PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 3 July 2013 at 6.00pm in the Telford Suite, The Telford Whitehouse Hotel, Watling Street, Wellington, Telford TF1 2NJ

PRESENT: Councillors J C Minor (Chairman), N A Dugmore, A S Jhawar, R T Kiernan, J Loveridge (as substitute for Councillor K R Guy), A A Meredith (as substitute for Councillor I T W Fletcher), G C W Reynolds, S A W Reynolds and C R Turley.

ALSO PRESENT: Councillors S Bentley (for planning application TWC/2013/0332), A J Eade (for planning application TWC/2013/0312); V A Fletcher (for planning application TWC/2013/0401); A D McClements (for planning application TWC/2013/0207) and C P R Mollett (for planning application TWC/2012/0650).

PC-007 MINUTES

RESOLVED – that the minutes of the meeting of the Planning Committee held on 12 June 2013 be confirmed and signed by the Chairman

PC-008 APOLOGIES FOR ABSENCE

Councillor I T W Fletcher and K R Guy

PC-009 DECLARATIONS OF INTEREST

With respect to planning application TWC/2013/0332, Councillor R T Kiernan commented that he knew the applicant personally and would withdraw from the meeting for that item.

PC-010 DEFERRED/WITHDRAWN APPLICATIONS

None.

PC-011 SITE VISITS

RESOLVED – that a site visit takes place at 4.15pm on 24 July 2013 at Lee Dingle, 48 Lees Farm Drive, Madeley, Telford, Shropshire, TF7 5SU in respect of planning application TWC/2013/0325.

PC-012 PLANNING APPLICATIONS FOR DETERMINATION

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding planning applications TWC/2012/0650, TWC/2013/0297, TWC/2013/0312, TWC/2013/0332 and TWC/2013/0355.

(a) TWC/2012/0650 - Doseley Works, Doseley, Telford, Shropshire, TF4 3BX

This was an outline planning application, to include access, for the erection of 460 dwellings with associated estate roads, infrastructure and open space following the demolition of the existing industrial/factory buildings and facilities on site. An update report was tabled which detailed additional comments from the Council's Ecology Officer, an additional objection received, commuted sums for SUDs drainage and a revised sum for increased Section 106 education contributions following recalculation.

Councillor C P R Mollett, Ward Member, had requested that the application be determined by the Planning Committee. Councillor Mollett spoke on behalf of local residents to oppose the proposals, focussing his comments on the site access but also raising concerns regarding ecology, loss of wildlife and loss of employment land. He asked the Committee to consider undertaking a site visit.

Mr D Gibson, a Local Resident also spoke in opposition to the application on the grounds of site access, traffic issues including flow and volume, loss of employment land, contaminated land in relation to the positioning of the play area and sewerage drainage. He considered that the Committee should defer determination of the application until appropriate environmental health studies had taken place and a new transport study had been completed.

Mr Jon Rowson, from the Applicant company, spoke in support of the application commenting that the site was predominantly Brownfield, noting that an option to purchase had not been exercised by FP McCann (current occupiers), efforts to protect ecology through aspects of the design and the company's timetable for development at the site. He also commented that the development would also provide apprenticeship opportunities for local young people.

The Planning Officer highlighted aspects of the report including affordable housing, green space and landscaping, drainage, contributions for a BMX track, employment land use in the borough, Green Network, National Planning Policy and local policy considerations.

During the following debate, Members raised questions and concerns regarding traffic generation, particularly in terms of the single access point and increased traffic flows relating to the potential nursing home, access, land stability and ground conditions, contamination and methane gas monitoring, archaeology, loss of employment land, lack of consultation with the Parish Council, responsibility for open spaces, planning history, viability and affordable housing.

The Planning Officer responded to questions raised, noting that previous planning applications were significantly different and no direct comparison could be drawn; the adoption of open spaces, including the quarry pool, was subject to negotiation and often management companies were set up for this purpose. She advised that affordable housing was not being reduced but that some of the apartments needed to be open market and that, as the site was in an urban area there was not a policy figure specified for the amount of affordable housing. The Applicant was able to

confirm that consultation with Dawley Hamlets Parish Council had taken place in September 2012.

The Assistant Director: Planning Specialist also referred Members to the report which noted that there were no technical objections on highways grounds subject to conditions and that a standard contaminated land condition was recommended with long term monitoring and maintenance being undertaken by the Council's Environmental Health Officer. Furthermore, the proposed Section 106 Agreement would provide for either a commuted sum for open space maintenance or the setting up of a management company. The Assistant Director: Planning Specialist reminded Members to carefully consider the contents of the report alongside the comments made by public speakers, applying appropriate weight to those comments, to assess the application and decide whether there were sustainable reasons for refusal.

Members remained disappointed at the loss of employment land, and noted significant local opposition to the loss, but some Members also noted that there was sufficient employment land across the borough and that the current occupiers of the land were downsizing in any event. Some Members further considered that with the loss of the current occupier, an industrial site would look somewhat incongruous in the developing residential setting. Members welcomed the proposed condition that a second access point would be required once 75% of the proposed 460 dwellings had been built, with the remaining 25% only released for construction providing that a secondary vehicular access was provided and available for use.

At the end of the debate, and in accordance with Committee Procedure Rule 12, a recorded vote on the motion to approve the recommendations contained in the update report tabled at the meeting was taken, the voting being as follows:

For: 6

Councillors A S Jhawar, J Loveridge, J C Minor, G C W Reynolds, S A W Reynolds and C R Turley.

Against: 3

Councillors N A Dugmore, R T Kiernan and A A Meredith.

Abstentions: 0

RESOLVED – that with respect to planning application TWC/2012/0650 the Development Management Service Delivery Manager be authorised to grant outline planning permission subject to the applicants/landowners entering into a Section 106 Agreement to provide £919,941 towards primary school education facilities in the vicinity of the development; £78,000 towards maintenance of Sustainable Drainage features; 25% affordable housing; £50,000 towards an off-site national BMX track; bus subsidy based on £490 per dwelling unit; £25,000 for Public Rights of Way improvements; £5,000 for Travel Plan monitoring; contributions for the western roundabout improvements - A5223/Bridge Road and Jiggers Bank Roundabouts based on a pro-rata development traffic basis (yet to be agreed); clauses to allow for

either open space maintenance commuted sums or a management company and S106 monitoring of £1,000 plus £500 per covenant; and further subject to the conditions set out in the update report tabled at the meeting and addition of an archaeological condition and correction for Level 4 code for sustainable homes (with authority to finalise conditions and add any others officer deem necessary).

