open area in a prominent location near the centre of High Ercall, with the main B5063 Cotwall Road to the south and estate road, Ridgway to the east. The two-storey red brick public house fronts the B5063, with beer garden to the rear and side and bowling green

beyond. The site is generally flat but rises up slightly from the parking area to the allotments and again up to Ridgway.

The pub has been extended to the side and rear. The beer garden is principally a large grassed area with a small number of tables and chairs on an area of hardstanding. The area is bounded by timber fencing and hedgerows, and there is a row of silver birch trees. A footpath link to Ridgway runs between the beer garden and the bowling green. The allotments are screened from Ridgway by a row of conifers.

The site adjoins an established sheltered housing development at Ridgway and further bungalows on Bradford Terrace, with 2 storey Almshouses beyond. The Almshouses are Grade II Listed 17<sup>th</sup> Century properties along with the listed boundary wall. There are both single and two-storey properties further along B5063 and Shrewsbury Road leading into the centre of High Ercall.

The southern part of the application site is located within the High Ercall Conservation Area. On the opposite side of the road to the application site is the grounds to the Grade II\* Listed Ercall Hall, which is well-screened by timber fencing and trees/conifer hedge.

A zebra crossing is situated adjacent to the existing car park across the B5063. There have been informal arrangements for parents to use the public house car park to drop-off and collect their children from the nearby primary school, due to limited parking facilities at the school. The application site is located on a bus route through the village.

#### PLANNING HISTORY:

Various history relating to extensions and alterations at the Public House and bowling green.; the most recent history being:

W2007/1081 Erection of Sheltered Seating Area in Beer Garden of Existing Public House, Full granted.

W2000/0364 Single storey extension to provide disabled WC.

#### PLANNING POLICY CONTEXT:

National Planning Guidance

National Planning Policy Framework

Saved Wrekin Local Plan Policies

UD2 Design Criteria

H10 Scale of Development

H24 Affordable Housing Rural Exceptions Policy

HE3 New Development in Conservation Areas

LDF Core Strategy

CS1 Homes

CS7 Rural Area

CS10 Community Facilities  
CS14 Cultural, Historic and Built Environment  
CS15 Urban Design

#### CONSULTATION RESPONSES:

Councillor Bentley has requested that the application is determined at Plans Board and makes the following comments:

- 1) The application is not considered to be appropriate for the conservation area.
- 2) It will impact upon the sheltered housing of the Ridgway
- 3) It has implications upon the safe routes to school which the council has significant investment, and future traffic displacement.
- 4) Removal of the allotments which have been established for 50yrs, are contrary to both local, and national guidelines/policies with regards health and wellbeing in communities.

Ercall Magna Parish Council formally greencards the application and requests a site visit by the plans board based on the following points:

- 1) The development is not consistent with the policy on conservation areas and not appropriate for the conservation area.
- 2) The development will impact upon the sheltered housing of the Ridgway Estate.
- 3) It has implications upon the safe routes to school which Telford & Wrekin Council has significant investment in which involves the car park and areas adjacent. Any development will adversely affect its use, feasibility and safety.
- 4) Removal of the allotments which have been established for 50years, are contrary to both local and national guidelines/policies with regards health and wellbeing in communities. The Parish Council has a duty to provide allotments, should they be requested, where and will an alternative site be found?
- 5) Concern over the increased dangers for pedestrian access for school children and the elderly at the new crossing in this area including concern over the speed of traffic in the area.
- 6) Questions over the sewerage and storm water capacity in the area.

Built Heritage Conservation: no objection and makes the following comments: in respect of the previous issues raised, the layout is better given the removal of street front parking. The design of the terrace however is not resolved, whilst I generally question the terrace idea, my principal concerns related to the double 'paired' porches and the render on the gable ends, all of which could have been removed quite easily without much altering of the design. However, the building appears to have been re-designed entirely and not to an improvement. The design is a watering down of the previous submission, plain and lacking in some of the character traits of the former scheme, though it is perhaps not necessarily inappropriate.

Highways: no objection subject to the following conditions:

- i. Public house car park to be laid out prior to commencement of housing scheme
- ii. Residents parking available before occupation
- iii. The vehicular access off the B5063 shall operate as in only,

Drainage: Support subject to conditions relating to Foul and surface water drainage, Soakaway test and details

Ecology: Support subject to condition regarding Erection of nest boxes and informatives regarding Trenches and Enhancement planting

West Mercia Constabulary: Support subject to conditions and makes the following comments: 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, the following planning condition be placed upon the said approval. The applicants should aim to achieve Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, The scheme has a proven track record in crime prevention and reduction. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures.

Shropshire Fire Service: Informative regarding Sprinkler systems

6 neighbour objections and 39 duplicate letters from local residents were received with the following comments:

- Highways safety – access arrangements, congestion
- Car parking used by parents for dropping off and collecting children
- Safety of school children (walking bus) and elderly residents using zebra crossing
- Loss of amenity (privacy) and loss of allotments
- Impact on pub's viability
- Ridgway won a national housing award in 2011
- Impact on residents of Ridgway Sheltered Housing development – the existing housing area will become playground for children, grassed areas will be used for sports and potential anti-social behaviour
- Loss of tranquility
- 2-storey development adjacent to bungalows – privacy and overlooking issues
- Site is within Conservation Area
- Car park is currently used for the church during weddings

Following resubmission on the amended plans, 8 neighbour objections and 41 duplicate letters were submitted with the following additional comments:

- Observations that pub receives 2 deliveries per week from brewery, including articulated vehicles

- Proposed development would mean such vehicles would have to park on highway causing dangerous obstruction
- Plans do not show dimensions capable of accommodating large vehicles at access or car park
- Loss of view
- Proximity of car park to existing bungalows – c.25m – potential noise issues
- Overspill parking from bowling club will be outside sheltered housing
- Impact on wildlife
- Devalue property
- Impact on telecommunications – sky signal/ broadband

#### PLANNING CONSIDERATIONS:

In terms of the principle of development; within Policy CS7 of the Core Strategy, High Ercall is listed as one of the suitable settlements in the rural area where development to meet local needs will be permitted. Whilst the development constitutes more than 1 or 2 units on an infill site within the rural area, as outlined in Policy H10 of the Wrekin Local Plan, and Policy H24 asserts that affordable exception sites will be permitted where the scheme involves no more than 8 units; as the Council does not have a specific policy that states the affordable threshold, we can only insist on affordable provision on schemes of 15 units or more, based on national guidance. Accordingly, the scheme does not comprise affordable housing; however the proposal has a mix of larger detached properties and smaller terraced units.

There is a mix of house types and ages of property in High Ercall including the row of traditional Almshouses and the modern bungalows to the side and rear of the site. The two larger properties facing the main highway take design cues from The Cleveland Arms public house. Unit 2 will have dual aspect, thus addressing the prominent corner position. There are no other terraced properties in the vicinity except for the Almshouses; however the design of the proposed terraced properties is simple and does not try to compete with the adjoining Listed Buildings. The application seeks to incorporate a key feature of the High Ercall Conservation Area which is red sandstone. This will form a boundary wall which will enclose the development. The Conservation Officer has raised some concerns regarding the terraced properties; however the materials and detailing will ensure an appropriate development on the edge of the Conservation Area. Conditions can be requested with regard to materials and detailing. Landscaping details can also be conditioned. The car parking provision for both the new dwellings and the public house will not be overly prominent in the street scene, thus enhancing this site which is currently dominated by the car parking area in this central location in the village. Accordingly the scale, design and form of the development is considered acceptable and is in keeping with the character and appearance of the area.

The level of car parking and the proposed access points have been discussed with the Council's Highways Engineer who has raised no objection to this arrangement, and subsequently it is considered that the proposal will not prejudice the safety and free flow of highway users.

There is a separation distance of some 20 metres between the rear elevations of the bungalows in Ridgway to the north and the side gable of Unit 6. The side gable is blank and the orientation of the buildings will ensure the proposal does not lead to issues of overlooking or loss of privacy, along with the retention of existing hedgerows to boundaries. Likewise, the distance from the front elevations of the proposed terraced row and the bungalows in Ridgway and Bradford Terrace is nearly 20 metres. The removal of householder permitted development rights will help to ensure that privacy is maintained along with adequate amenity space to the proposed dwellings. As each of the properties will have their own adequate garden space, it is considered that the proposal will not lead to significant noise and disturbance from children playing in Ridgway.

In terms of the impact of the repositioned car park and beer garden on other residents in Ridgway; part of the beer garden is already located adjacent to the bowling green. There is a separation distance of approx. 20m from the car park to the rear elevations of No.3 and 5 Ridgway; although it is noted that the parking area is closer to No.11, due to the orientation of the building at the end of the cul-de-sac, with approx. 10m separation. The existing boundary treatment – fence, hedge and trees - is to be maintained which will help to preserve amenity.

Whilst it is noted that the existing allotments have been established at the site for a number of years and they will be replaced by the development, the supporting information to accompany the application describes the allotments as semi-redundant, and at the time of the site visit, the area appeared underused. There is no specific policy in the NPPF that relates to allotments. Local Authorities should protect facilities and green spaces that would reduce the community's ability to meet its day-to-day needs. This area, whilst considered by local residents as an important community facility, does not appear to be well-kept and provide the community with a significant resource. In terms of the other community facilities, the proposal does not impact on the viability of the public house which will be retained, albeit with repositioned parking area and a smaller beer garden. Furthermore, the bowling green will be unaffected by the development. The informal parking arrangements for school drop-off and collection will continue. Thus, on balance, it is considered that the existing community provision will not be significantly affected by the development.

The consultee comments are noted, and can be added as conditions and informatives regarding Drainage, Ecology, Secured by Design and Fire safety.

Officers understand the strong local opposition to the proposal, with the main concerns being the implications of building on the existing car parking area and allotments, the creation of 2-storey properties adjacent to bungalows, highways issues and school parking arrangements. These matters have been considered above; however with regard to other matters raised, whilst the application does not implicitly state that the car park can be used by the church, it is assumed that as the informal arrangements for the school will continue, the church will also continue to benefit from this facility. The

Highways Engineer has considered the tracking of a 9m type lorry entering from the side road and turning within the site. It is considered that the pub has an obligation to use delivery vehicles fit for its site layout and the Highway Authority can only go so far in what it is reasonable to ask this layout to accommodate. However, if the site is designed for a smaller rigid vehicle and they choose to use an articulated vehicle instead (which then has to park on the adjacent highway) any obstruction or danger they subsequently cause would be an offence under S.22 of Road Traffic Act 1988, and a matter for the police to take the relevant action to prevent happening.

The proposal will not have a significant impact on wildlife as the majority of the existing hedgerows will be retained, along with provision of garden areas. With regard to impact of view, officers have considered Unfortunately impact on sky signal/broadband and value of property cannot be taken into account as they are not planning matters.

In conclusion, the principle of the development is considered acceptable as the site is located in High Ercall a suitable settlement in the rural area where new development will be focussed, whilst maintaining the existing public house and associated community facilities. The proposal is appropriate in terms of the scale and design, and will be in keeping with the character and appearance of Conservation Area. The development will not have a significant detrimental impact on adjoining residential amenity and will not adversely impact highway safety. Accordingly the proposal complies with planning policy and is recommended for approval.

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

1. A04 Time limit
2. B11 Samples of materials
3. Bcustom Prior to commencement of new housing development, car parking to pub shall be completed
4. B61 Foul and surface water drainage
5. B64 Soakaway test
6. B65 Location of Soakaway
7. B121 Landscaping details
8. Ccustom Prior to occupation of new housing development, residents' car parking shall be completed
9. Ccustom Vehicular access to B5063 shall operate as entrance only
10. Ccustom Erection of nest boxes
11. C38 Development in accordance with plans
12. D01 Removal of Permitted Development Rights
13. D04 Garages

**REASON FOR APPROVAL:**

The principle of the development is considered acceptable as the site is located in High Ercall a suitable settlement in the rural area where new development will be focussed, whilst maintaining the existing public house and associated community facilities. The proposal is appropriate in terms of the scale and design, and will be in keeping with the character and

appearance of Conservation Area. The development will not have a significant detrimental impact on adjoining residential amenity and will not adversely impact highway safety.

TWC/2012/0320

Land Off, Sommerfeld Road, Hadley, Telford, Shropshire,  
Outline planning application with means of site access from Sommerfeld Road to be determined, (Layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 185no. dwellings (Class C3), demolition of all existing buildings, public open space including linear park and community allotments, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking and other ancillary works

**APPLICANT**

Michelmersh Brick Holdings plc

**RECEIVED**

23/04/2012

**PARISH**

Hadley and Leegomery

**WARD**

Hadley and Leegomery

OBJECTIONS RECEIVED: No.

**MAIN ISSUES:**

Housing, viability, highways, landscaping, ecology, environmental health and open space.

**THE PROPOSAL:**

This is an outline planning application with means of site access from Sommerfeld Road to be determined, (layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 185 dwellings (Class C3), public open space including linear park and community allotments, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking, and other ancillary works.

The site will comprise of residential development on the closed factory site, supplemented with open space in line with National Fields in Trust standards. The application submitted is for outline permission with all matters reserved except for access. This is submitted with a location plan, a parameter plan, and highway access drawing for approval.

The application is supported by a viability assessment, submitted as a confidential document. This has been carefully considered by officers and conclusions reached in relation thereto.

**Site Access:**

Approval is sought for the provision of a new vehicular access point off Sommerfeld Road to serve the site. The existing site access is proposed to be the primary site access, and a secondary access is proposed towards the north-east of the site.

#### Dwelling Mix:

The indicative mix of dwellings proposed based on the Illustrative Master Plan and Housing Mix Plan is summarised in the table below.

| <b>Dwelling Type</b>      | <b>No. of Beds</b> | <b>No. of Units</b> | <b>Proportion of Mix (%)</b> |
|---------------------------|--------------------|---------------------|------------------------------|
| House (Use Class C3)      | 4 & 5 bed          | 70                  | 38                           |
|                           | 3 bed              | 70                  | 38                           |
|                           | 2 bed              | 36                  | 20                           |
| Apartments (Use Class C3) | 1 & 2 bed          | 9                   | 4                            |
|                           | <b>TOTAL</b>       | <b>185</b>          | <b>100</b>                   |

The proposed housing comprises a mixture of detached, semi detached and terraced properties as well as apartments. The precise mix will vary across the site in response to a variety of influences, including market demand, location and character.

#### Density:

The net dwelling density of housing proposed for the site is 32.5 dwellings per hectare. The National Planning Policy Framework states that local planning authorities should set out their own approach to housing density to reflect local circumstances (paragraph 47). The Core Strategy sets out a benchmark density for housing schemes at 30 dwellings hectare or more. In the absence of other guidance, this has been calculated in accordance with the former Annex B of PPS3 by including only the area which will be developed for housing and directly associated uses, including access roads, private garden space, car parking areas, incidental open space, and landscaping and children's play areas.

Scale Parameters – as an outline application it is currently incumbent on the applicant to provide scale parameters – the plans indicate the height based on location within the site of 2/2.5/3 storey development; plans also indicate the extent and amount of land uses comprising residential, drainage attenuation, play areas and possible allotments (which may or may not be provided); and finally plans indicating access and movement within and adjoining the site.

#### Open Space and Landscaping:

It is proposed to provide a development with strong connectivity throughout to be achieved by linking a series of spaces through the site.

At the heart of the site a Village Green is proposed to act as the central 'hub' to the development by providing a visual landmark in this central location. This will include a feature tree, and will also comprise of shared surfacing and formal open space.

A Linear Park is also proposed along the eastern boundary of the site between the proposed housing and the existing Blockleys Brick Factory to be retained. It will serve as visual and acoustic screening between the two sites, and could also provide community allotments as well as a large area of

recreational open space. This will also provide a key link to the neighbouring area of play located immediately to the south of the site. As stated above allotments are also proposed although this is something that will be required to be discussed further at a later stage (i.e. its provision is not considered absolutely necessary at this stage or as a condition of any planning permission)

Importantly, a management and maintenance schedule for landscape areas will be submitted as part of any reserved matters submission. This will consider the possibilities of the landscape maintenance being adopted by the Parish Council and/or Telford & Wrekin Council to their own specifications. However once again it is not considered necessary to guarantee this at the application stage – it will feature however as a planning condition.

#### Attenuation Pools:

An attenuation pond is proposed in the north-west corner of the site adjacent to the primary access. This will ensure that the surface water drainage from the site is discharged into the local drainage infrastructure at an acceptable rate.

#### SITE AND SURROUNDINGS:

The application site is located in Hadley, north Telford and is close to the A442. The site is about 6.29ha and is bounded by Sommerfeld Road to the north-east and Marlborough Road to the north-west. The south western edge of the site abuts the rear gardens of the newly developed Centura residential estate along Caldera Road, separated by a notable change in level and landscape bund. The south eastern edge of the site is defined by the remaining operational Blockleys Brick Factory, which is subject to a separate detailed planning application.

Current access to the application site is from a single point off Sommerfeld Road that accommodates vehicular movements associated with the operations of the factory. The current point of access has a highly distinctive block work motif associated with the factory livery. Another notable feature of the site includes a Thomas Telford Chimney that provides a distinctive and unique feature.

The land within the site has been terraced with notable changes in level of circa 3m between plateaus running from the south west to north east.

The immediate vicinity is in the area of transition and comprises a mix of commercial premises and newly constructed housing developments, some of which are currently under construction. Within a 400m walk of the site there is local retail provision and facilities, as well as access to the local bus network along the Hadley Road.

#### PLANNING HISTORY:

There have been a number of previous planning applications submitted and approved for general industrial (Class B2) and associated uses. These are:

W75/0186 Outline planning permission for the erection of a tile factory and stock yard (granted on 5<sup>th</sup> November, 1976).

W75/0186 Reserve matters approval for a new tile plant for the manufacture of clay roof tiles (granted on 15<sup>th</sup> May, 1980).

W83/0776 Full planning permission for the erection of office accommodation, construction of new works entrance and new machinery (granted on 18<sup>th</sup> January, 1984)

W84/0558 Amendment to planning permission W83/0776 (granted on 19<sup>th</sup> November, 1984).

W86/0475 Full planning permission for the construction of extension of existing permissions, stocking of brick-making within existing buildings (granted 27<sup>th</sup> October, 1986).

W87/0680 Full planning permission for the extension to existing despatch office to provide further office accommodation (granted 16<sup>th</sup> October, 1987).

W87/0769 Full planning permission for the construction of a new access (granted 25<sup>th</sup> November, 1987).

W88/0463 Full planning permission for the extension to existing brickworks (granted 29<sup>th</sup> July, 1988).

W2000/0645 Full planning permission for the erection of an extension to No.8 plant and new buildings for vehicle maintenance (granted 16<sup>th</sup> March, 2001).

There have been a large number of residential planning permissions in the local vicinity, as detailed below.

At Land off Sommerfeld Road, Trench Lock, planning permission was granted for the erection of 287 dwellings and the construction of new estate roads and pedestrian accesses for Bryant Homes. Outline planning permission was originally granted on 31<sup>st</sup> January, 2002 under reference W98/0745, followed by a reserved matters approval on 2<sup>nd</sup> January, 2003 under reference W2002/0376, followed by full planning permission for the substitution of a number of house types to various plots under reference W2003/0033.

At Trench Lock 1, Bloors Homes secure full planning permission for 70 dwellings on 27<sup>th</sup> February, 2009 under reference W2008/1236. This planning permission followed a history of previous residential planning permissions on this site (references W2006/0161 and W2007/0906) and has now been built out.

Redrow secured several reserve matters permissions for the erection of 234 dwellings opposite the current application site at the former Capewell Works. This followed the granting of outline planning permission on 31<sup>st</sup> March, 2010 under reference W2007/1732. This site is currently being constructed.

On 19<sup>th</sup> January, 2011, Persimmon Homes obtained full planning permission for the erection of 168 dwellings on land at Hadley Quarry, formerly land under the applicant's control.

#### PLANNING POLICY CONTEXT:

National Planning Guidance

National Planning Policy Framework (NPPF) 27<sup>th</sup> March 2012.

The Regional Spatial Strategy for the West Midlands (RSS) (2008)

Policy CF2 Housing beyond the Major Urban Areas  
Policy T1 Developing accessibility and mobility within the Region to support the Spatial Strategy  
Policy T2 Reducing the need to travel  
Policy T3 Walking and cycling  
Policy T4 Promoting travel awareness  
Policy T5 Public Transport

Telford & Wrekin Core Strategy (2007)

Policy CS1 Homes  
Policy CS2 Jobs  
Policy CS3 Telford  
Policy CS9 Accessibility and Social Inclusion  
Policy CS12 Natural Environment  
Policy CS13 Environmental Resources  
Policy CS14 Cultural, Historic and Built Environment  
Policy CS15 Urban Design

Saved Policies of The Shropshire and Telford & Wrekin Joint Structure Plan, 1996-2011

P16 Air Quality  
P31 Sustainable Transport Strategy  
P32 Public Transport  
P37 The Highways Network

Saved Wrekin Local Plan Policies

Policy UD2 – Design Criteria

#### CONSULTATION RESPONSES:

Hadley and Leegomery Parish Council have no objections.

The Inward Investments & Housing Group Manager: The viability assessment has been appraised. After a thorough review it is concluded that:

- The values and costs presented accord with the prevailing market conditions.

- The values and costs presented have been tested against an alternative viability model and proved to be consistent.
- In terms of planning obligations, there is no provision for any affordable housing and a surplus left of £236,400 for any Sections 106 and 278 agreements contributions after reasonable returns are made to a willing developer. An offer has been made by the applicant to increase this figure to £500,000 to cover the contributions required for Primary school education, a toucan crossing on Sommerfeld Road and off-site play area.
- Since the viability is based on a lengthy build and sales period (until 2021) there should be a review mechanism to capture any uplift against the base if planning consent is granted.

The Environment Agency (EA) make the following comments:

Groundwater and pollution prevention

BGS map 153 for Wolverhampton shows the site is underlain by the Bridgnorth Sandstone to the north and the Etruria Formation to the south of the site, comprised of mudstone and sandstone. The Bridgnorth Sandstone is classed as a Principal aquifer. Glaciofluvial deposits and till deposit overlie the solid geology at this location.

The site is located within source zone 3. There is a licensed groundwater abstraction located within 195m of the site.

An authorised landfill lies adjacent to the site; the EA advise that the Council's Environmental Health Officer is consulted for advice regarding human health issues arising from the close proximity of the landfill.

A Phase 1 Desk Study, dated September, 2011 and carried out by Geoplan, has been submitted with the planning application. This report identifies that the site is currently in use as a brickworks. In future submissions by the applicant, it would be useful to include a plan of the site showing the location of the different buildings and the processes taking place within them along with any other potential contaminative sources at the site, e.g. tanks (above or below ground), as several are mentioned in the report. Any redundant fuel tanks and line will have to be decommissioned in line with current best practice and any contamination encountered removed or remediated to acceptable levels.

Underground service runs should also be recorded and targeted for sampling during any site investigation work. The EA would expect sufficient leachate and groundwater sampling to be carried out to characterise this site and identify any contamination present.

The EA would expect specialised hydrocarbons to be included in a sampling suite for any site investigation taking place at this site (Section 12). Relying on visual evidence to sample would not be sufficient. A comprehensive site investigation with targeted sampling will be required.

With regard to section 15 of the report (Further Investigation) groundwater will need to be sampled during SI work, along with soils and leachable inorganics.

If evidence of contamination is encountered within the soils then a scheme of groundwater monitoring and/or remediation will be required.

#### Environment Agency position

The EA consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and the EA would wish to object to the application.

#### Recommended condition:

No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses.
  - potential contaminants associated with those uses.
  - A conceptual model of the site including sources, pathways and receptors.
  - Potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy, if necessary, of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of the pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.
- 5) Prior to the occupation of any part of the development (unless in accordance with agreed phasing under part 4 above) a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (3 and 4). The report shall include results of any sampling and monitoring. It shall also include any plan (a "long term monitoring and maintenance plan") for longer term

monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act, 1991).

Recommended Condition:

If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the keeping of this to the Local Planning Authority.

REASON: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('contaminated waters' as defined under the Water Resources Act, 1991).

Recommended condition:

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have the capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act, 1991).

CONDITION

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act, 1991).

#### CONDITION

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act, 1991).

#### CONDITION

Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority.

REASON: To protect controlled waters.

#### Informative/advice to applicant

The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an Environmental Permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment permit. Soil may be re-used on-site as part of a soil recovery operation by registering an exemption with the Environment Agency or by obtaining an Environmental Permit.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the EA can be contacted for advice at an early stage to avoid any delays.

It is recommended that developers should refer to the EAs:

\*Position statement on the Definition of Waste: Development Industry Code of Practice and;

Website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste legislation, which includes:

Reference should be made to Model Procedures for the Management of Land Contamination (CLR11) and 'Guiding principles for land contamination (GPLC)' which clearly explain the type of information that the EA require in

order to assess site investigation and remediation reports. These can be accessed from the EAs website – [www.environment-agency.gov.uk/research/planning/121619.aspx](http://www.environment-agency.gov.uk/research/planning/121619.aspx). These provide guidance on what the EA would expect from land contamination reports, as a minimum, reference should also be made to: 'Investigation of Potentially Contaminated Sites – Code of Practice (BS10175), published by the BSI.

#### Drainage/flood risk information

This site is in flood zone 1 (low risk of fluvial flooding). The EA recommend that the Council's drainage engineers are consulted as they should be taking the lead on this site regarding the surface water drainage.

The applicant has provided pre and post development assessments of the run-off from the site to demonstrate that by reducing the impermeable areas the run-off from the site will be significantly reduced.

The EA have no objection in principle on flood risk grounds to the proposal. However, the EA wish to highlight that the drainage strategy is far from complete. The applicant states that the site will continue to drain to the Severn Trent sewerage system. The EA recommend that the drainage strategy should be developed from accepted discharge rates to the sewerage system. From this the applicant would be able to assess the required amount of attenuation within the site up to and including the 100 year plus climate change. The 100 year plus climate change discharge rates have been quoted, but it is unlikely the existing Severn Trent system would be able to accommodate this sort of run-off rate without the sewerage system being overwhelmed. A more acceptable approach is to derive the 30 year return which would relate to Sewers for Adoption, provide a 30% reduction in run-off for this event and then attenuate or control all flows up to and including the 100 year plus climate change.

The EA would expect the flood risk assessment to provide more details as to the systems proposed to convey the surface water run-off, using sustainable drainage techniques such as swales and other drainage techniques.

On a development of this size there will also be a need to carry out a flood routing exercise for the site to ensure that during the 100 year plus climate change event flows from the site are controlled and properties are not flooded. It is accepted this would need to be part of the detailed design.

The indicative layout shows a balancing area to the north east corner of the site which we would consider as positive. The layout generally would appear to allow enough space for an appropriate surface water drainage system to be implemented.

The Council's drainage engineers will be able to provide further details on the above points. If the Council requires any further assistance within the EAs remit in relation to this planning application, they can be contacted.

The Drainage Engineer supports the application subject to conditions. The principles set out in the FRA are acceptable as reflected by the below condition. However, further information will be required in the reserved matters application as set out in the below informatives.

Condition: The contents of the FRA (Report – 1965/FRA\_v1.1) are acceptable in principal, and any future development on this site should comply with the recommendations contained in this document. An updated drainage statement should be submitted as part of the reserved matters application.

Informative: A full drainage layout along with calculations in electronic format should be submitted as part of the reserved matters application.

Informative: The FRA has identified the final rate of surface water discharge of 1033.2 l/s from this site during a 1 in 100 year +30% event. Any drainage system must be capable of attenuating flows above this rate within the site boundary. Details on how this will be achieved should be submitted as part of the reserved matters application.

Informative: Full design details of any proposed attenuation features should be submitted as part of the reserved matters application. Details on how this will be achieved should be submitted as part of the reserved matters application.

Informative: The FRA states that there will be a net reduction in rates of runoff by the creation of gardens and other areas of green space. However, the low permeability of the site due to its previous use as a brickworks needs to be considered at the design stage, with flows produced by these areas taken into account into account in future modelling.

Informative: The use of rainwater harvesting and other Source control methods should be incorporated into the design of the drainage network. Appropriate levels of treatment should also be provided in line with the recommendations of the CIRIA SUDS Manual. The use of swales and other open air features should be considered before the use of traditional piped systems.