(b) TWC/2013/0207 - Garages to rear of 44 & 46 Dawley Road, Arleston, Telford, Shropshire

This application was for the erection of a two storey detached building containing 4no. two-bedroomed flats (two on each floor) with associated car parking and access. The application site was previously owned by the Council which had charged rent for the siting and use of garages. The land had been sold by the Council approximately 2 years previously as it was not considered viable to maintain and, despite there being no legal right of access, some local residents were still using some of the garages. A site visit had taken place that afternoon.

Councillor A D McClements, Ward Member, had requested that the application be determined by the Planning Committee. Councillor McClements spoke on behalf of local residents to oppose the proposals on the grounds of the safety of the footpath, noise, overlook, loss of privacy, lack of street lighting, safety of the access, turning for bin lorries and access for emergency services. She also noted that some local residents were still using the garages and had no other form of parking available to them.

The Planning Officer drew Members' attention to aspects of the report including the ownership of the site and highlighting sustainability issues, adequacy of separation distances, highways access, parking and noted that the footpath was unadopted. She recommended that Members consider adding a condition regarding construction access for parking and delivery.

Referring to the site visit which had taken place that afternoon, some Members raised concerns regarding pedestrian safety and vehicular access, bin wagon tracking, the presence of asbestos and demolition, adequacy of parking provision and the possibility to make parking provision for the resident at 24 Festival Gardens, and the lack of street lighting. Conversely, other Members welcomed improvement of the dilapidated site including pedestrian and road safety mitigation measures, and noted that the current users of the garages had no legal right to do so.

Addressing Members' comments, the Planning Officer noted that if Members were minded to add a condition for street lighting, consideration should be given as to whether it would be too onerous for the developer to maintain on an unadopted footpath. She further suggested that the occupation of the proposed units would in itself add ambient lighting to the area and enhance safety. She advised that an informative could be added to remind the developer of their legal obligations in respect of demolition and the presence of asbestos, and advised that there was no legal obligation to provide alternative parking for current users.

On being put to the vote it was unanimously:-

<u>RESOLVED</u> – that with respect to planning application TWC/2013/0207 planning permission be granted subject to the conditions as set out in the report and further subject to an additional condition for construction access and an informative regarding the applicant's demolition obligations.

(c) <u>TWC/2013/0297 - Land off Edgmond Road, Newport, Shropshire</u>

This was 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) for up to 85 houses (of which 35% would be Affordable Homes), highway and associated infrastructure works including pedestrian links, formal and informal Public Open Space including a Locally Equipped Area of Play (LEAP), wildlife corridors and retained hedgerows; and an on site water attenuation feature. A site visit had taken place that afternoon and an update report, detailing the receipt of an updated Flood Risk Assessment, additional objections received from local residents and the figure for Section 106 Agreement contributions for Planning and Financial Monitoring, was tabled.

Councillor S Bentley, representing Edgmond Parish Council (adjoining the site), spoke to oppose the application on the grounds of traffic generation and highway safety in particular relating to the adequacy of the traffic impact study, housing needs, concerns that the recommendation sought delegated authority to the Development Management Service Delivery Manager, and policy conflicts with the Landscape Sensitivity and Capacity Assessment.

Cllr R Pitt, representing Newport Town Council, also spoke in opposition to the application on the grounds of access and egress to the development, traffic speed and traffic generation, highway safety, building on Greenfield land, flooding and housing need.

Mr P Barlow, a local resident, also spoke to oppose the application on the grounds of traffic volume and safety, peaceful enjoyment of the nearby caravan park, protection of green space in accordance with the emerging Shaping Places plan, loss of a gateway into Newport, housing delivery, ecology and loss of wildlife. Mr Barlow also expressed concern that there had been some disruption to the receipt of consultation responses.

Mr E Harper, the Applicant's Agent, addressed the Committee in support of the application pointing to the lack of objection to the application, subject to conditions, from the Council's officers and relevant bodies.

The Planning Officer directed Members to the sections of the report which comprehensively detailed issues regarding traffic and highways issues, housing numbers and phasing, landscape, flooding and ecology. The Planning Officer also explained the technical error which had resulted in some consultation responses failing to appear on e-Planning and emphatically confirmed that this had been rectified. The Assistant Director: Planning Specialist was confident that the range of concerns identified were amply covered in the report and that the significant level of local opposition had also been identified, advising Members that they should

consider the information available and decide what weight they should attach to each element.

During the ensuing debate, Members raised a number of questions and comments. Clarification was sought regarding the provision of affordable housing and the Planning Officer confirmed that the figure of 35% should relate to numbers and not value. Members raised concerns upon the speed and volume of traffic, highway danger, build out rates and housing delivery against planned targets, planning policy in relation to Shaping Places and the National Planning Policy framework, building on Greenfield sites and flooding. Conversely, other Members noted proposed traffic mitigation measures, affordable housing need particularly highlighting lengthy waiting times in Newport and sustainability of the site, concluding that the application was compliant with the National Planning Policy Framework.

The Assistant Director: Planning Specialist addressed the concerns raised by assuring Members that the Highways Officer had no objection to the application, subject to condition; directed Members to the detailed consideration of affordable housing need set out in the report; assured Members that Shaping Places was on track for completion in accordance with the planned timetable and advised that the Borough was strongly placed in contrast with other authorities with regard to build out rates. He commented upon the use of Greenfield sites and noted that national bodies had been consulted on drainage issues. He further advised Members of their obligations in determining the application based upon material planning considerations and commented upon the appeals process.

At the end of the debate, and in accordance with Committee Procedure Rule 12, a recorded vote on the motion to approve the recommendations contained in the update report tabled at the meeting was taken, the voting being as follows:

For: 6

Councillors A S Jhawar, J Loveridge, J C Minor, G C W Reynolds, S A W Reynolds and C R Turley.

Against: 3

Councillors N A Dugmore, R T Kiernan and A A Meredith.

Abstentions: 0

<u>RESOLVED</u> – that with respect to planning application TWC/2013/0297 the Development Management Service Delivery Manager be authorised to grant planning permission subject to:-

A the applicants/landowners entering into a Section 106 Agreement (with final terms to be agreed by the Development Management Service Delivery Manager) to provide:-

(i) Affordable housing, to include: provisions ensuring that 35% of the dwellings to be built shall be affordable housing

(ii) Highways works, to include: Off site highway infrastructure improvements - up to a maximum of £47,755.24; Public transport service enhancements – £10,000 Travel Plan monitoring - £5,000; Implementation of Traffic Regulation Order – £5,000.

(iii) Education infrastructure funds up to maximum of £120,172 towards Primary School provision and £82,279 towards Secondary School provision within the vicinity of Newport.

(iv) A formulated commuted sum for the adoption and maintenance of public open space, LEAP facilities and Sustainable Urban Drainage System at the site by Council (if that option is exercised by the applicant); and

(vi) Provision of a Planning and Financial Monitoring contribution of £4,500

B and further subject to the conditions set out in the update report tabled at the meeting (with authority to finalise conditions and reasons for approval to be delegated to the Development Management Service Delivery Manager).

(d) TWC/2013/0312 - 9 Woodcote, Telford, Shropshire, TF10 9BW

This proposal sought planning permission to change the use of vacant land to a permanent travellers site. The proposals included hardstanding for 4 chalets, spaces for 3 caravans, a permanent amenity/day room block, the erection of a small package sewage treatment plant and provision for parking for 4 cars. A site visit had taken place that afternoon and an update report, detailing additional consultation responses received since the publication of the main report, was tabled.

Councillor A J Eade, Ward Member, had requested that the application be determined by the Planning Committee.

Cllr M Roberts, representing Chetwynd Aston & Woodcote Parish Council, spoke to oppose the proposals on the grounds of highway safety relating to traffic speeds and fears that the site would be expanded in future.

Councillor A J Eade, Ward Member, spoke on behalf of local residents to oppose the proposals on the grounds of highway safety, loss of visual amenity, detrimental affect on local amenity, adequacy of road traffic surveys, detrunking of the road and the number of road traffic accidents in the vicinity. Councillor Eade pointed to traveller site policy which sought to limit their appearance in open countryside land and noted that the acquisition of a similar site at Donnington Wood was due to be considered by Cabinet. Councillor Eade provided some photographs which were displayed to the Committee with the agreement of the Chairman.

The Chairman proposed, seconded by Councillor S A W Reynolds, that determination of the application should be deferred for further assessment by Highways Engineers whose attendance would be welcomed at a future meeting to determine the application. On being put to the vote it was unanimously:-

<u>RESOLVED</u> – that determination of planning application TWC/2013/0312 be deferred to allow a further traffic assessment to take place and to enable the Council's Highways Officers to attend the meeting of the Planning Committee at which the application will be determined.

After the vote had been taken, Mr K Saxon, a Local Resident, who had registered to speak in opposition to the proposals was afforded the opportunity to make comments. Mr Saxon gave a graphic description of a fatality at a recent road traffic accident in the vicinity of the application site.

(e) <u>TWC/2013/0332 - Land adjacent 34 Waters Upton, Telford, Shropshire</u>

In accordance with his declaration of interest Councillor R T Kiernan left the room during determination of this application.

This planning application sought outline consent for the erection of a detached dwelling and garage with access from the highway with all other matters reserved for later approval. Waters Upton Parish Council had requested that the application be determined by the Planning Committee. An update report, detailing consultation responses received since the publication of the main report, was tabled.

Councillor S Bentley read out a statement from Waters Upton Parish Council which opposed the application on the grounds of visibility and highway safety in terms of the new access in relation to six other nearby access points, existing vehicular movements, impact upon the safety of users of the village hall, key settlement status and the subsequent impact of increasing development on the character of the village and housing need.

Councillor S Bentley, speaking as Borough Ward Member, opposed the application on the grounds of visibility splay and removal of historic hedgerow in conflict with the National Planning Policy Framework, housing growth not being consistent with community need and the impact upon the character of the village.

Mrs S Wall, representing local residents, spoke to oppose the application, drawing attention to inconsistencies in the report and accuracy of the application; she referred to lack of consultation prior to the application being made and the impact upon neighbouring properties including noise, overshadowing, loss of sunlight, loss of privacy and the proximity. She also referred to the removal of an historic hedgerow to create sufficient visibility splay and the arboriculturalist's advice in this respect, she commented upon housing need in the village and alleged that some letters of objection had been lost or reluctantly agreed for inclusion.

Ms J Bleach, the Applicant's Agent, and the applicant, Mr D Morgan addressed the Committee in support of the application. Mr Morgan referred to pre-application consultation with the Local Planning Authority and Highways Engineers, nature of his butcher's business which employed local people and the potential for investment therein. Ms Bleach commented upon the application process, principle of development and access, visibility and recent agreement by the arboriculturalist that the hedgerow could be removed if a replacement was made. Ms Bleach also stated

that the application represented a suitable infill plot of ample size and was compliant with the National Planning Policy Framework and Core Strategy.

The Planning Officer drew Members' attention to the report, highlighting that the village was a suitable and sustainable settlement for residential development, and commented upon the imposition of conditions to ensure replacement hedgerow. She indicated that matters of overlook and privacy would be considered at reserved matters stage. The Planning Officer also gave assurances that the letters of objection which had allegedly been omitted from the report, were, in fact, duplicates which had already been received into the system and that the tabled update reflected late objections received. Members were given further assurances, which were accepted by the Chairman, regarding the resolution of technical issues with the e-Planning system and receipt of objections.

In considering this application, Members noted comments from the speakers regarding community identity, loss of hedgerows and employment and considered these in relation to the principle of development on the site. On being put to the vote it was unanimously:-

RESOLVED – that with respect to planning application TWC/2013/0332 planning permission be granted subject to the conditions as set out in the update report tabled at the meeting.

(f) TWC/2013/0355 - Telford Ski Centre, Court Street, Madeley, Telford, Shropshire, TF7 5DZ

This was a Council application seeking full planning consent for the erection of a single storey extension at Telford Ski Centre in Madeley to provide new changing room facilities with a link to the existing main building.

RESOLVED – that with respect to planning application TWC/2013/0355 planning permission be granted subject to the conditions as set out in the report.

(g) TWC/2013/0401 - 9 Bayswater Close, Priorslee, Telford, Shropshire, TF2 9GY

This application sought consent to remove condition 4 of TWC/2012/0423 which related to an obligation for obscure glazing of part of a first floor window. An update report, detailing additional consultation responses received since the publication of the main report, was tabled.

Councillor V A Fletcher, Ward Member, had requested that the application be determined by the Planning Committee. Councillor Fletcher spoke on behalf of neighbouring residents to oppose the proposals on the grounds of loss of privacy and loss of residential amenity. Councillor Fletcher also referred to the site visit which took place prior to the meeting of the Plans Board which originally determined the application on 22 August 2012.

The Planning Officer referred the Committee to photographs which had been taken showing views from the first floor window in question. Members considered that the views were primarily a street scene and did not believe that there were grounds to refuse the application.

RESOLVED – that with respect to planning application TWC/2013/0401 planning permission be granted subject to the conditions as set out in the report.

The meeting ended at 9.01pm

Chairman: .....

Date: .....