The Scientific Officer (Environmental Health) (EHO) made the following comments on 17<sup>th</sup> September 2012.

Environmental Health Memorandum

Land off Sommerfeld Road, Hadley, Telford, Shropshire

Outline planning application with means of site access from Sommerfeld Road to be determined (layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 185no. dwellings (Class C3), demolition of all existing buildings, public open space including linear park and community allotments, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking and other ancillary works.

The proposed development is for housing on a brick works, with a landfill adjacent. As such EHO recommends that the following condition be imposed, should permission be granted.

#### Land Contamination Condition

Unless otherwise agreed by the Local planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- Human health,
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Groundwaters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conditioned in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority.

### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval of the Local planning Authority in accordance with condition 3.

### 5. Long term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 1 year, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy EH7 of the adopted Local Plan (27<sup>th</sup> September 2007)].

Environmental Health (Pollution Control) comment on 5<sup>th</sup> October, 2012 that following their advice the applicant have submitted a detailed noise assessment, the methodology of which was agreed with them.

This shows that the site is capable of being developed, subject to certain Noise Attenuation Measures being implemented.

Environmental Health therefore have no objection to the application, subject to a condition being attached that development will not commence until a detailed scheme of noise attenuation have been approved by the Local Planning Authority.

Education have no objection, dated 26<sup>th</sup> September, 2009. Given the number and type of dwellings a contribution would be required towards education facilities in the vicinity of the development. A spreadsheet has been produced that shows the proposed contributions set at £359,000.

Shropshire Fire Service comment on access for emergency fire service vehicles. It will be necessary to provide adequate access for emergency fire vehicles, There should ne access for a pumping appliance to within 45 metres of all points within the dwellings. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter, 'The Building Regulations, 2000 (2006 edition) fire safety approved document B5', provides details of typical fire service appliance specifications.

Geotechnics support the proposals subject to conditions.

Shallow mining condition B50.

Earthworks will be taking place on site therefore the following condition is required.

Earthworks: A full earthworks specification should be submitted for approval prior to work commencing on site. This should include a near surface ground investigation to determine the actual characteristics of the material. A cut and fill diagram to clearly identify how the material will be moved and stored on the site including a full method statement.

Condition C22: gas mitigation measures

Condition B57 Contaminated Land including gas monitoring.

The Trees and Woodland Officer comments dated 29<sup>th</sup> May, 2012, that the Tree Survey submitted with the application has been carried out with regard to BS: 5837 92005) Trees in Relation to Construction – Recommendations. This standard has now been withdrawn and replaced by BS: 5837 (2012).Trees in relation to design, demolition and construction – Recommendations.

According to our ARC GIS System and the adopted highways programme, Telford & Wrekin Council own a 10 metres strip of land adjacent to Sommerfeld Road, which is separated from Blockleys by a post and wire fence. There are 3 oak trees within this area which he believes to be in the ownership of the Council. T640 is included with these, the oak has been rated as Category A with regard to the tree survey and highlighted for retention.

With regard to the tree survey, 28 individual trees and groups have been surveyed. Within the schedule, 15 of the groups have been identified as field

maples. This is not the case. The species list is far more diverse and included within the woodland belt are a number of sycamore, cherry, goat willow, oak, hawthorn, sorbus and field maple trees. Section 18 of the design and access statement refers to a green frontage to the site which already exists yet has been highlighted for removal?

With regard to the existing evergreen tree belt on the western side of the application site, these trees have not been included within the tree survey. Ideally they should have been included within the tree survey and highlighted within a Arboricultural Implication Study which would have indicated that the applicants are proposing to construct 14 dwellings adjacent to these large evergreen trees, which once these houses are occupied will be the subject of either tree surgery to reduce the height of the trees or high hedge enquiries. The evergreen screen at this time provides a buffer for the existing 18 houses on Caldera Road and Marlborough Road. Software is available and a 'trees in relation to sunlight/shading assessment' should be carried out to assess the time these gardens will be cast completely in the shade.

Section 8.4.1. Management & Maintenance. The applicants refer to the area either being adopted by the Council or the Parish in the future. Given the high number of proposed street trees the applicants will need to demonstrate a high standard of tree planting. Therefore all trees should be contained within either tree pits or tree trenches using root deflectors to abate future nuisance surface roots from becoming trip hazards and disrupting pavements. All services should be ducted for future maintenance.

If permission is granted then the following conditions should be imposed:

B121 Landscaping Design. Plan to show proposed services above and below ground.

B122 Tree Survey. To include all trees within and adjacent to the site that could have an influencing factor over the site, an Arboricultural Impact Assessment detailing the influencing factors the evergreen hedge will have over the 12 dwellings with regard to daylight/shade.

B126 and B128 Landscape Management & Maintenance

B130 Tree Protective Fencing. Plans to show protective fencing around any retained trees on or adjacent to the site.

B133 Tree Replacements. In mitigation for trees proposed for removal.

C70 No burning.

C71 Soil levels.

C72 Material storage.

C76 Landscape implementation Hard & Soft.

Ecology on 11<sup>th</sup> April, 2012 ask whether bat surveys were carried out in the buildings on the site? There is little information in the report and it appears that they have not. When it comes to that stage, biodiversity enhancements should be included in the landscape plan, e.g. buffer zones, planting of native species and the erection of bat and bird boxes.

The Parks and Open Space Officer comments on 1<sup>st</sup> may, 2012 that it is essential that all new developments make full provision for the infrastructure/amenities and services which they create. New residents to the area will increase demand upon the existing recreational resource. The development will contain a number of properties which will contribute to the need of recreational facilities for the area. The proposed development will reach the trigger level that would require on-site play provision in the form of a NEAP (Neighbourhood Equipped Area for Play).

The current layout proposes of a LEAP (Local Equipped Area of Play) which is a significantly smaller facility and does not cater for older children arising from the development. Indeed the included management plan does not even show the LEAP on the plan or mention its maintenance which raises a concern as to whether it is to be included should it be successful in outline! The proposed play facilities are inadequate to meet the recreational /play areas arising out of the development and are not be confused with the need to provide general open space. A larger equipped play area needs to be provided as well as a ball court and wheeled sports provision as highlighted in the council's approved Play Strategy.

Initial discussions between the developer and P&OS were made in regards to the potential to provide a contribution towards off-site improvements to existing areas in order to maximise existing facilities in order to meet the need arising out of the development instead of providing an on-site NEAP. This was provisionally agreed in principle by P & OS. This 'in principle' agreement or any reference to an off-site contribution does not appear to be mentioned anywhere within the current application and needs to clarify the developers position in this matter. Should an appropriate contribution / agreement not be reached P & OS would require an on site NEAP with a 30m buffer zone between the boundary of the NEAP and the boundaries of residential properties should you be minded to approve the application. He is happy to discuss the costs of provision off site.

As a NEAP is likely to be over 1000m<sup>2</sup> and will require additional land to provide an extended activity area and buffer zone than the proposed LEAP there are benefits to the developer of providing an off-site sum. A NEAP will require significantly more land than that proposed in the illustrative layout, cost more to construct and cost more to maintain than the proposed LEAP area. An off-site contribution will benefit the developer through requiring less land for play provision and therefore maintaining the current 'illustrative' layout potential, as well as requiring less management costs.

Although usual for gull application comments, he would ask for it to be considered whether it would be appropriate to include a requirement of a condition to require developers not to sell any overlooking properties to the proposed play provision (whether this be a LEAP or NEAP) until the play provision has been built. This is to ensure prospective purchasers are fully aware of the play provision in proximity to these properties at the time of purchase.

The landscape and biodiversity management strategy supplied as part of the application provides some detail on the management of some of the proposed open spaces but not all (i.e. play area). It is not clear who is to carry out these duties (and also misses some basic operations such as litter), and who is to maintain those features which are missing from the strategy (water features/Play Area etc). As such the future management of the proposed open space is not clear and cannot be found to be sustainable without this additional information. There would need to be a revised version addressing these issues agreed as part of a condition should the Council be minded to approve the application and with particular reference as to who is managing the site and how this is to be financed for the long term. It is not clear as to whether the applicant wishes for the Council to adopt any POS or they are to set up a management company paid for by resident contributions set out in a covenant on the sale of the house. This must be concluded.

There are therefore some queries in regards to P&OS issues in regard to this application and would like a response from the applicant.

The Parks & Open Space Officer made further comments dated 12<sup>th</sup> December 2012 as follows. Should a NEAP not be built upon the site as requested and triggered by WLP policy LR4 an alternative solution could be acceptable to enable development. This is:

On site provision in the form of an enhanced 'combined' equipped play area which caters for both younger and older children needs to be provided. This may require a slightly larger template than the current proposed layout or it could provide 2 separated areas. Parks and Open Space can assist the developer in providing a design for reserved matters should they require.

In addition to this an access to the existing ball court needs to be confirmed in the RMA and as the wheeled sports element (NEAP element as outlined in the councils play strategy) is not provided, 2 options would be acceptable.

1. An off site contribution to the nearest wheeled sports are which would serve the development. It is suggested a suitable sum of £30k
- Or
2. Additional on site recreational equipment such as fitness trail/outdoor gym.

Please note that even a small new skate park would cost in the region of £55-65k to construct so the above are seen by Parks and Open space as a compromise to facilitate development.

Comments are reiterated on management in which it is not clear as to who is to manage the landscaped area and how this is to be financed. This **MUST** be confirmed prior to submission of reserved matters and it is requested this be included to continuance of the management of the proposed spaces in the future.

Please note that should the applicant wish the Council to adopt these Open Spaces there will be a need for a commuted sum for maintenance and this will

need to be calculated upon the submission of detailed plans so cannot be calculated at Outline stage.

West Mercia Constabulary supports the application subject to conditions. It does 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 permission, it is requested that the following planning condition be imposed: It should be remembered that this proposal is for a large development for some 185 dwellings. It is important that design, security and community safety is considered from an early stage to prevent as far as possible future incidents of crime.

#### Condition

The applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by 60% if Secured by Design is implemented.

The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at [www.securebydesign.com](http://www.securebydesign.com). They have spoken to the applicant in relation to this proposal and are awaiting a response to see if an application for Secured by Design will be forthcoming.

Finally, may I draw your attention to Section 17 of the Crime and Disorder Act 1998 which clearly states:

“It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area.”

Sustainability comment that a statement is required in the design and access statement where the developer should look to explain how they believe that have developed a valid and sustainable design solution. One of the most effective ways of securing more sustainable developments, and reducing climate change emissions, is to achieve Code for Sustainable Homes (CSH).

The development should be completed using CSH:

- CSH assessments for the scheme should be undertaken at the design stage and also at post construction review.
- The development should be required to meet CSH level 3. Please note that CSH is updated regularly. The developer should refer to the latest version or the prevailing sustainable standards – whichever is the higher at the time of submission of reserved matters.

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

Minimum proposed standards of CSH level 3, with a requirement to consider level 4 should be conditioned. If the development occurs after April 2013 then the requirement should be level 4 with a requirement to consider level 5.

Shropshire Council has no comment.

British Waterways support subject to conditions.

Mrs Ann Hoye support the application subject to conditions. She is happy for the development to go ahead as long as the bank at the back of her property with the conifer trees on remain in place. As this is clearly a wildlife corridor for birds etc and she also would like to keep the privacy that she has in her back garden as this was one of the reasons she bought the property.

Highways Development Control (HDC) commented on 4<sup>th</sup> July, 2012 without the benefit of the related brickworks renovation application. These comments relate to the residential application.

The application is outline with all matters reserved except access. In addition to this some off site works have been identified and referenced in the supporting documentation. HDC comments as follows:

- a) The site is shown to have two accesses. These are identified on drw. No. 4647/00/03. At the moment they are shown with different radii. The geometry for these two junctions will need to be adjusted slightly to provide 10m radii kerbs at both locations.
- b) A 3.0m footway/cycleway is indicated across the frontage. This will need to connect into the facility being provided to the south near the Capewell site and to link through to Trench Lock. These linkages are not shown on the submitted plans and details will need to be provided.
- c) Comments have been raised in connection with the footway/cycleway linkages and safe routes to school. It is considered that a toucan crossing over Sommerfeld Road would be appropriate.
- d) As I understand this proposal the existing factory operation is being accommodated within the adjoining southern site. For this to occur there are alterations required to that site and these are to be covered by a separate planning application (current ref.TA/2012/0413). Those mitigating works are generally indicated on drw. 4627/00/01E and will need to have been completed before any residential development can commence.
- e) There is a footway/cycle way shown running through the site Hadley Lodge Road and/or Caldera Road via the POS. HDC would be supportive of this connectivity but I am unsure of the status of the roads and POS.

In light of the above HDC would recommend no objections in principal to the proposal subject to the following conditions.

1. Before the proposed development commences the following details shall be submitted for the approval of the Local Planning Authority indicating:

a) The layout of the site including the disposition of roads, footways/cycleways, buildings and the provision of adequate parking and turning facilities within the site cartilage.

b) Means of surface water drainage from all areas intended to remain in private ownership.

c) Details of all road/footway/cycleway construction, including sections, street lighting, street furniture, tree pits, materials, visibility splays, drainage including longitudinal sections and a satisfactory means of draining any potentially adoptable roads to an unacceptable outfall.

d) Details of the proposed footway/cycleway link between the site and Hadley Road Road and/or Caldera Road.

2) Before the proposed development is commenced details shall be submitted for the approval of the Local Planning Authority indicating full road/footway/cycleway construction including longitudinal sections, materials, visibility splays, drainage, street lighting, visibility splays and a satisfactory means of draining roads to an acceptable drainage outfall for:

a) The two site accesses as generally indicated on drw. 4627/00/03 which are to be formed with 10m radii.

b) The new footway/cycleway link on the Sommerfeld Road, between Trench Lock/Castle Street and the proposed link to the Silkin Way to the southeast of the former Capewell site including suitable minor road crossing points as necessary.

c) The provision of a new toucan crossing to Sommerfeld Road in connection with the new footway/cycleway (above) at the crossing point generally indicated on drw. No. 4627/00/03.

3) Before any buildings are occupied details of the Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Workplace Travel Co-ordinator. The Travel Plan shall set out proposals, including a timetable, to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually to the Local Planning

Authority for approval for a period of five years from first occupation of the development.