TELFORD & WREKIN COUNCIL

PLANNING COMMITTEE

24th July 2013

Schedule 1 - Planning applications for determination by Planning Committee

TWC/2011/0769 The Homelands, Mossey Green, Ketley Bank, Telford, Shropshire, TF2 0DN
Provision of bases for additional park homes and retention of existing park homes & bases (28 park homes in total), re-alignment of access road, alterations to site boundaries and installation of 2no. meter boxes (part retrospective).....**2**

TWC/2012/0441 The Finneys Caravan Site, Marsh Road, Edgmond, Newport, Shropshire, TF10 8EP
Variation of condition no.2 of Planning Permission W2006/1268 to permit the siting of an additional 3 mobile homes/chalets and 4 tourers at any one time *****AMENDED DESCRIPTION***** **9**

TWC/2013/0096 Ketley Millennium Village, Holyhead Road, Ketley, Telford, Shropshire
Erection of 375no. houses and apartments with associated access, parking, roadworks, landscaping and open space ****Amended plans, documents and Public Rights of Way changes received***** **22**

TWC/2013/0139 JBS Fibre Recovery, Unit A, Halesfield 22, Halesfield, Telford, Shropshire, TF7 4QX
Change of use from general industrial and storage use (B1 and B8 use) to waste recycling of beds and mattresses (Sui Generis) (Retrospective) **50**

TWC/2013/0325 Lee Dingle, 48 Lees Farm Drive, Madeley, Telford, Shropshire, TF7 5SU
Change of use from a dwelling house (Use class C3) to a residential childrens care home (Use class C2) *****Additional information received****** **57**

TWC/2013/0338 The Quarry, Waters Upton, Telford, Shropshire, TF6 6NP
Erection of a two storey detached dwelling and associated works***Amended Plans Received*** **68**

TWC/2013/0459 Dawley Park, Doseley Road, Dawley, Shropshire, TF4 3AL
Installation of Fitness equipment in association with a 'Health Trek' **76**

TWC/2011/0769
The Homelands, Mossey Green, Ketley Bank, Telford, Shropshire, TF2 0DN
Provision of bases for additional park homes and retention of existing park homes & bases (28 park homes in total), re-alignment of access road, alterations to site boundaries and installation of 2no. meter boxes (part retrospective)

APPLICANT
Mr Chris Nedic

RECEIVED
05/09/2011

PARISH
Oakengates

WARD
Ketley and Oakengates

OFFICER Kate Stephens

OAKENGATES TOWN COUNCIL HAS REQUESTED THE APPLICATION IS DETERMINED BY THE PLANNING COMMITTEE AND A SITE VISIT IS DONE

OBJECTIONS RECEIVED: Yes

MAIN ISSUES:
Effect on ground stability and residential amenity.

PROPOSAL
This is a part retrospective application for the siting of 28 mobile homes within an existing residential mobile home park for permanent residential occupation. The application has been submitted to regularise some ground works that were undertaken as part of the applicant's upgrading of the site that include replacing homes, repositioning some of the plots and realignment of the estate road. Some of mobile homes have been installed on site and are already occupied. Other plots just have the concrete bases laid and not all the driveways and garages have been erected. Six older mobile homes are part of the overall caravan park, but do not form part of this application.

SITE AND SURROUNDINGS
The site is located off Bank Way (off Mossey Green Way) some 2kms north west of Telford Town Centre and lies within the urban area of Telford. The area is predominantly residential and the former adjacent industrial unit has since been demolished. Access to the site is off Bank Way. Residential properties of Shrubbery Road back on the site's northern and North West boundaries.

CONSULTATIONS:

Drainage - Support subject to conditions requesting any soakaway to be located 5m from any building or boundary (B33). If soakaway not possible, submit details of drainage before occupation (B35).

Note - the applicant's agent has confirmed that caravan roof soakaway is via the established method of gravel beds around each pitch. The site is on mains sewerage

Highways - No objection

Geotechnical engineers: This application should be supported by a Coal Authority mining report. The area is potentially underlain by shallow coal workings. Due to the nature of the buildings Condition C26 Raft foundation should be adopted. All retaining features should be supported by a full set of calculations and design drawings. Due to their small scale this information can be submitted as pre commencement condition. Informative I20 is also recommended.
Note: A Coal Authority report has since been submitted as well as an engineering Stability Report.

Aboricultural officer – No comment

Ecology – No comment

Sustainability officer – No comment

Shropshire Fire Service - Advice summarised that it will be necessary to provide adequate access for emergency fire vehicles and there should be access for a pumping appliance to within 45 metres of all points within the relevant buildings. In addition there should be water supplies for fire fighting purposes and fire hydrants at suitable locations. These issues will be dealt with at the Building Regulations stage of the development.

Oakengates Town Council - Request application go to Plans Board and members do a site visit, as they are unhappy with the fences being so high together with the encroachment of the site expanding.

<u>Neighbour consultation responses</u>

3 letters of objection have been received (2 letters from Nos.19 and 21 Shrubbery Road and 1 letter of objection from No. 23 Homelands), summarised below as follows: -

- Bases for caravans were placed behind our property at higher level so that privacy now affected.
- Some boundary fence panels have been broken but applicant apparently has no intention of replacing them.
- Front lawn has been covered in excrement which overflowed the garden wall.
- 29 park homes will dominate the area and destroy the semi-rural appearance character.
- The development will cause congestion.
- There have been problems with this site since 2008/09.
- The new access road is not wide enough for 2 vehicles to pass.

- The new access road is not the required 2m distance away from our property and as the kerb has not been dropped we are unable to access one of our parking spaces.
- Also because the road is now too close to our property, any ladders for maintenance of the front of the property would need to be on the road.
- Rubble has been left outside our property which devalues it.

RELEVANT HISTORY:

W2000/0023 Residential Development. Outline Granted 20/04/2000

W2004/0029 Residential Development (Outline). Outline Granted 02/03/2004

W2004/1137 Inclusion of area into residential caravan site. Full Granted 3/11/2004,

W2006/0663 Extension to existing mobile home park to provide 12 park homes. Full Granted 24/11/2006

W2008/0788 Change of use from parking area to stationing of 2no. mobile homes (Retrospective Application). Full Granted 15/01/2009

TWC/2010/0014 Erection of a greenhouse and hardstanding area (retrospective) at 26, The Homelands. Full Granted 21/05/2010

TWC/2010/0386 Erection of a garden shed and retrospective permission for patio and greenhouse (at 26, The Homelands). Full Granted 6/10/2010

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Core Strategy:
CS15 Urban Design

Wrekin Local Plan:
UD2 Design Criteria

PLANNING CONSIDERATIONS:
The existing residential mobile home park lies within a predominantly residential area and within the built up area of Telford, where residential development is acceptable in principle.

The applicant began upgrading the site and replacing homes, and in repositioning some of the plots undertook some ground works to alter site levels as well as realigning the estate road and installing 2 meter boxes – this application seeks to regularise those works. This application excludes an area of the site to the west that accommodates 6 older style homes.

The application is for the siting of 28 residential homes. There are currently 13 of the new style homes already in position on site and being lived in. Concrete pads have already laid for most of the remaining 15 pitches. Some pitches have space for a single sectional garage - others just parking spaces. The estate road round the site has been re-aligned and is effectively a large one-way anticlockwise tarmaced loop road.

The Environmental Health officer for site licensing has also been on site to see how the layout accords with site licensing guidance. He has made some suggestions to ensure improved separation between some of the units with boundaries and garages. As a result, the plans have been amended to remove a garage for plot 10 and a redesigned driveway/turning area has been provided for plots 10 and 12 in the centre of the site. In addition a boundary wall in the north east corner has not been built on its correct alignment, which means that there is inadequate distance between plot 19 and the boundary. Hence the existing wall/boundary will need to be rebuilt before plot 19 is occupied and this can be conditioned.

As the principle of a residential caravan park on this site is already established, the main issues are ground stability and affect on residential amenity.

Ground stability

It appears that ground levels have been raised in parts of the site (although previous permissions do not include any specified ground levels and officers have no indication of previous levels before works commenced). However some residents in the adjacent Shrubbery Road have raised issues about ground stability.

When the application was submitted, the Council's geotechnical engineers commented that there may be shallow mine workings under the site and the structures should have raft foundations. These comments were made on a retrospective situation where homes bases have been laid on the site previously. In addition, the planning department no longer consults the geotechnical department on ground conditions and stability, or discharge of ground conditions. The applicant has since commissioned a Stability Report from Sladen Associates as well as a Coal Authority report – a mine workings/raft foundation informative will be imposed should planning permission be granted.

The engineer for the Stability Report observed that "*The fill placed in the western area* [closest to properties in Shrubbery Road] *slopes down towards the rear gardens of neighbouring properties and there has been some damage to fencing where soil has fallen against the fence*" and in places some of the "*fill would appear to have been placed loosely without any evidence of engineering control during placement*". However the Stability Report goes on to comment that "*No evidence of potential slope instability was noted during the walkover survey and, in the prevailing ground conditions*

and current slope angles, the risk of significant slope instability is considered negligible".

The report concludes and recommends that "…*no special precautions are considered warranted with respect to overall site instability*", but it is recommended that on the north western site boundary "*a low retaining wall be constructed a little way inside the boundary to allow the fence to be cleared. It is also recommended that a low retaining wall be constructed along the eastern portion of the northern boundary, to reduce the risk of further ravelling from the cut face. These would both be very low walls that would have no impact on overall ground stability*". The engineer has since confirmed that the typical height of these low walls would need to be about 1.2m high.

Under the NPPF the onus now falls on the developer to ensure that "*Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner*". A condition would be imposed requiring the construction of the low retaining walls, with screen fencing on top, to be implemented in line with the engineer's Stability Report before mobile homes are placed on the affected plots along the relevant boundary sections. However, it will be the responsibility of the developer to ensure any ground works or slope stability is safe.

Residential amenity

As a result of some of the ground works on the site that appear to have raised ground levels in places, residents of some of the adjacent dwellings have raised concerns about overlooking from some of the raised plots. Old maps and the previous approved layouts show that there were always going to be mobile homes sited along the rear boundaries of properties in Shrubbery Road. Many of the bungalows already have erected timber fencing and planted trees, which have matured over time.

Mobile home plots 4, 5 and 6 are positioned at a higher ground level than the back gardens of the bungalows 19 and 20 Shrubbery Road, so that in places the ground slopes down to their fences. One resident refers to their fence being damaged by the applicant when he installed some of the concrete bases. Getting the fence repaired is a civil matter between the applicant and resident in question, although officers hope that the applicant will rectify any damage caused to the neighbour's fence when he erects the retaining wall and fencing that he will be required to do along this part of the site boundary, as part of a planning condition. The proposed retaining wall with fencing on top and the applicant's intended soft landscaping will help improve boundary protection and privacy for these properties.

Plots 3, 20 and 19 do not present the same overlooking relationship issues ground levels are pretty much the same level, but new screen fencing will be provided.

The siting of mobile home plot 26 causes the most impact and directly affects No. 21 Shrubbery Road. Due to its orientation to the garden of No.21, its

proximity to the boundary and its elevated position, there is some overlooking of No.21 Shrubbery Road, who have erected their own tall fencing panel to screen part of plot 26 from view and have also planted conifer trees.

The applicant has submitted a plan showing an intended replacement fence along part of this boundary that will replace the existing fence with taller fence panels (slightly higher than the panel No.21 Shrubbery Road have erected themselves). Once in place this fence will provide adequate screening and preserve the privacy of both plot 26 and the bungalow 21 Shrubbery Rd. A condition would be imposed that the applicant install this taller fence within 2-3 months of planning permission being granted, if the application is approved.

Officers acknowledge that the applicant should have had more consideration for the relationship of his mobile homes to existing residents we he was reconfiguring the site. However there has been a residential mobile home park behind these properties for some years and the proposed screen fencing should overcome overlooking and loss of privacy issues. Therefore officers consider that the development is acceptable subject to appropriate conditions.

Other matters

There are no highway issues as there is a suitable site entrance/exist onto the adopted highway. One resident of 23 Homelands is particularly concerned that the applicant realigned the estate road and brought it within half a metre of the corner of his home and that the road is not wide enough for two cars to pass.

Site licensing has guidelines for site layouts including road widths etc. and separation distance. Whilst the estate road is not as wide as the ideal distance, the estate operates a signed one-way system so there should not be issues of vehicles needing to pass either other. The fact that most of the units will have to reverse down their drives onto the estate road does not cause any officer concern as the estate road is private for residents and their visitors and traffic speeds are slow. On balance, and considering that much of the work was done retrospectively, the Environment Health officer is prepared to accept the road alignment despite its proximity to No.23. From a planning perspective, officers consider the private status of the road and its limited use does not result in a significantly detrimental highway safety situation.

Any occupier/site owner issues relating to how the site is run, or issues relating to restricted maintenance access are not planning matters and are civil matters between the site owner and home occupiers. Any future intention the applicant may have regarding the older mobile home units is not for planning consideration here.

There are different homes designs being proposed and elevations have been submitted. However, as the use of the land is permanent but the homes are not a permanent construction and it is not unreasonable that over time the units would need to be replaced, officers regard the elevations as indicative – the concrete pads serve to limit the size of home that can be sited. Officers suggest a condition that limits the number of plots and their location to ensure

in the future so that the number of units does not increase and result in over intensification of the site.

In conclusion, officers consider that the re-development of the mobile home park is acceptable as there have been mobile homes on this site for many years and the site is in a location where residential development is permitted. Despite the raising of ground levels and some of the plots being at a higher level than adjacent existing properties, officers do not consider there is a significant loss of privacy. With regards ground stability, an engineers report has found that despite some raising of ground levels, there is no significant threat to slope or ground stability. Low retaining walls along parts of the site boundary with properties along Shrubbery Road are recommended, and these can be topped with screen fencing to improve privacy.