4) Before the proposed development is commenced details shall be submitted for the approval of the Local Planning Authority indicating the proposed reorganisation of the retained southern factory site, as generally indicated on drw. No. 4627/00/01E, indicating details of the layout of the site, the disposition of roads, footways, drainage, buildings, wheel wash and the provision of adequate parking, turning and servicing facilities. Those features so approved shall be in place before the residential development is commenced.

#### Note to Planning Officer

HDC has split the conditions up. Condition 1 predominantly relates to on site and reserved matters. Condition 2 relates to the access works and off-site matters, some of which need to be delivered by S278 Agreement (Highways Act, 1980). HDC have included the standard Travel Plan Condition and there will be S106 contribution of £5,000 required to provide the monitoring.

Condition 4 relates to the need to carry out works at the retained factory site in order to accommodate the existing factory displaced by this submission. HDC is not sure if this is the correct way to go about this but considers those works should be completed before work commences on the residential site.

Sustainability comment that a statement is required in the design and access statement where the developer should look to explain how they believe that have developed a valid and sustainable design solution. One of the most effective ways of securing more sustainable developments, and reducing climate change emissions, is to achieve Code for Sustainable Homes (CSH).

The development should be completed using CSH:

- CSH assessments for the scheme should be undertaken at the design stage and also at post-construction review.
- The development should be required to meet CSH level 3. Please note that CSH is updated regularly. The developer should refer to the latest version or the prevailing sustainable standards – whichever is the higher at the time of submission of reserved matters.
- Developers and designers should involve a CSH assessor as early as possible in the design process, to ensure the rating is achieved in a cost effective manner.

Minimum proposed standards at CSH level 3, with a requirement to consider level 4 should be conditioned. If the development occurs after April 2013 then the requirements should be level 4 with a requirement to consider level 5.

#### PLANNING CONSIDERATIONS:

There are a number of material planning considerations that are relevant in the determination of this application.

## The Principle of Development

The principle of residential development on the site has not been formerly established through any previous planning applications or site allocations. However, the Council has approved a number of residential applications adjacent to the site in recent years.

Whilst the site is currently in an employment use with the Blockleys Brick Factory, it has become surplus to the operational requirements of the factory. Since 2005, as a result of the recent recession, brick demand has nearly halved in the UK from 2.8bn in that year to 1.5bn in 2011, with little sign of recovery. This has inevitably led to many brick plants being closed or mothballed. The Midlands has been particularly badly affected.

Blockleys Brick Ltd was established in 1894 and became part of Michelmersh Brick Holdings PLC in 2000. Production capability from its manufacturing base in Telford was approximately 55 million units a year across two plants, one making 30 million 'stock' bricks per annum and the other 24 million high quality wire cut facing bricks, clay paviors and special shaped products. Production was reduced in 2009 in the hope that the market would recover, but in 2010, in light of the continued economic downturn, the decision was made to close the plant and focus on the more specialised paviors and high quality wire cut market. This plant is now running at full capacity.

The proposed residential development is on surplus land which is therefore no longer required for the factory operation. The sales receipts from developing the site for residential development will be used to assist the company to consolidate the remaining factory site and retain their 50 employees in this facility. The residential proposals are therefore an integral element of ensuring that Blockleys Brick Factory remains a viable and successful part of Michelmersh Brick Holdings PLC and can continue to provide much needed employment in this part of Telford.

The NPPF and the Development Plan are supportive of the effective reuse of a site for residential development because there is an economic case for changing the 'B' Use Class of a site to a residential use which will bring additional funds to the Council through the New Homes Bonus, bring additional expenditure into the area, create construction jobs and also retain 50 existing jobs at the factory.

In terms of the principle of development it is therefore considered that the proposals are compatible with the: National Planning Policy Framework; Regional Spatial Strategy for the West Midlands (2008) policy CF2; Core Strategy policies CS1, CS2, CS3 and CS15; and saved Wrekin Local Plan policy UD2.

## Viability and 0% Affordable Housing

The lack of affordable housing is an important consideration. NPPF clearly sets out to achieve a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Where affordable housing have been identified and policies established, there is an expectation that affordable housing should be provided. But the NPPF also makes clear that such policies should be sufficiently flexible to take account of changing market conditions over time. It is not unusual for developers to seek a reduction in affordable housing requirements on a development site; in this instance a nil contribution is proposed. It is true that provision of affordable housing can represent a significant proportion of development costs and Members have had to consider reducing the proportion of affordable housing on several sites in recent months. This decision will not establish a precedent however as each case is considered on its merits. Certainly the LPA has had to confront the prevailing economic conditions and has had to grapple with a continuing downward trend that has seen several schemes either stalled or re-appraised through industry accepted viability appraisal. Subject to a review mechanism, it is recommended that this application be supported on the basis of the section 106 offer that amounts to £500,000 in total.

#### Traffic and Highways

A Transport Assessment (March 2012) has been undertaken by Stirling Maynard and submitted in support of this outline planning application. Whilst this application is for up to 185 dwellings, the assessment has used a figure of 200 dwellings to ensure that it is robust.

The proposals have been assessed against appropriate transport policies set out in the NPPF, Core Strategy and Local Transport Plan. The most recently available five year personal injury accident data for the surrounding road network has also been obtained and reviewed and it is considered that there is not a road safety problem on the local road network in the local vicinity.

The accessibility appraisal of the site concluded that:

- The site is situated adjacent to several residential, retail, employment and leisure facilities and provides the scope for a high degree of linked walk trips between the development and these areas, facilitating a reduction in overall travel and car use in line with the aims of the sustainable transport strategy.
- The site is accessible by bus with up to four buses per hour linking the site to Wellington, Hadley, Oakengates and Telford Town Centre.
- Pedestrian and cycle access to the site can be considered to be very good with the extensive existing infrastructure located in the vicinity of the site being enhanced by the links from and internal provision within the development site.
- The development proposals also accord with local and national planning policy guidance set out in the NPPF and the Core Strategy.
- A Travel Plan will be provided which will seek to reduce the number of car borne trips generated by the proposed development.

The Assessment concludes that in respect of the impact of the development traffic in both the opening year (2015) and design year (2020), that the development can be safely accommodated on the local road network without detriment to the safe operation or without deterioration in the operational performance of the junctions under consideration in the vicinity of the site.

The Transport Assessment concludes that there are no known reasons, in terms of highways, traffic or transport, why the development should not proceed.

A Framework Travel Plan has also been produced by Stirling Maynard and has been submitted with this outline application.

Officers have been in dialogue with the Company and its consultants over highways issues and in particular those offsite requirements that would have to be part of any Section 106 Agreement in the event that Members resolve to grant planning permission. The latest discussions post date the last written comments of Highways Development Control. The final position of highways are not available at the time of writing but if there is anything further to add, these will be verbally updated at the Plans Board meeting. Nevertheless it is understood that these negotiations are moving towards a satisfactory conclusion.

On the basis that this is verbally confirmed to Plans Board, it is considered that the proposals are compatible with the: National Planning Policy Framework; Regional Spatial Strategy for the West Midlands (2008) policies T2, T3, T4 and T5; Core Strategy policy CS9; saved Joint Structure policies P16, P31, P32 and P37.

#### Flood Risk Assessment and Drainage Strategy

A Flood Risk assessment has been undertaken by Westwood Environmental Engineering and concluded that the development proposals for the site are not subject to significant flood risk and would not increase the flood risk of adjacent sites. The site is situated within Flood Zone 1, and there are no watercourses situated within the vicinity of the site. There are no records of historical flooding from fluvial sources, and therefore the risk of flooding is considered to be negligible.

As part of the drainage strategy, it is proposed that a 1,300m<sup>3</sup> attenuation feature will be provided at the entrance for the site that will cater for the drainage needs of the site. In respect of foul drainage, it has been confirmed that satisfactory connection to the existing network are in place.

In short, the proposed development will not increase the risk of flooding to the site or surrounding area.

Both the Environment Agency and the Drainage Engineer have no objections subject to the imposition of conditions that can be imposed in any planning

permission granted. The proposals are therefore considered compatible with the: National Planning Policy Framework; and Core Strategy policy CS13.

### Environmental Health (EHO)

A Noise Assessment has been carried out by URS. The site has been considered with regard to existing road traffic noise sources within the locality, and has indicated that the site falls within Noise Exposure Category C for day and night time periods. Consequently, the site is not precluded from development for a residential use.

An assessment has been undertaken of the potential noise impacts of the existing business uses surrounding the site, including the plant associated with the scaffold and concrete batching businesses on Marlborough Road and the landfill traffic and the existing operational Blockleys plant.

It is proposed that mitigation is included within the scheme in the form of a minimum 1 metre high fence on top of the landscape feature that is located adjoining the landfill traffic route, being the overall screening height of 3 metres above road level.

The noise assessment concludes that the residential proposals for the site are appropriate. The EHO is satisfied with the noise assessment provided that a condition is imposed requiring a scheme of noise attenuation to be submitted for the approval of the Local Planning Authority in any planning permission granted. Similarly, the EHO wishes certain conditions be imposed relating to ground contamination issues. The proposals are therefore considered compatible with the: National Planning Policy Framework; Core Strategy CS13; and saved Structure Plan policy P16.

### Ecology

A Phase 1 Ecology Survey has been undertaken by Ecosurv Ltd and concludes that the proposed site for development shows no evidence of the presence of European protected species. Trees on and adjacent to the site show evidence of nesting common species birds. A Site of Special Scientific Interest is located off-site and is not adversely affected by the development. The proposed green corridor running along the eastern boundary and southern boundaries is partially in place with the bund/embankment between the site and adjacent houses. The enhancement of this will provide improved linking habitat between the proposed new dwellings.

The survey concludes that ecological enhancement to the site will be easily achieved, with the provision of open areas, bat boxes, and landscaped buffers providing bird nesting sites linking to the wider environment.

On the basis of the mitigation strategy proposed, the development is assessed as being achievable with negligible impact on ecological resources.

A Tree Survey has been undertaken by Ecosurv Ltd which identified two trees of high value and shape located to the boundary of the site, one of which being on the edge of the bund and the other to the north western corner of the site. Both of these trees are mature oak trees and will be retained with the proposals. The remainder of the trees on the site are poor quality. The loss of any trees will be adequately compensated for through the provision of an appropriate and comprehensive landscaping strategy at the Reserved Matters stage.

The Trees and Woodland Officers requires conditions be imposed in the event that planning permission is granted. The concerns of the ecology officer can be addressed with a Grampian condition requiring further details to be submitted for the approval of the Local Planning Authority. The proposals are therefore considered compatible with the: National Planning Policy Framework; and Core Strategy policy CS12.

#### Geotechnics

A Phase 1 Desk Study assessment has been undertaken by Geoplan and shown that potentially contaminated made ground may be in areas across the site. The risk from ground gases, associated with the made ground, infilled historic excavations and nearby landfills, will need to be investigated further.

A Phase 11 Ground Investigation will be required if outline planning permission is granted to more accurately determine the effect of the identified contamination hazards. The assessment concludes that the site is likely to be suitable for future development. Any necessary ground works can be covered by the imposition of a planning condition on any planning permission issued.

A coal mining report has also been commissioned which shows that there are no coal mining issues which affect or restrict the development of this site.

The geotechnical engineer supports the application subject to certain conditions being imposed in any planning permission granted. The proposals are therefore considered to be compatible with the National Planning Policy Framework; and Core Strategy policy CS13.

#### Archaeology Desk Based Assessment

A desktop archaeological study has been completed and this has showed no areas which are of archaeological significance on the site. As such, no further work is required prior to the determination of this outline planning application. The proposals are therefore compatible with the: National Planning Policy Framework; and Core Strategy policy CS14.

#### Energy and Climate Change

The applicant will identify the feasibility of aspirational energy efficiency measures at the detailed design stage through the implementation of low and zero carbon technologies, should outline planning permission be granted.

Effectively, the proposed development design seeks to mitigate its impact on climate change through energy consumption reductions and CO2 emission savings. Energy efficiency and passive design measures will be used to enhance the baseline performance of the proposed development. Given the comments of Sustainability, it would be appropriate to impose a Grampian condition in any permission granted requiring further details on how they intend to achieve a valid and sustainable design solution.

## Summary and Conclusions

The site is located at Blockleys Brick Factory and is close to Hadley District Centre. It has good access to the A442, a key route linking the Hadley area to the rest of the town, and to modes of public transport, and is near to local facilities and services. It is considered to represent a sustainable location.

The proposals for the site are based on the Illustrative Masterplan that has been developed in conjunction with the range of technical and environmental work undertaken. The Illustrative Masterplan identifies the areas proposed for up to 185 dwellings.

The proposals have been assessed in accordance with all relevant national, regional and local planning policy, and have been shown to meet these policy requirements. In particular, there is a strong economic and social case for the residential development to be permitted in this location, and an assessment against the National Planning Policy Framework concludes that the proposals represent sustainable development. Indeed, the recent planning permissions for a number of residential developments in this area demonstrates that the site is in a suitable residential area.

The proposed development raises some technical and environmental issues for consideration but there are no identified constraints to development. Public open space will be proposed that will enhance the site for the benefit of the local community, and the change of use from industrial to residential will deliver significant environmental benefits.

In conclusion, the proposals are compatible with the National Planning Policy Framework and the policies of the development plan. Subject to a Section 106 Agreement, outline conditional planning permission should be granted.

**RECOMMENDATION:** that subject to the applicant entering into a section 106 Obligation that secures £500,000 of contributions to be used for education, recreation and play facilities, highway improvements and planning and travel plan monitoring that delegation be given to the Development Manager to GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the

reserved matters to be approved, whichever is the later.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.
3. Development shall not take place until the following details have been submitted for the written approval of the Local Planning Authority;
  - Means of access and requisite visibility splays which do not cross third party land
  - Layout of site including disposition of buildings and provision of adequate parking, turning and servicing within the site curtilage
  - Means of surface water drainage from all areas intended to remain in private ownership
  - Full road and footway construction including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall.

which shall thereafter be implemented in accordance with the approved details

4. Before the proposed development is commenced details shall be submitted for the approval of the Local Planning Authority indicating full road/footway/cycleway construction including longitudinal sections, materials, visibility splays, drainage, street lighting, visibility splays and a satisfactory means of draining roads to an acceptable drainage outfall for:
  - a) The two site accesses as generally indicated on drw. 4627/00/03 which are to be formed with 10m radii.
  - b) The new footway/cycleway link on the Sommerfeld Road, between Trench Lock/Castle Street and the proposed link to the Silkin Way to the southeast of the former Capewell site including suitable minor road crossing points as necessary.
  - c) The provision of a new toucan crossing to Sommerfeld Road in connection with the new footway/cycleway (above) at the crossing point generally indicated on drawing. No. 4627/00/03.
5. Before any buildings are occupied details of the Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Workplace Travel Co-ordinator. The Travel Plan shall set out proposals, including a timetable, to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually to the Local

Planning Authority for approval for a period of five years from first occupation of the development.

6. Before the proposed development is commenced details shall be submitted for the approval of the Local Planning Authority indicating the proposed reorganisation of the retained southern factory site, as generally indicated on drw. No. 4627/00/01E, indicating details of the layout of the site, the disposition of roads, footways, drainage, buildings, wheel wash and the provision of adequate parking, turning and servicing facilities. Those features so approved shall be in place before the residential development is commenced.
7. Development shall not take place until samples of types and colours of all external materials, including hard surfacing have been submitted to and approved in writing by the Local Planning Authority. The samples of materials shall be made available on site and the Applicant shall contact the Local Planning Authority to arrange a site visit. The development shall be carried out in accordance with the approved details.
8. Development shall not take place until an investigation of the site has been undertaken to ascertain whether the site is affected by the presence of landfill gas. The investigation shall be undertaken in accordance with a brief which shall first be agreed in writing with the Local Planning Authority. The results of the investigation shall be provided to the Local Planning Authority and shall include a scheme for precautionary measures to ensure no build up or ingress of gas occurs within the development. The approved scheme shall be implemented in full and written evidence to confirm the completion of the work provided to the local planning authority before the development is occupied.
9. No development, or phasing as agreed below, shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the Local Planning Authority (condition summarized)
10. If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the keeping of this to the Local Planning Authority.

11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have the capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
12. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
14. Development shall not take place until an investigation of the site has been undertaken to quantify the extent and condition of any shallow mineworkings which may exist. The investigation shall be undertaken in accordance with a brief which shall first be agreed in writing with the Local Planning Authority. The results of the investigation shall be provided to the Local Planning Authority and shall include recommendations for site stabilisation and foundation design. The agreed recommendations shall be implemented in full and written evidence to confirm completion of the work in accordance with the agreed scheme be provided to the Local Planning Authority.
15. Development shall not take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:

- Existing and proposed finished levels or contours
- Means of enclosure
- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
- Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.)
- Retained historic archaeological features and proposals for restoration, where relevant
- Proposals for biodiversity enhancements (e.g. erection of bat and bird boxes and pond creation)

Soft landscape details shall include:

- Planting plans
- Written specifications including cultivation and other operations associated with plant and grass establishment
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate. The planting scheme shall include a mix of native species of local provenance, berry-producing shrubs and/or nectar-rich flowers
- Implementation timetables

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years after planting, are removed, die or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of a similar species, size and number by the end of the first available planting season.

16. The reserved matters application shall include a survey of the development site as existing which shall be submitted to the Local Planning Authority concurrently with the submission of the site layout drawings and shall include, as appropriate, the following information plotted at a suitable scale:

- Location, species, girth or stem diameter, accurately plotted crown spread and reference number of all trees on AND adjoining the site with a stem diameter of 100 mm or greater.
- A numbered tree condition schedule with proposals for surgery or other works, where applicable.
- Existing levels including, where appropriate, sufficient detail to allow proper consideration of existing tree protection.
- Location, spread and other relevant details of existing hedgerows, hedges and other significant areas of vegetation.
- Location and dimensions of existing watercourses, drainage channels and other aquatic features with water, invert and bank levels as appropriate.
- Existing boundary treatments and forms of enclosure.
- Existing structures, services and other artefacts, including hard surfaces.
- Indication of land use, roads or other means of access, structures and natural features on land adjoining the development site.
- Route of existing footpaths and public rights of way on and adjoining the site.

- Identification of views to and from the site.
  - Assessment of existing local vernacular styles in the area.
17. Development shall not take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in full as approved.
  18. Development shall not take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation and management has been submitted to and approved in writing by the Local Planning Authority. The landscape implementation and maintenance shall be carried out in accordance with the approved schedule.
  19. Ground clearance, demolition or construction work shall not take place until details of protective fencing in accordance with BS5837:2005, including implementation timetable, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The protective fencing shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or lowering, of ground levels, shall be allowed within the protected area(s).
  20. Tree felling works shall not take place until a scheme to replace the tree(s) to be felled by another tree(s) has been submitted to and approved in writing by the Local Planning Authority. The felled tree(s) shall be replaced during the first available planting season and thereafter maintained, including the replacement of any trees which may die within 5 years of planting.
  21. Unless it is demonstrated and agreed in writing by the Local Planning Authority that the site is not affected by, nor likely to be affected by, landfill gas then the foundations and services shall be designed and constructed, in accordance with a scheme which shall be first agreed in writing with the Local Planning Authority, so as to prevent the build up or ingress of gas into the development.
  22. No more than 25 dwellings shall be occupied until development has commenced on the adjoining retained factory site in accordance with planning permission TWC/2012/0583. Prior to the occupation of the fiftieth dwelling approved under this planning permission, the car parking, wheel wash facilities and office building as approved under planning permission TWC/2012/0583 on the adjoining factory site shall have been constructed unless otherwise agreed in writing by the Local Planning Authority

23. Development shall not take place on the site until a scheme which sets out proposals for the provision of a Locally Equipped Area of Play (LEAP) or Neighbourhood Equipped Area of Play (NEAP) on the site together with details of its future management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following matters:

- Programme for the implementation of the LEAP
- Detailed specification of the equipment to be provided
- Finished levels and contours
- Means of enclosure
- Vehicle and pedestrian access and circulation
- Hard surfacing
- Landscaped areas

The approved scheme shall be implemented in full.

24. No development shall take place until details have been submitted to and approved in writing by the local planning authority for the provision of a physical footway/cycleway access link to the adjoining NEAP located to the north west of the site. The footway/cycleway shall be provided prior to occupation of the tenth housing unit on site.

#### REASON FOR APPROVAL:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

It is considered that the above position is consistent with the National Planning Policy Framework which outlines what Local Planning Authorities should do *‘To boost significantly the supply of housing’* (paragraph 47). The NPPF also states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development.”* (paragraph 49). This relates to the social role of sustainable development that seeks to support *‘strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being’*.

Furthermore, it is considered that the proposed development accords with one of the NPPF’s Core planning principles that the planning system ought to play, this being:

*‘proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans*

*should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities'*

Also with regard to the NPPF, the proposed range of housing size, type and tenure in the application would contribute to the creation of sustainable, inclusive and mixed communities advocated in paragraph 50.

Whilst this application is made in outline, the parameters defining the density of the development and the maximum height of the dwellings (3 storeys) are considered appropriate in the context of Hadley and this particular location.

The principle of the development in this location is acceptable on policy grounds despite the site previously used for employment purposes. It is not considered that the loss of employment provision would warrant a reason for refusal given other employment opportunities coming forward and policy support for future employment growth in Telford.

In response to the application and the supporting Transport Assessment, the Council's Highways Engineers have not raised any objection. The provision of junction improvements, toucan crossing and off-site footway/cycleway provision is essential. Provided Section 106 contributions and conditions are applied to any consent granted, it is concluded that there are no reasons for refusal on highways grounds.

In light of the Council's further enquiries with regard to the provision of physical and social community infrastructure, it is concluded that there is either sufficient capacity that already exists or that such capacity can be feasibly upgraded in Hadley. Contributions to meet the need for educational infrastructure resulting from an increase in pupil numbers for the proposed housing together with enhanced open space facilities can be secured through a Section 106 agreement. On site provision is made for a LEAP facility and the permission is conditioned. The Council's Parks and Open Spaces department consider this development proposal meets the need for play and recreation arising from the development in accordance with saved Wrekin Local Plan policies LR4 and LR6 subject to suitable conditions in relation to final design, implementation and management and also a Section 106 agreement relating to the modest improvement of off-site NEAP together with pedestrian/cycle access thereto.

There are no substantiated issues regarding ecology, archaeology and noise that cannot be addressed by the imposition of appropriate planning conditions.

Overall, it is considered that the development proposed in the application represents sustainable development and there is a presumption in favour of sustainable development in National Planning Policy Framework.

TWC/2012/0583

Blockleys Bricks Ltd, Sommerfeld Road, Hadley, Telford, Shropshire, TF1 5RY

Reconfiguration of existing factory site to include provision of new office block (Class B1) relocation of wheel wash and reconfiguration of existing roadway and parking arrangements and other ancillary works

**APPLICANT**

Michelmersh Brickholdings plc

**RECEIVED**

03/08/2012

**PARISH**

Hadley and Leegomery

**WARD**

Hadley and Leegomery

OBJECTIONS RECEIVED: No.

**MAIN ISSUES:**

Local economy, employment, environmental health, highways and landscape.

**THE PROPOSAL:**

Reconfiguration of existing factory site to include provision of new office block (Class B1), relocation of wheel wash and reconfiguration of existing roadway and parking arrangements and other ancillary works. This application would normally be delegated to officers to determine; however it is linked to an application for residential development and is brought to Plans Board for completeness.

The current proposals sits alongside another planning application being presented to this Plans Board for outline redevelopment of the other, now dormant factory unit, for up to 185 new dwelling (TWC/2012/0320). The existing operations at the now dormant factory are being consolidated at the existing application site.

The current proposals for this application site seeks to reconfigure this existing factory site such that production can still continue and the site can operate satisfactorily. The small scale office building would replace the existing office building which is to be demolished on the other site and the wheel wash would be relocated to ensure minimal impact on the future on the occupiers of the adjoining site. The building itself is of a portable type building 7m x 12m. It is of very modest design but well positioned within the site.

The single storey office block would be largely hidden from existing screening. The wheel wash would be relocated to a more convenient position for vehicle users. The parking areas would be reconfigured. Access to the site will remain at the existing access point onto Sommerfeld Road. Once within the site, the reconfigured layout will ensure improved circulation around the site.

**SITE AND SURROUNDINGS:**

The application site area is 4.35ha in area (the overall area of ownership including the quarry, New Acres Landfill Site and the other factory unit is some 40ha). The application site comprises a brown field site of a brick

factory, associated offices, roads, hard standing and areas of scattered trees, scrub vegetation and stockpiles raw materials.

#### PLANNING HISTORY:

W2000/0645: Erection Of An Extension to No.8 Plant, Erection of New Buildings for Vehicle Maintenance, Blender Station, Sand Handling Building, Erection of New Sand Silo and Relocation Of Existing Scrubber Unit, Granted: 16/03/2001

W98/0714, App Type: Restoration by importation of Inert Waste and Re-Alignment of Hadley Road Granted: 20/05/2005,

W87/0769: Closure of Existing Access & Construction of a New Access Granted 25/11/1987

W88/0463: Extensions to Existing Brickworks, Granted 29/07/1988

W87/0680: Extension to Existing Despatch Office to Provide Further Office Accommodation Granted: 16/10/1987

#### PLANNING POLICY CONTEXT:

National Planning Guidance

NPPF

'a presumption in favour of sustainable development', particular attention to economic development and growth

Regional Spatial Strategy for the West Midlands

Telford is identified in the RSS as being a 'Sub-Regional foci for development beyond the Major Urban Areas', as well as a 'Strategic Centre' and a 'Local Regeneration Area outside of the Regeneration Zones'.

Policy UR2: 'Towns and Cities Outside Major Urban Areas' states that local authorities and other agencies should seek to improve prospects in 12 areas, including Telford, by bringing forward local regeneration policies and programmes.

Saved Wrekin Local Plan Policies

Policy UD2

Policy UD4

LDF Core Strategy

Policy CS2 states that in order to create sustainable communities, new jobs will need to be sufficient to create a dynamic and widely based economy in the Borough and which can meet the employment needs of the growing population through the Plan period.

Policy CS3 identifies that Telford will be the focus for the Borough's spatial development and will accommodate the majority of new homes, jobs and service. It notes that all development should support Telford's role as a sub-regional focus for balanced growth.

Policy CS9 deals with accessibility and social inclusion, whereby the policy seek to ensure everyone has reasonable opportunity access homes, work,

community and other key services through the promotion of sustainable forms of transport through public transport, cycling, pedestrian routes, as well as deal with increasing safety of travel and reduce negative environmental impacts on travel.

#### CONSULTATION RESPONSES:

Hadley and Leegomery Parish Council have no objections.

The Drainage Engineer supports the application subject to conditions. Details of waste water outfall from the wheel wash facility are required.

Geotechnics comment on 17<sup>th</sup> August 2012 that they have reviewed the application and have some slight concerns with the proposal based on their understanding of the site.

Mineshafts: A plan shows that our records for TDC mineshafts on the site. It is considered that in the current position the 'office' block that is proposed sits next to or even on one of these positions and is within influencing distance of several.

#### Retaining Walls.

There are some proposed retaining gabion baskets on site to accommodate the new proposed entrance. Please can more details be provided for these structures

The Coal Authority Report dated 8<sup>th</sup> March, 2012 amongst other comments make reference to mine entries as follows.

#### Mine entries

Within or within 20 metres of, the boundary of the property there are 2 mine entries, the approximate positions of which are shown on the attached plan.

Their records disclose the following information:

36813-001 was grouted and plugged by the Telford Development Corporation in 1978.

Mine entry 368312-001 was conveyed to Telford Development Corporation in 1990.

368311-023 was filled in 1945 and grouted and plugged by the Telford Development Corporation in 1978.

Mine entry 368311-023 was conveyed to the Telford Development Corporation in 1990.

Records may be incomplete. Consequently, there may exist in the local area mine entries of which the Coal Authority has no knowledge,

Ecology comment that information appears incomplete.

The Scientific Officer (Environmental Health) commented on 12<sup>th</sup> December, 2012.

The proposed development is close to a number of landfills. As such, it is recommended that the following condition be imposed, should permission be granted.

No development approved by this permission shall be commenced until a scheme for soil gas migration measures has been submitted to and approved in writing by the Local Planning Authority, or the applicant has demonstrated to the satisfaction of the Local Planning Authority that gas mitigation measures are not necessary. The agreed scheme shall be implemented in full. The development shall into be brought into use until confirmation of the as-built gas built mitigation system has been received by the Local Planning Authority.