RECOMMENDATION to GRANT PLANNING PERMISSION subject to the following conditions (detailed wording to be finalised):-

No more than 28 mobile homes shall be sited on site at any one.

The location of homes and garages, the location of the estate road and location of driveways shall be as per the site layout 1086-1A (April 2013) and there shall be no variation without the express consent of the Local Planning Authority.

Plots 3, 4, 5, 6, 19 and 20 shall not be occupied until any necessary retaining walls (as per the Sladen Associates Outline Stability Report March 2012) and the screen fencing on top of them (as indicated by the fencing elevation plans) have been fully implemented to the Local Planning Authority's satisfaction.

The replacement taller fencing between shown on the elevations plot 26 and No. 21 Shrubbery Road shall be fully implemented to the satisfaction of the Local Planning Authority within 3 months of the planning permission.

The south eastern boundary wall adjacent to plot 19 shall be re-built and realigned in accordance with amended plan 1086-1A (April 2013) and shall be fully implemented to the Local Planning Authority's satisfaction prior to plot 19 first being occupied.

The "area to be block paved" shown on the site layout plan 1086-1A (April 2013) shall be provided before plots 8, 9, 12 and 15 are first occupied and thereafter maintained as hard standing.

The site shall operate a one-way system for vehicular traffic around the site and signs shall be permanently displayed to indicate this arrangement.

TWC/2012/0441
The Finneys Caravan Site, Marsh Road, Edgmond, Newport, Shropshire, TF10 8EP
Variation of condition no.2 of Planning Permission W2006/1268 to permit the siting of an additional 3 mobile homes/chalets and 4 tourers at any one time
*****AMENDED DESCRIPTION*****

APPLICANT
Mr Isiah Finney

RECEIVED
07/06/2012

PARISH
Edgmond

WARD
Edgmond

OFFICER Kate Stephens

OBJECTIONS RECEIVED: Yes

MAIN ISSUES:
Suitability of enlarging the existing gypsy/traveller site, highways, residential amenity.

PROPOSAL
The site is currently home to Mr Finney senior and his son and there is planning permission for 3 mobile homes for use by gypsies/travellers (as defined). Planning permission W2006/0126 was allowed on appeal and agreed to the removal of the personnel permission restricting the occupation of the mobile homes to Mr Finney and his two sons. In removing the personal permission, the Inspector imposed two conditions on W2006/0126, namely:-

> Condition 1: *"The site shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of the ODPM Circular 01/2006*".
>
> Condition 2: "*The residential use hereby permitted shall be restricted to the stationing of no more than 3 mobile homes at any one time*".

This application seeks to vary condition 2 above of planning permission W2006/0126 to allow more than 3 mobile homes to be sited on the land for use by gypsies/travellers. The applicant wants to be able to have more caravans/chalets/mobile homes on site and operate a permanent gypsy/traveller site (not a transit site). The applicant owns the land, and would operate and manage the site, which would also need a site licence separate from planning.

The applicant and his family are Romany Gypsies, as defined in Annex 1 of Planning Policy for Traveller Sites published by the DCLG as "*persons of nomadic habit of life whatever their race and origin, including such persons who on the grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or*

permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such".

The application was initially submitted with confusing information about the number of chalets/caravans on site. The applicant has since amended the application, taking into account government guidance and good practice on the design of sites and clarifying the numbers of units/structures and dispelling the confusion. As a result an amended planning statement and amended plans have been submitted and residents re-consulted.

The amended proposal shows a layout to accommodate the three existing chalets plus 3 more chalets/mobile homes and 4 touring vans, totalling 10 caravans/chalets in total set out on 6 pitches. A break down of the accommodation is:-

- 2 existing chalets retained on site in their current position.
- 1 existing chalet relocated and probably replaced by a new chalet on a pitch able to accommodate a touring van as well.
- 3 new pitches, each with space for 1 chalet/mobile home and 1 touring van, plus 2 car parking spaces.
- Erection of brick amenity block with office/meeting room in the centre of the site (on position of chalet to be re-positioned) to provide washing area, shower and toilet for 4 families.

The re-arrangement effectively creates 6 pitches, each occupied by a single family, with the touring vans being used in connection with that family and not just available for general occupation. The 4 new pitches have been designed in accordance with government Good Practice Guide such that each pitch for a single family has enough space for a trailer/chalet/mobile home and 1 touring van and space to park vehicles. The touring vans would form part of a pitch which would be occupied by one family group.

The brick amenity block is centrally located within the overall site for shared use – some larger sites make provision for each pitch to have its own amenity block. The two remaining existing pitches would just be the chalet/mobile home. In addition the site has areas of hardstanding towards the front part of the site where vehicles can be kept. The remaining grassed area around the pitches can be used as general amenity specie for the residents.

SITE AND SURROUNDINGS:
The site is located in a countryside location approx 2.5kms north of the centre of the village of Edgmond, 1kms north east of Harper Adams University College and 4kms from the centre of Newport, on a country lane (Marsh Road) that links the B5062 and A41. Chetwynd Grange (an existing farm and nearest residential property) lies some 100m north of the site. South of the site along Marsh Lane there is a ribbon of residential development. No residential properties immediately join any boundary of the site.

SUMMARISED CONSULTATIONS:
Highways: No objection

Drainage: Support subject to standard condition requiring details of foul and surface water drainage (B61).

Geotechnical engineers: No comment

Council's Gypsy & Traveller Officer:

- Having viewed the amended plans, in my opinion the design, size of plot and amenities appear most adequate and compare very favourably with the guidelines provided by the Communities and Local Government in their Designing Gypsy and Traveller Sites, Good Practice Guide, May 2008.
- There continues to be, both nationally and locally, a need for additional living accommodation for Gypsy and Traveller families.
- The borough of Telford and Wrekin is continually plagued with unlawful encampments which have a serious financial implication, and in consequence any provision of new accommodation facilities can only help to ease the situation.
- People may question the need for families to have a touring caravan in addition to their residential mobile/static home. Whilst a lot of people have touring caravans at their home address, the Gypsy and Traveller culture is that families demonstrate their wealth in the size and standard of their caravans and vehicles - they then display this during the summer months travelling nationwide and congregating at annual Horse Fairs and Shows, of which Appleby-in-Westmorland, Cumbria is probably the most well known.