Reason: To prevent unacceptable risks to human health and the development from soil gases.

Environmental Health (Pollution Control) stated on 5<sup>th</sup> October, 2012 that they have no comments.

#### PLANNING CONSIDERATIONS: Background and Local Economy

The National Planning Policy Framework (NPPF) published in March 2012 is particular pertinent to this application. The main thrust of the Framework is that there should be 'a presumption in favour of sustainable development'. It is recognised that there are three dimensions to sustainable development, namely economic, social and environmental factors that interplay.

According to the NPPF, economic development is the key driver as the Government strives to create conditions to promote economic recovery at the national level. At the local level the NPPF's core principles can be interpreted as encouraging planning to be proactive in order to support the economy so that it can contribute positively to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

The need for planning to encourage and not to act as an impediment to sustainable growth is recognised. It is therefore prescribed that significant weight should be placed on the need to support economic growth through the planning system.

Telford is identified in the RSS as being a 'Sub-Regional foci for development beyond the Major Urban Areas', as well as a 'Strategic Centre' and a 'Local Regeneration Area outside of the Regeneration Zones'. The Spatial Strategy notes that it will be important to enable all parts of the Region to sustainably meet their own needs in a mutually supportive way by protecting and enhancing the environmental assets, and where appropriate making economic use of them.

The application site is shown on the Proposals Map accompanying the Local Plan as being within a 'Built Up Area of Telford', and an 'Employment Area

which has already been built or which is committed for development over one hectare.’ Blockleys Brick Ltd was established in 1894 and became part of Michelmersh Brick Holdings plc in 2000. Production capability from its manufacturing base at Hadley was approximately 55 million units a year across two plants, one making 20m ‘stock’ bricks per annum and the other 24 million high quality wirecut facing bricks, clay paviors and special shaped products.

Since 2005, however, as a result of the downturn in the economy, brick demand had nearly halved in the UK from 2.8 billion in that year to 1.5 billion in 2011 with little sign of recovery. Production at Blockleys Hadley site was reduced in 2009 in the hope that the market would recover but in 2010 in light of the continued downturn the Company decided to close the plant and focus on the more specialised paver and high quality wire cut market. This plant is now currently running at full capacity and making a good contribution to Michelmersh’s performance.

The proposal will help safeguard up to 50 jobs at Blockleys site at Hadley. This is encouraging and has to be supported. The remaining existing site is to be developed for residential development, with the proceeds used at least in part to secure ongoing brick manufacturing at the site.

## Ecology

The applicant’s commissioned independent consultant’s EcoSurv Ltd to undertake an Extended Phase 1 Habitat Survey centred on SJ 686 119 in order to assess the site for potential ecological constraints.

The report’s discussions and recommendations are detailed above but it suggested that the site has little ecology that would warrant the imposition of conditions. Informatives are suggested. A useful table is produced below that summarises the position:

## Applicant's Ecological Issues Summary

| <b>Site/Species</b>    | <b>Potential Development Impacts</b>                              | <b>Further Survey Requirements</b>             | <b>Timing of Survey</b> | <b>Recommended Mitigation Options</b>   |
|------------------------|---|--|-------------------------|---|
| Trees                  | Removing habitats of potential conservation value.                | None.  | NA                      | Retain features or replace within landscape plans. Provide a buffer zone between trees and site works where trees are to be retained. |
| Bats                   | Disturbance/loss of bat roosts.                                   | None   | NA                      | Consider provision of bat roosting sites within site.   |
| Birds                  | Disturbance of breeding birds and destruction of nests.           | Breeding bird check immediately prior to work. | March – April           | Provide a buffer zone around active nests until the breeding attempt is complete.   |
| Reptiles               | Killing or injury of common reptiles.                             | None anticipated                               | April - September       | None required   |
| Amphibians             | Disturbance and harm to amphibians including great crested newts/ | None anticipated                               | March - June            | None required   |
| Invasive Plant Species | There is a stand of Japanese Knotweed within the site             | None   | NA                      | A programme of spraying to be devised to eradicate this problem.  |

Highways: there are no highway implications as the access onto Sommerfeld Road exists and there is no need for upgrading or improvement. All works to internal accesses and parking are acceptable.

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

1. A03 Time limit
2. B042 Car parking, vehicle turning implementation
3. B056 Soil Gas Mitigation
4. BCustom Draiage of wheel wash facility
5. C38 Development in accordance with plans
  - Informative Minerals area
  - Informative Bats

#### REASON FOR APPROVAL:

The decision to grant planning permission has been taken having regard to the policies and proposals in the Telford & Wrekin Core Strategy Development Plan Document adopted December 2007 and the 'saved' policies in the Wrekin Local Plan 1995 - 2006 set out below, and to all relevant material considerations, including National and Supplementary Planning Guidance:

#### Regional Spatial Strategy for the West Midlands

Telford is identified in the RSS as being a 'Sub-Regional foci for development beyond the Major Urban Areas', as well as a 'Strategic Centre' and a 'Local Regeneration Area outside of the Regeneration Zones'.

Policy UR2: 'Towns and Cities Outside Major Urban Areas' states that local authorities and other agencies should seek to improve prospects in 12 areas, including Telford, by bringing forward local regeneration policies and programmes.

#### Saved Wrekin Local Plan Policies

Policy UD2

Policy UD4

Policy OL11

#### LDF Core Strategy

Policy CS2

Policy CS3

Policy CS9

The principle of development for Business purposes at this employment location is supported through national and local policies as described above, and it is considered that the applicant has demonstrated that there will be no unacceptable adverse impact on the amenities of neighbouring properties or the surrounding highway network created by the development. The scale and design of the structure is considered to be in keeping with the site. It has been further satisfactorily demonstrated that the development is unlikely to have an adverse impact on statutorily protected species subject to the proposed ecological mitigation strategy and habitat maintenance. The proposals indicate that there will no adverse impact on surface water drainage or create unacceptable conditions of ground contamination. .As such it is considered that subject to conditions of mitigation, the development accords with the adopted Development Plan policies and the National Planning Policy Framework.

TWC/2012/0808

Land adjacent to Rock Cottage, 39 Mill Lane, Tibberton, Shropshire, TF10 8NL

Erection of a 2 storey detached dwelling with integral single garage to side

**APPLICANT**

John Wright

**RECEIVED**

03/10/2012

**PARISH**

Tibberton and Cherrington

**WARD**

Edgmond

THE APPLICATION IS BE DETERMINED BY PLANS BOARD DUE TO THE PREVIOUS PLANNING HISTORY OF THIS SITE.

OBJECTIONS RECEIVED: Yes.

**MAIN ISSUES:**

Principle of residential development on the site, previous refusal decisions, the effect on the character and appearance of the area, highway safety and residential amenity, emergence of the National Planning Policy Framework

**PROPOSAL:**

This is a full application for the erection of a 2 storey three bedroomed dwelling with integral single garage on land adjacent to Green Ridges (no.3) Mill Lane and opposite Rock Cottage (no.39) Mill Lane. The proposal comprises a rectangular shaped brick built property with a plain clay tiled gable roof overlooking the River Meese valley and the open countryside beyond to the north (right). There is an attached pitched roofed single garage facing Mill Lane. The design of the property has incorporated some Duke of Sutherland (DoS) style features which include brick cills, voussoir headers above the ladder casement windows, pitched roofed dormer windows and exposed purlin ends.

**SITE AND SURROUNDINGS:**

This is an L-shaped site off Mill Lane at the end of a row of three 1970's bungalows and is located on the opposite side of the road to Rock Cottage, a traditional DoS cottage, and is the additional garden belonging to the property. (Rock Cottage has a modest sized garden surrounding the property). The site is located on the northern extremity of the development boundary of Tibberton. The site is a fairly level plateau above the valley of the River Meese.

The site comprises of a timber garage, greenhouse, a timber shed and the remains of a small brick building which was once a wash house/WC to Rock Cottage. The site is bound on the northern and western boundaries by an existing Holly and Hawthorn hedging. A garage (with three windows) abuts the western boundary together with a block wall along the gable wall of Green Ridges and a wooden fence. At the front of the site is a hedge, a recently erected wooden 5 barred gate and a parking space bounded by two walls directly off Mill Lane.

Immediately to the north of the site is an access track leading to a small sewage treatment works, there is a vehicular access to the rear of the site via the track; beyond is collection of buildings known as Old Mill Nurseries. This was once a paper mill, then a garden nursery and now operates as a small farm. The site north of the application site comprises of various structures and a car repair workshop.

Green Ridges is a chalet style dormer bungalow with side facing windows which overlook the site. It is this closest property to the site and is located to the south of the site and sits approximately 1m higher.

#### PLANNING HISTORY:

Planning permission W2003/1076 for outline planning permission for the erection of a dwelling was refused on 1<sup>st</sup> July 2004 for the following reason:

- The erection of a dwelling on this site at the end of existing development in Tibberton does not comply with the requirements of policy H10 of the Wrekin Local Plan in that this site is not an infill plot with the existing built up frontage and will form an extension of the village into open countryside.

An identical planning application W2004/0941 was submitted on 26<sup>th</sup> July 2004. This application was due to be considered by Plans Board on 6<sup>th</sup> October 2004 with a recommendation for refusal but was withdrawn before the meeting.

A further application W2005/0646 for an identical proposal was submitted on 24<sup>th</sup> May 2005 and refused on 22<sup>nd</sup> July 2005 for the above reason and the following reason:

- The applicants have not demonstrated that the siting of the dwelling as proposed will not adversely affect light and amenity for the occupiers of the adjoining dwelling. As such the proposal is contrary to policy H12 of the Wrekin Local Plan.

The Council's decision to refuse was tested at Appeal and was subsequently dismissed by the Planning Inspectorate on 19<sup>th</sup> January 2006.

A further outline application W2005/1123 for the erection of a dwelling and alterations to the access was submitted on 16<sup>th</sup> September 2005 and refused by Plans Board on 17<sup>th</sup> November 2005 for the following reasons:

- The erection of a dwelling on this site at the end of the existing development in Tibberton does not comply with the requirements of policy H10 of the Wrekin Local Plan in that this site does not comprise and infill plot within the built up frontage and will, therefore form an extension of the village into open countryside.
- The applicants have not demonstrated that the site can

satisfactorily accommodate a dwelling without adversely affect light and amenity for the occupiers of the adjoining dwelling. As such the proposal is contrary to policy H12 of the Wrekin Local Plan.

In 2011 a further application (TWC/2011/0984) was submitted for a 2 storey three bedroom dwelling with integral garage and withdrawn 20<sup>th</sup> February 2012.

#### CONSULTATIONS:

Standard consultation responses:

Tibberton & Cherrington Parish Council: no objections

Shropshire Fire Service: Access for Emergency Fire Service Vehicles and Sprinkler Systems – Residential Premises informatives

Drainage: Standard conditions B61 and B75

Condition: A 150mm combined sewer has been identified running through the site. The D&A statement has confirmed that STW will accept the principal of development subject to the submission of a Building Close to a Sewer Agreement. Evidence of this agreement along with copies of the foundation design should be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development.

Geotechs: no comment

Aboricultural: no objections see comments TWC/2011/0984

Highways: refer to the above application and would confirm that in principle I have no objection to the proposal. I do however ask for the following conditions: i) C19 – Parking and following informative: I11

Ecology: no comment

#### Neighbour consultation responses

10 direct neighbour letters have publicised the application.

2 letters of objection have been received. The issues raised are:

- previously refused by both the LPA and the Planning Inspectorate
- poor access
- sloping of land
- existing access did not receive planning permission
- north facing window in kitchen is not secondary, it was built originally
- the proposed would be dominant and create a loss of light
- the site is different to other sites which have recently gained planning permission in Tibberton

- the design and access statement does not mention the refusal in 2011 for two dwellings and dismissed on appeal
- not an infill plot
- extension into the village
- contrary to policy

## PLANNING POLICY CONTEXT

National guidance:

National Planning Policy Framework

Core Strategy Policy

CS1 Homes

CS7 Rural Area

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

H9 Location of New Housing

H10 Scale of Development

H24 Affordable Housing: Rural Exceptions.

## PLANNING CONSIDERATIONS:

- Relevant Local and National Policies
- NPPF and Saved Local Plan Policy
- Previous Refusals
- Material Considerations
- Impact on Amenity
- Highways

National and local planning policy outline new development should be focussed in sustainable locations which have the benefit of a range of services and facilities. Tibberton constitutes a sustainable location and is one of the three key rural settlements in the Borough where development will be focussed to meet local needs, as set out in policy CS7 of the Council's Core Strategy. Housing is considered acceptable in Tibberton.

Core Strategy policy CS1 requires that the spatial distribution of new homes be consistent with the spatial development strategy stating that housing needs in the rural area will be met by approximately 170 new dwellings. This figure is derived from evidence provided by the Telford & Wrekin Housing Needs Study, with its inclusion in local policy also reflecting national planning policy framework requirements to assist in safeguarding the countryside from encroachment and limit the number of new dwellings in rural areas. This threshold has already been met from dwellings already built or having received planning permission. The proposed development would therefore

exceed the need identified for the rural area contrary to CS1 in terms of the scale of development proposed.

The guidance contained within the National Planning Policy Framework states that development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development is the basis for every plan, and every decision. Furthermore, to promote sustainable development, housing in rural areas should not be located in places distant from local services. However it also states that isolated homes in the countryside can be looked upon favourably if special circumstances have been demonstrated, these include for a rural worker to live at or near their place of work; and where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

In addition to the above it must be noted that from 28<sup>th</sup> March 2013 the National Planning Policy Framework will be one year old. This means Council's without an up-to-date Local Plan will have applications judged by their degree of conformity with the NPPF, and a presumption in favour of sustainability should be applied. The Wrekin Local Plan saved policies therefore have to be given less weight when considering planning applications.

The principle issue for consideration is whether sufficient weight can still be given to the material matters which would outweigh planning policy and therefore justify a departure from Local Plan Saved Policy.

The LPA are aware that applications for residential development at the site have been refused several times by both the LPA and the Planning Inspectorate. However it should be emphasised that these decisions were made several years ago, before the Local Development Framework Core Strategy.

In 2006, it was considered that the location of the site was outside of the existing built form of the village, and was not an infill plot within an existing built up frontage. This judgement was also supported by the Planning Inspector in 2006 when he stated that *“Old Mill is located in the valley floor and is distinctly separate and apart from the edge of the village in terms of its form and setting. Some of the buildings have been removed and there is a visual break and a large gap between these buildings and the built up residential part of Mill Lane. There is also a difference in levels, which marks the distinction between the edge of the village and the countryside”*.

The Inspector continued by saying that *“Policy H10 relates to a gap in an existing built up frontage. In this case given there is a sizable gap between the appeal site and Old Mill and the difference in levels between the two sites marks a physical and visual distinction in terms of character and appearance. In my judgement, the proposal represents an outward expansion of the village and it therefore conflicts with LP policy H10 criteria a) and b).”*

*“Given my conclusion that the appeal site is outside the built up area of the village, the policies of restraint of development in the countryside apply. The appeal site would be exposed to views from the valley floor. It would appear as an outward expansion of the village and would not be effectively screened due to the significant changes in levels. The transition between the built up area and the open countryside would be stark and immediate as a result of this proposal. The proposal would harm the character and appearance of the countryside. The overall aim of development plan policies and Government guidance is to protect the countryside for the sake of its intrinsic character. Development proposals of this nature would erode the essential setting of settlements and the character and appearance of the countryside”.*

Although previous planning consents can carry a particular degree of weight in assessing applications the LPA should note that the most recent refusal occurred in 2006. Since 2006 new local and national planning policy documents have been adopted. These policy documents are the Core Strategy and the National Planning Policy Framework. In addition the LPA must emphasise that policy H10 of the Wrekin Local Plan (at this present time) carries less weight than it once did i.e. 2006 by reason of the NPPF and more up to date planning policies.

Officers note that the land is lower in level, is of a different character and is on the edge of the built up form, however whilst Officers note that the application may not be defined as an infill plot, the site is located in a sustainable settlement. The reasoning behind Policy H10 was to ensure that building plots fell within the confines of the villages and did not result in spread onto areas of open countryside. Given that this policy does not fully conform to latest guidance in NPPF, the thrust of the issue is loss of and spread into the open countryside, it is therefore important to consider the use and appearance of the site currently. It is open land, which is manicured and planted and maintained, it does not have an agricultural use or appearance. Officers therefore consider that the proposed development would not be contrary to the aims of local plan policy in that the proposed development would not seek to increase the confines of the village or result in loss of open countryside.

Although the site would not comply with policy H10 of the Wrekin Local Plan the property would have an active frontage onto the existing lane, reflecting the character of established development within the village. The layout would be in linear form and set back from the road. Whilst the site would be lower in level when compared to the neighbouring property it is compatible with the existing pattern of development. The new dwelling would be positioned in line with the dwelling opposite (Rock Cottage) and therefore would not compromise the existing building boundary. The dwelling would be located to the south of a lane (that provides access to a pumping station) which Officers now considers to act as a divide between these residential properties and the rural open countryside land to the north.

In addition to the above changes in policy a Preferred Options Report was carried out in 2005 that identified this site as suitable site for residential

development. Further to this the council carried out a housing needs survey in 2011 that identified a further need for 3 bedroom homes in Tibberton. Although neither of these reports were adopted Officers consider some weight should be attached to their findings in assessing this application.

The proposed dwellings would provide adequate parking provision as well as sufficient rear garden area. A sufficient separation distance would remain between number 28 and the nearest new dwelling to ensure neighbouring amenity is protected.

In regards to neighbouring amenity the Council accept that the adjacent property would be subject to a loss of light. However the affected windows are secondary windows, and given the proposed separation distances, differences in ground levels with the new dwelling located on the lower level, it is considered sufficient to ensure that there is not significant adverse impact upon day light to these rooms and the residential amenity of Green Ridges. Clearly the views across the open countryside which are currently enjoyed from these habitable room windows will be affected. However, there is no 'right to a view' under planning legislation. The distance between the utility and garage windows to the side wall of the proposed garage would be 1.6m. However, utility rooms and garages are not habitable rooms and thus this distance is not considered relevant. Thus, officers consider that they could not refuse this application on the grounds of adverse impact upon the amenity of the adjacent dwelling.

It is considered that the design and appearance of the proposed property would relate positively to its context, and would incorporate many architectural details which are present on some of the more traditional the neighbouring dwellings, such as brick eaves and verge detailing, and brick arches above doors and windows and sympathetic facing materials. The access is acceptable and supported by the Council's Highway Engineer.

Overall, on balance, officers consider that the proposed development is acceptable sustainable development that conforms with guidance in the National Planning Policy Framework, as it is located in one of the three identified villages for development as set out in the core strategy, the plot is an acceptable form of development and is not an encroachment into the open countryside. Officers consider that this latest guidance for the presumption in favour of sustainable development is sufficient to outweigh the material planning consideration of previous determinations and appeal given the age of these decisions. Furthermore, the design of the proposed dwelling is of a high standard and will be in-keeping with the character of the area and will not detract from the architectural merits of existing properties in this part of Tibberton. The development will provide a three bedroom dwelling without having an adverse impact on neighbouring properties due to the decent separation distances and boundary treatment. Sufficient outdoor amenity space is retained for the adjoining dwelling and adequate private garden will be provided for the proposed dwelling. A safe and appropriate access to the site can be achieved as well as suitable provision of on site parking.

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

### Conditions

A04 Time Limit  
B011 Samples and Details of materials  
B061 Foul and Surface Water  
B075 Greenfield Run Off Rates  
B079 Custom Severn Trent Water Agreement  
C007 Windows set in 75mm  
C019 Highways Drainage  
C075 Retain Hedge to the north  
C38 Development in accordance  
C074 Tree Protection  
I11 Highways  
I32 Fire Authority  
I40 Conditions  
I41 Reasons for Grant

### Reasons For Decision

The proposed development is acceptable sustainable development that conforms with guidance in the National Planning Policy Framework, as it is located in one of the three identified villages for development as set out in the core strategy, the plot is an acceptable form of development and is not an encroachment into the open countryside. Officers consider that this latest guidance for the presumption in favour of sustainable development is sufficient to outweigh the material planning consideration of previous determinations and appeal given the age of these decisions. Furthermore, the design of the proposed dwelling is of a high standard and will be in-keeping with the character of the area and will not detract from the architectural merits of existing properties in this part of Tibberton. The development will provide a three bedroom dwelling without having an adverse impact on neighbouring properties due to the decent separation distances and boundary treatment. Sufficient outdoor amenity space is retained for the adjoining dwelling and adequate private garden will be provided for the proposed dwelling. A safe and appropriate access to the site can be achieved as well as suitable provision of on site parking.

TWC/2012/0942

Land between 8 & 16, Hordley Road, Wellington, Telford, Shropshire  
Proposed development of 4 No. three storey town houses (Amended plans received)

**APPLICANT**

Brooklands Investments

**RECEIVED**

11/12/2012

**PARISH**

Wellington

**WARD**

Park

OBJECTIONS RECEIVED: Yes.

MAIN ISSUES: Principle of development, highways issues, scale and design, character and appearance of the area and impact on adjoining residential amenities.

**THE PROPOSAL:**

The application seeks full planning permission for the erection of 4 No. three storey town houses each comprising 3 bedrooms, which will be constructed as 2 pairs of semi-detached houses, with associated parking and amenity space. Vehicular access will be from Hordley Road. Additional parking provision to Unit 4 will be located in the car parking area to the rear, which serves the customers, staff and delivery vehicles to the 'Brooklands' shops, a small parade of shops fronting Hordley Road, Bagley Drive and Marton Drive.

This application follows a previous submission for a terrace of 5 units, (ref: TWC/2012/0497) which was withdrawn due to planning and highway objections regarding overdevelopment, character and access/parking provision. Following the withdrawal of the application, the Agent and planning/highways officers met on site to discuss these issues and the proposed single entrance point to the car park from Marton Drive. The red line site area now includes the whole of the car park and proposed widened access.

Improvements will also be made to the car parking and servicing area at the rear of the 'Brooklands' shops/ local centre, with the widening of an existing vehicular access from Marton Drive. This will require the slight repositioning of a bus stop. A pedestrian access route through the car park will remain, with a footpath at the side of Unit 4 adjacent to the row of shops on Hordley Road.

**SITE AND SURROUNDINGS:**

The application site comprises an existing area of hardstanding which forms part of the car park at the rear of an existing parade of shops that fronts Hordley Road, Bagley Drive and Marton Drive in a u-shape. The units in Hordley Road and Marton Drive are predominantly single storey flat roofed buildings. The supermarket has a pitched roof. The car park is well-used but is in a relatively poor condition. It is also used as a pedestrian link across the estate.

The site is located in an established residential area of Wellington which mainly comprises two storey brick and tile semi-detached dwellings with driveways to side and gardens to front and rear; although there is a modern two-storey flatted development, Hordley Court opposite the application site, with private parking area.

**PLANNING HISTORY:**

TWC/2012/0497 Erection of 5no. 3 storey town houses, Withdrawn

W2002/1362 Demolition of One Shop Unit And Erection Of 6no. Town Houses, Full granted

W88/1062 Erection Of Shop And Flats (4 No.) In A Two Storey Building, Outline refused

**PLANNING POLICY CONTEXT:**

National Planning Guidance

National Planning Policy Framework

Saved Wrekin Local Plan Policies

UD2 Design Criteria

H6 Windfall Sites in Telford & Newport

LDF Core Strategy

CS5 District and Local Centres in Telford

CS15 Urban Design

**CONSULTATION RESPONSES:**

Wellington Town Council: no objection in principle, but wish to have confirmation that the vehicle access/egress off Marton Drive is satisfactory for both retail and residential use, particularly as part of the existing car park has parking spaces reserved for one of the proposed housing plots.

Highways: no objection subject to conditions and informatives relating to:

- i) Parking prior to occupation
- ii) details of the access widening and associated works to the bus stop on Marton Drive
- iii) The access driveways off Hordley Road shall be un gated.

Note: A Street Lighting Column will need to be relocated in order to accommodate for the access widening works. Please contact the Street Lighting Team for advice.

Geotechs: no comment

Drainage: Support subject to condition for Surface water drainage

Ecology: no objection subject to Condition regarding Erection of nest boxes and Informative regarding Enhancement planting

Shropshire Fire Service: Provide comments regarding Access for Emergency Fire Service Vehicles and Sprinkler systems

8 neighbour letters of objection have been received and a petition containing 7 names from residents in Hordley Court with the following comments:

- Minor changes to frontage and reduction in number of units from 5 to 4 but still constitutes overdevelopment
- Blocking up of car park access from Hordley Road
- Entrance to car park from Marton Drive adjacent to Hospice shop is too narrow for delivery vehicles
- Impact on bus stop and street lamp
- Building on car park leading to congestion on adjoining roads, on residents' only car park at Hordley Court and illegal parking on double yellow lines
- Damage caused to neighbour's garden fencing/ gatepost
- Insufficient parking provision for dwellings
- Development is out of keeping with existing houses and streetscene – 3 storey and height of buildings
- Impact on skyline and closing area in
- Impact on privacy and 'right to light'
- Concern that Wellington Town Council has changed its position from objection to 5 units to no objection to 4 units
- Flood risk due to inadequate sewers and drains
- Existing problems of antisocial behaviour will be exacerbated by creation of alleyway between site and existing take-away premises
- Devalue property

#### PLANNING CONSIDERATIONS:

The site has no designation in the Wrekin Local Plan and is therefore suitable for development. Planning permission was granted in 2004 for the erection of a terrace of 6 x 3 bedroom townhouses following demolition of one of the shop units (ref: W2002/1362). This also included the single access point into the car park from Marton Drive. This scheme was never implemented; however it is considered to be a material consideration and establishes the principle of residential development in this location and a single access/egress from Marton Drive to serve customers, staff and deliveries at the Brooklands shops. Planning policy has altered since this date with the adoption of the core strategy at a local level and the NPPF at a national level, which are in favour of sustainable development and have not associated this site with any additional restrictions.

The principle of the development remains acceptable as the proposal is for 2 pairs of semi-detached houses, which is the prevailing form of development in this part of Wellington. Whilst the surrounding development is predominantly two-storey housing, the previous planning permission in 2004 granted

townhouses with dormers/rooflights in the roof to accommodate the third bedroom for each unit. The roofline is not significantly higher than the adjoining pair of semi-detached houses and it is considered that there is a sufficient separation distance. Furthermore, the buildings have been designed to reflect the modern development at Hordley Court. Development of this form and design is appropriate in the streetscene and in terms of the character and appearance of the area.

The proposed dwellings are set back and positioned at an angle from the adjoining semi-detached properties. There is a separation distance of approx. 6m between the side gables of No.16 Hordley Road, which has non-habitable room windows on the side elevation, and Plot 1 of the new development, thus the proposal will not significantly impact on light or outlook. The only window on the side elevation of the new dwelling is a bathroom window which can be obscure glazed to preserve privacy. The angle of the dwellings and setback will ensure that there are only oblique views of the neighbouring garden area.

The dwellings can be accommodated with adequate amenity space and parking provision. The proposal has been designed to ensure there is sufficient space to accommodate 2 vehicles per unit without overhanging the highway and in the case of Unit 4; arrangements will be made to accommodate additional parking provision within the car park.

The existing access into the car park from Marton Drive will be widened in line with discussions with the Highways Engineer, to ensure delivery vehicles and customer/staff vehicles can adequately access the car park, with sufficient parking provision for customers and proposed residents and manoeuvring space for delivery vehicles. Furthermore, pedestrian access will be retained with a footpath link between the existing retail unit and Plot 4. In this regard, there are no highways objections subject to conditions and informatives. The conditions include the requirement to submit details regarding the repositioning of the bus stop.

With regard to other issues raised by local residents, the proposal can be accommodated without detriment to adjoining amenities and provides a sufficient level of garden and parking provision for each unit; thus the scheme does not constitute overdevelopment. Any damage caused to neighbouring properties during the construction phase will need to be put right by the developers. Wellington Town Council has the right to change its position in light of the reduced number of units.

The concerns regarding flood risk are noted; however the Drainage Engineer has no objection subject to condition. It is noted that residents have concerns about existing problems of antisocial behaviour and that these could be exacerbated; however the additional residential properties will help to provide natural surveillance over the area during the hours that the shop units are closed. Impact on the value of property is not a planning matter. In order to ensure proper control of the development and maintain adequate amenity space and parking provision and not adversely impact on adjoining amenities, permitted development rights will be removed.