Development Plan Policy:

- In addition to the broader policy of the NPPF, the national policy position regarding gypsies travellers and travelling showpeople development is set out in the *Planning Policy for Traveller Sites* (March 2012).
- Paras 8 and 9 require that the Council set local targets for traveller accommodation in line with objectively assessed need and to plan for sites to meet these targets over a reasonable time scale.
- National policy requires that the Council be proactive in meeting local targets and demonstrate that 5 years' worth of new supply against these targets is in place.
- As yet there are no local development plan targets in place, no allocated sites and no defined local criteria.
- Para 22 advises considering the following issues when determining applications:
  a) the existing level of local provision and need for sites
  b) the availability (or lack) of alternative accommodation for the applicants
  c) other personal circumstances of the applicant
  d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

e) that they should determine applications for sites from any travellers and not just those with local connections

- The need for this development, versus its location in open countryside, is also addressed in the national *Planning Policy for Traveller Sites.* "Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.
- Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure."
- With regards the West Midlands position, the West Midlands RSS review was terminated on abolition of the Regional Assembly in 2010 and the revocation of the RSS was completed on 20th May 2013.
- The evidence relating to the review process remains material to planning decisions. In particular an Interim Statement on accommodation for gypsies travellers and travelling showpeople was agreed by West Midlands Regional Assembly (March 2010).
- This proposes a traveller site allocation in Telford & Wrekin over the period to 2026 of 65 residential pitches and 10 transit pitches.
- With regards the Telford and Wrekin position, there are no local policies in place relating to gypsies and travellers i.e. no local development plan targets in place, no allocated sites and no defined local criteria as advised in national policy (*Planning Policy for Traveller Sites, March 2012).*
- Work is underway on a new development plan (to run to 2031) that is proposed to provide local policies relating to gypsies and travellers.
- This work, referred to as the Shaping Places Local Plan, is scheduled to be completed by early 2015 - the first consultation document ("Local Plan Strategy & Options") is currently on consultation until 26 July 2013.
- Local evidence will be updated in order to support this plan, including an updated assessment of need.
- The *Shropshire Telford & Wrekin, Herefordshire and Powys Gypsy and Traveller Accommodation Assessment* (2008) represents the best and most up-to-date evidence on need available - the study identified a shortfall of provision in Telford & Wrekin and proposed the following local targets to 2017: 34 residential pitches, a transit site (this could take various forms but could be approx 10 pitches in size) and 5 travelling show peoples' plots.
- Seeking provision of new residential pitches was also recommended by the study in order to respond to locally arising need.

Ecology:

- Any clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

- There is no bat roosting habitat present on the site but there is potential for bats to be foraging and commuting in the wider environment and to be impacted by any additional site lighting as a result of the proposed development.
- Therefore recommend conditions and informatives relating to nesting birds and a lighting strategy to reduce impact on bats.

Shropshire Fire Services:
Provide advice that adequate access for emergency vehicles is provided etc. although this can be dealt with via Building Regulations.

Edgmond Parish Council: Object

- Edgmond Parish Council continues to object to this application.
- However, it is acknowledged that many of the points raised by the Parish Council regarding the previous application have been taken into consideration with this revised version.
- Members continue to believe that the number involved (totalling 10) is too many for this site.
- The concerns regarding business use on the site remain and local neighbours continue to inform us that there are already additional caravans, pourers and transits that visit and stay on the site on a regular basis.
- Edgmond Parish Council would wish to speak at the Planning Committee against the application due to the number of units.

<u>Neighbour consultation responses:</u>

Following consultation 28 letters of objection in total and a petition of 208 signatures have been received, which are summarised below as follows:-

- Application information is confusing and seems to contradict what applicant told a public meeting.
- Accept the applicant's family as permanent residents, but don't want more families to come.
- Does staying on site for a certain time remove gypsy status?
- Other developments for local families in Marsh Road have been refused and people have had to move away from the area.
- Disproportionate consideration given to the needs of the applicant's family over other people.
- Development will result in increase in traffic on narrow and relatively busy road.
- Now Harper Adams is a University there will be even more traffic on the local roads.
- Site is within a 60mph zone and approach on a bend with restricted view means not enough room to pull off road to open gates causing a highway hazard.
- Gates needed to keep the dogs in, but stopping to open gates will cause highway hazard.

- Already raised concerns about traffic speed and weight of vehicles with highways department and in the winter the road isn't gritted so extra danger.
- Bus 519 runs every 2 hours (not Sundays) and lost local service some years ago, so residents have to use cars rather than public transport.
- Septic tank not appropriate drainage as road has flooding issues and water from adjoining fields causes problems.
- There is farmland around the site that will suffer from increased sewerage and water run off.
- Is there sufficient water supply?
- Why is an amenity block needed when the chalets/caravans have all mod cons?
- Development of this size will alter views of open countryside and change the rural character, especially more visible in the winter.
- Appeal inspector considered 3 mobile homes adequate for the site – therefore there be no increase in number of homes.
- Increasing the number of vans on site will increase the number of people and result in increased traffic, noise and light pollution.
- Concerned about the touring caravans, as last year a traveller family stayed on land near the Finney's and left rubbish and mess on the site.
- Site of this proposed size should be located closer to a bigger village or centre as there are no facilities or bus close by.
- How monitor the length of time people stay on the temporary pitches.
- A transient population impacts on the local community.
- There are more suitable sites in the Borough than this one.
- No footpaths or street lights which will make it dangerous for children living on the site.
- National newspaper article says the government will tighten up on sites in the green belt.

1 letter of support from the Gypsy Council is summarised below:-

- Support the Finney family's application for a small increase on their family site. Contrary to the comments made by neighbours there is a local demand and appeals have already cost this council money.
- My concern is simply for the family and their well being and health.
- Seeing this many objections and having to wait so long for the application to be determined has resulted in a huge cost to their health.
- This family have a proven track record of being good neighbours and there is no reason to doubt that this small increase on their family site would change that position.
- Some of the comments by the objectors are not material in this planning application and it is disappointing when a council although having to accept all objectors' letters, feel no responsibility to the Gypsy family and simply accept objections related to planning matters.
- I hope the meeting is well run and people are not allowed to speak out of turn and distress the family.
- Any racist comments must be dealt with in a robust manner and not taken into any consideration at all.

RELEVANT HISTORY:

W92/043. Outline for erection of 2 chalet mobile homes and stable. Granted 6/12/1992.
Condition 3 restricted occupancy of the homes to Mr I.G.Finney and his two sons (Mr S Finney and Mr T Finney) and no other persons, because of the special Romany status of the applicant. Condition 4 limited the development to 2 caravans and 1 stable as a temporary situation.

W92/0910. Erection of building to accommodate 4 stables, carriage shed, tack and feed store room, and rest room (Field No 5709). Refused 6/1/1993.

W94/0008 Siting of 3 mobile homes. Granted 8.3.94
Condition 2 restricted the occupancy of the caravans to Mr I.G.Finney and his two sons Mr S.Finney and Mr T.Finney. Condition 3 limited the development to 3 caravans.

W2006/01268 Removal or modification of condition No.2 on W94/0008. Refused 24/7/2007. Appeal allowed 02/01/2008.
The Inspector removed the occupancy restriction so that ANY gypsy/traveller could occupy the caravans (not just Mr Finney and his sons) but kept the condition that limited the development to 3 caravans on the site.