In conclusion, the principle of the development is acceptable having regard to previous planning permission on the site and the context of existing development. The scale, design and form of the development is appropriate and in keeping with the character and appearance of the area and the streetscene. The proposal includes highway measures to ensure adequate access to the car park. The proposal will provide necessary access, parking and amenity space and will not have a detrimental impact on adjoining residential amenities or highway safety. Accordingly the proposal complies with the relevant planning policies.

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

1. A04 Time limit
2. B11 Samples of materials
3. Bcustom Highways – details of access widening and bus stop
4. B62 Drainage details
5. B121 Landscaping details
6. C12 Parking
7. Ccustom Erection of nest boxes
8. D01 Removal of Permitted Development Rights
9. Dcustom No gates

**REASON FOR APPROVAL:**

The principle of the development is acceptable having regard to previous planning permission on the site and the context of existing development. The scale, design and form of the development is appropriate and in keeping with the character and appearance of the area and the streetscene. The proposal includes highway measures to ensure adequate access to the car park. The proposal will provide necessary access, parking and amenity space and will not have a detrimental impact on adjoining residential amenities or highway safety.

TWC/2012/1018  
Unit 2-10, Sutton Road, Admaston, Telford, Shropshire, TF5 0AY  
Installation of a pedestrian access and staff parking

**APPLICANT**

Mr Joginder Singh

**RECEIVED**

17/12/2012

**PARISH**

Wrockwardine

**WARD**

Wrockwardine

CLLR JACQUELINE SEYMOUR HAS REQUESTED THIS APPLICATION BE DETERMINED AT PLANS BOARD.

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Highway Safety, loss of amenity and impact on adjacent neighbouring property.

**THE PROPOSAL:**

This new application seeks consent for use of land adjacent to a block of shops on the junction of Station Road and Sutton Road in Admaston for staff parking and to provide a pedestrian access gate.

**SITE AND SURROUNDINGS:**

The site is a two storey block of 5 units with retail on ground level and residential above. It is sited on the junction of Station Road, a main thoroughfare through the village and Sutton Road. Immediately behind the shops is a service yard accessed from the side (south), bounded by high fencing. The first floor residential elements have balconies with metal railings. The service yard houses a block of 10 flat roofed garages and a detached pitched roof garage. The north side facing onto Station Road is bounded by a shop side wall, attached to a store which protrudes forward the shop wall. A section of this wall has been removed and replaced with approx 2m high metal gates attached to the garage block. A grass verge abuts the full length along this boundary with an adjacent lay-by.

The immediate surrounding area is residential with Wellington district centre a short drive distance with mixed uses and transport links in and around Telford.

**PLANNING HISTORY:**

TWC/2011/0707 – Creation of new access and erection of gates (Retrospective) – Refused 30<sup>th</sup> September 2011.

**PLANNING POLICY CONTEXT:**

LDF Core Strategy:  
CS15 Urban Design

Saved Wrekin Local Plan Policies  
UD2 Design Criteria  
OL6 Open Land

## National Planning Policy Framework

### CONSULTATION RESPONSES:

Wrockwardine Parish Council: This is a further attempt to circumnavigate the refusal of TWC/2012/0707. The Parish requested that following the refusal the Borough took action to ensure that the site was reinstated to its previous state. The applicant instead chose to submit other applications. The Council requests that this application is refused and that the wall and land be reinstated to its original form.

Highways: Object to any form of development on the adopted highway land which falls within the application boundary. Reason: to safe guard the adopted highway under Section 130 and 131 Highways Act 1980. The proposed development fails to make adequate provision for the turning of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to drivers having to reverse manoeuvre onto Station Road. A matter further exacerbated by reduced visibility to the east of the access due to vehicles parked within the lay-by. Recommend this application be refused.

Ward Councillor Cllr J Seymour objects to the application on the grounds that following the refusal the applicant is parking vehicles on the grassy area by the lay-by and achieving access to that land by driving over the driveway belonging to No. 19 Station Road and laid hard standing on the grassy area which would appear to actually belong to Telford and Wrekin Council.

### NEIGHBOUR CONSULTATION:

7 letters objecting to the application have been received following consultation, based on the following points:

- Dangerous location – close to busy junction and shops and for those using lay-by and for those on Station Road leaving their driveways.
- If lay-by enlarged for more parking this will result in more accidents.
- Work is retrospective – applicant has no regard to regulation.
- Application goes against policy.
- Access is over a pavement using the dropped kerb originally intended for owner of 19 Station Road.
- Fear this a way to getting planning through the back door.
- Concerns about the ownership of the land.
- Problems about lack of parking are exacerbated – the lack of space is self inflicted.
- There is no problem with Emergency service using the existing side entrance. In over 30 years no emergency vehicle required to access rear of shops.
- Adequate access to the rear.
- Adequate parking to front, side and rear.
- Extra parking is yet further potential danger to traffic onto major road.
- With wall demolished now witness to excess rubbish and noise.

- Out of character with existing pattern of development.
- Loss of lorry space on lay-by – will need to park on estate road instead
- A precedent could be set for loss of green verges.
- Staff car park could encroach on pavement causing a danger/nuisance
- Gates unsuitable for residential area, more suited to industrial.
- Loss of green space that has been there for 40 years.
- No occurrence of vandalism as stated in application.
- Gates out of place in the village community setting.
- Site is an eyesore – path is damaged and a blot on the landscape.
- Detrimental visual impact from street scene.

#### PLANNING CONSIDERATIONS:

This application seeks consent for the installation of a pedestrian access and staff parking on land to the northern side of Station Road, Admaston. The site area is very similar as the previous application TWC/2011/0707 except for a diagonal section omitted along the south west side. That application was refused on highway safety grounds, loss of public parking spaces and having a detrimental impact on the character and amenity of the area.

The Design & Access Statement submitted with this new application suggests the following in support of the proposal:

1. Enable rear access provision to the rear of the shop units and flats.
2. Enable access for emergency vehicles to rear of properties
3. Removes a vandal problem
4. Staff parking area will add more shop users parking spaces which could be tied up by staff.
5. Gate is open rail which enables views to the rear of the shops/flats.
6. The parking is laid to hardcore with no surface water run off.

An existing vehicular access is located to the south side of the site, off Sutton Road and runs alongside the shops to the rear. The access is in good repair and appears to be adequate in terms of manoeuvring and space.

There is existing parking to the front east of the shops and the lay-by on the south side provides parking spaces. The proposal is aimed to provide staff with a parking area and provide more shop users parking spaces which could be tied up by staff. The submitted block plan indicates an access/parking area. The plan does not indicate the layout or number of car parking spaces or how cars will manoeuvre in and out from the highway but the applicant has suggested it being for 2 cars.

Vehicle access to no. 19 Station Road is via a driveway which is approached from a section of dropped kerb adjacent to the end of the lay-by. It would appear that any vehicles using this parking area could potentially encroach onto this driveway.

Prior to these retrospective works a grass verge ran along the north side, between the boundary wall and adjacent highway providing a pleasant view when approaching the village. This land helps contribute to the character and amenity of the area. Since the refusal in September 2011 a further section of this green verge has been removed and replaced with hardcore. This further work is considered to result in a detrimental impact on the character and appearance of the area; contrary to 'saved' policies OL6 and UD2 of the WLP.

Material to this planning application is the comments from the Highways Engineer who objects to any form of development on the adopted highway land which falls within the application boundary, stating that the proposed development fails to make adequate provision for the turning of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to drivers having to reverse manoeuvre onto Station Road. A matter further exacerbated by reduced visibility to the east of the access due to vehicles parked within the lay-by.

The proposal would therefore fail to meet the criteria in local planning policies. The site cannot be adequately accessed, thus this is contrary to 'saved' policy UD2 of the WLP.

No supporting evidence has been submitted to either address the highway safety issues or to justify the new access to the rear of the shop units and flats. Additionally it is also considered that the existing access has sufficient space to manoeuvre within the site whereby the new access point area has restrictive space to do this.

Local residents claim that there is no problem with emergency vehicles using the existing entrance. This access appears to be more efficient and able to accommodate emergency vehicles than the proposed access which crosses both a footpath and lay-by.

No evidence has been offered in support of there being a problem with young people gathering behind the wall or incidents of vandalism. Furthermore residents have suggested that this is not the case. The existing wall provided a solid boundary adjacent to open space and in itself would be a deterrent from possible intrusions to the rear of the site. It is not considered that the demolition of the wall and insertion of gates provides added security to the site. In addition it is considered that the gate and open area within the context of the immediate surrounding areas results in an incongruous feature along the boundary thereby conflicting with 'saved' policy UD2 of the WLP.

In conclusion it is considered that as the proposal is located over an adopted public highway, it will prejudice the safety and free flow of highway users; furthermore the proposal will generate further movements with reduce visibility and no turning facilities. The proposal will also result in a detrimental impact on the character and appearance of the area removing open space which is considered important in this locality. Consequently it is considered that the proposal fails to comply with policies OL6 and UD2 of the Wrekin Local Plan, policy CS15 of the Core Strategy and the National Planning Policy Framework.

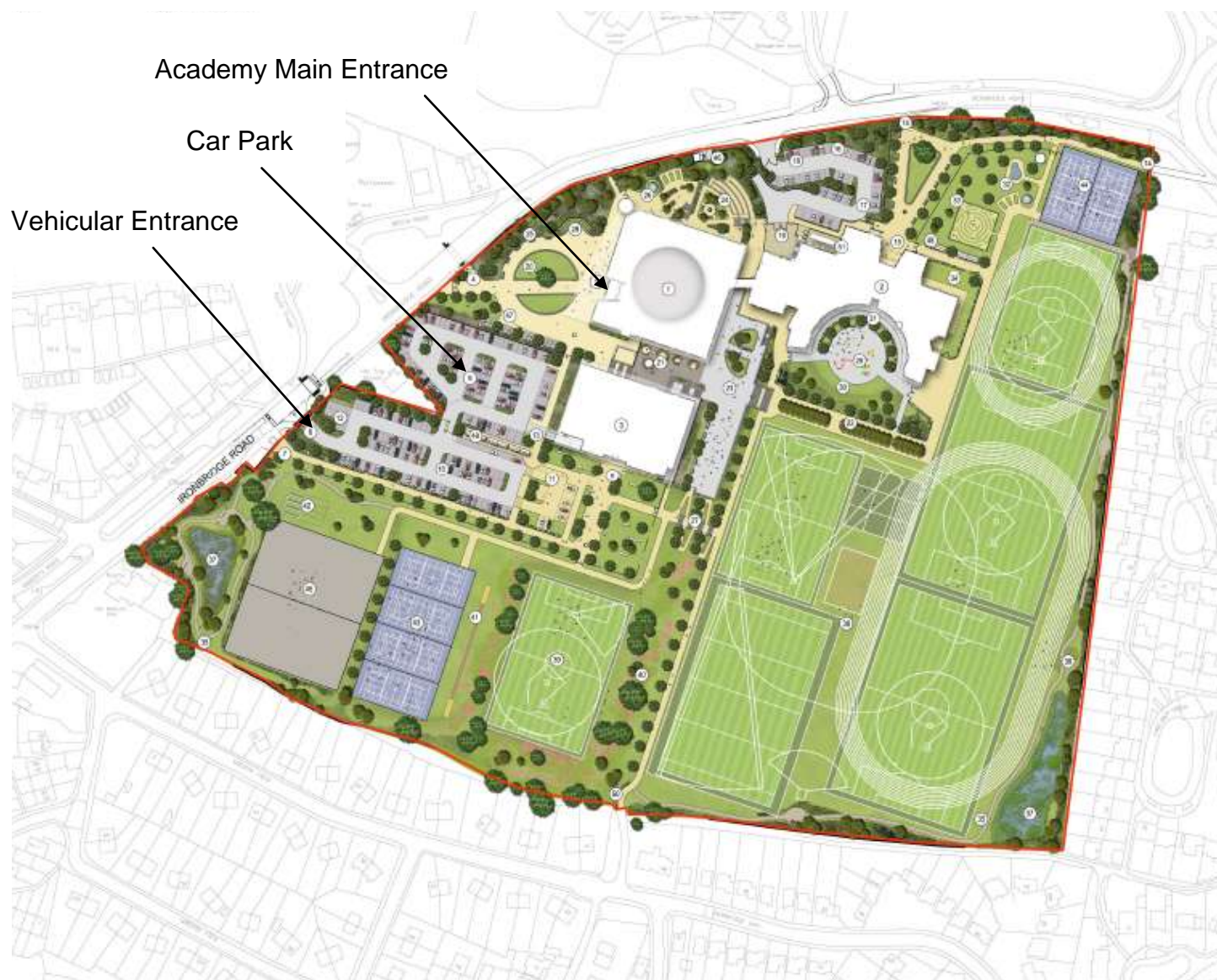
RECOMMENDATION: to REFUSE PLANNING PERMISSION for the following reason(s):

1. The proposed development is unacceptable by virtue of the proposed location over an adopted public highway. Consequently the proposal will prejudice the safety and free flow of highway users, contrary to Wrekin Local Plan saved policy UD2, and the NPPF.
2. The Local Planning Authority considers proposed vehicle movements generated by the development would be likely to result in an increase in highway danger due to reduced visibility for vehicles exiting the site, exasperated by the lack of on site turning facilities. Accordingly the proposal is contrary to Policy CS15 of the Core Strategy, 'saved' policy UD2 of the Wrekin Local Plan and the NPPF.
3. The Local Planning Authority considers that the proposed land is incidental open space which is important to its locality by virtue of the prominent position within the village. The proposal would have a detrimental impact on the character and amenity of the area. Accordingly the proposal is contrary to Saved Policies OL6 and UD2 of the Wrekin Local Plan and the NPPF.



# The Auditorium, Abraham Darby Academy, Hill Top, Ironbridge Road, Madeley, Telford, TF7 5HX

Location details and directions can be obtained from [http://www.abrahamdarbyacademy.org.uk/index.php?p=how\\_to\\_find\\_us](http://www.abrahamdarbyacademy.org.uk/index.php?p=how_to_find_us)



**Please note that no food or drink (with the exception of bottled water) may be consumed in the meeting venue.**