RELEVANT POLICIES:

National Planning Policy:
National Planning Policy Framework (NPPF)
Planning Policy for Traveller Sites (March 2012)

Core Strategy:
CS1 Homes
CS7 Rural Area
CS15 Urban Design

Wrekin Local Plan:
UD2 Design Criteria

PLANNING CONSIDERATIONS:

<u>Principle of the development, site provision and policy context</u>
This site already has planning permission for the stationing of 3 caravans for the use by gypsies and travellers and this is a material consideration and a starting point from which to assess this current application, as the principle of this location for a gypsy/traveller site was established back in 1992. Therefore it is necessary to consider that this application is not seeking the provision of a new site, but to increase the number of homes on an existing established gypsy/traveller site.

There is no longer any regional planning guidance as the West Midlands Regional Spatial Strategy was revoked in May this year. At a local level the

Council lacks specific policies relating to gypsies and travellers. Wrekin Local Plan policy H20 (Provision for Gypsy Sites) was not saved when the Core Strategy was adopted in 2007 and the Core strategy itself does not contain any policies relating specifically to gypsies and travellers. There are also no gypsy/traveller sites shown allocated in the Local Plan Proposal map.

In the absence of local policies or allocated sites, the NPPF is a material consideration that advises that there is a "*presumption in favour of sustainable development"* and *"For decision-taking this means….where the development plan is absent, silent or relevant policies are out-of-date, granting permission…".* Whilst the NPPF does not contain specific gyspy/traveller policies, the government published separate guidance "**Planning policy for traveller sites**" (March 2012) to be read in conjunction with the NPPF. The Government's aim *"is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interest of the settled community*".

It sets out that LPAs must make their own assessment of need and should seek to increase the number of traveller sites in appropriate locations to ensure there is a sufficient supply of land, including promoting more private traveller sites. A robust evidence base must be used to assess need and to inform planning policy and decisions. When assessing sites in rural locations, the scale of such sites should not dominate the nearest settled community. Furthermore, consideration should be given to rural exception sites and the Council's five year supply of deliverable sites. Lack of a 5 year land supply is a material consideration.

There are currently two Council- run gypsy/traveller sites in the Borough offering permanent residential accommodation, but the Council does not operate any "Transit" sites. The site at Lawley Furnaces (off Dawley Road) has 20 permanent residential pitches and the site at Lodge Road, Donnington Wood has 13 pitches. Mr Finney's private site currently provides 3 caravans (i.e. 3 pitches).

However, there is still a shortfall of gypsy/traveller pitch provision in the Borough. *The Shropshire, Telford & Wrekin, Herefordshire and Powys Gypsy and Traveller Accommodation Assessment (published 2008*) looked at existing provision (including private and Council sites, and that some gypsies & travellers live in houses) and then identified a shortfall of provision in Telford & Wrekin of 34 residential pitches, 5 travelling show peoples' plots and a transit site up to 2017. The provision of new residential pitches was also recommended in order to respond to locally arising need.

This information is being updated to inform the new Local Plan (Shaping Places), and it is likely the shortfall is even greater since the 2008 report was published. The Council will need to eventually set targets for traveller accommodation, in accordance with established need, and will be expected to demonstrate a 5 years' worth of supply. In addition the Council will need to consider options to set pitch and plot targets for gypsies and travellers respectively, site selection criteria, and/or allocating sites. As part of the

production of this plan, the Council has recently published its "Strategy & Options Document", with a view to adopting the Local Plan in January 2015. The Strategy & Options document addresses gypsies and travellers.

This application at Marsh Road will provide a further 3 pitches, in addition to the existing 3 pitches. This provision is very modest when compared to the Borough shortfall of 34 pitches. To help address this shortfall the Council intends to purchase land off the Homes and Communities Agency to extend the Lodge Road site to provide a further 12 pitches (making 25 in total on this site) and this is intended to go to Cabinet on 25th July 2013.

Even combining the provision of the Council's intended extra 12 pitches at Lodge Road, Mr Finney's additional 3 pitches and the 7 proposed pitches at the 9 Woodcote site (application TWC/2013/0312 that was before members on 3rd July Planning Committee) the provision of these 22 new pitches still falls short of the 34 needed in the Borough up to 2017 (but which is likely to be greater in reality). In addition, the Council is buying more land to create a "tolerated" site at Symonds Yard, Snedshill where gypsies/travellers can stay short-term - this accords with government guidance of reducing the number of unauthorised encampments.

The Council will not run, manage or operate this proposed site. It is currently owned and operated by the applicant, who intends to continue to manage and run the extended site for his family and friends (Mr Finney has provided a list of people who would like to reside on the site). As the occupancy of the existing caravans is no longer restricted to the Finney family and planning permission runs with the land, it could be the case in the future that Mr Finney and his family sell the site and different gypsy/traveller families occupy it. This private ownership/management of gypsy/travellers sites accords with one of the government's aims of promoting more private traveller provision. The site will still need a caravan site licence and this will give occupiers associated tenancy rights as is the case on any site.

Officers therefore consider that there are a number of significant material considerations that must be taken into account in the policy context when determining this application. First, the site already benefits from planning permission for 3 gypsy/traveller homes and is an existing established traveller site, not the provision of a new site. Second, in the absence of local plan policies and allocated site, the aims and policy guidance contained in the NPPF and government policy advice "Planning Policy for Traveller Sites" need to be considered and these include having a 5 year supply of accommodation. And thirdly, there is an indentified shortage of gypsy/traveller site provision in the Borough – and even with this application there remains a substantial shortage.

<u>Suitability of the site to expand</u>

The application seeks to increase the number of pitches (not the site area) on an existing private gypsy/traveller site in the rural area. The comments of the appeal Inspector for this site are material in considering the expansion to this site.

In removing the occupancy restriction on planning permission W2006/1268, the appeal inspector was effectively granting a permanent permission for any gypsies/travellers to live on site. She considered that the site's rural location did not preclude it from being considered suitable for a gypsy site and that it did not harm the area. She stated that *"the site is already acceptable as a gypsy site and would not compromise national policy objectives relating to both the protection of the open countryside and to gypsy site provision*." She went on to comment that the site is "*located in a rural area, in the open countryside outside a defined settlement boundary…located about a mile from the small settlement of Edgmond which has a corner shop and primary school. It is some 3 miles from the town of Newport with a range of facilities and about half a mile away from a bus stop with a one hourly service. The surrounding area is characterised by loose-knit development and whilst the appeal site is in a rural area, I do not consider it to be an isolated location"*.

She also noted that whilst "…*the site is not best served by public transport links but its proximity to Edgmond and Newport means it is reasonably well related to local services and that long distances would not have to be travelled to access such services.*" In addition she also said that whilst "*The site is evident from the roadside…the site causes no material harm to the general appearance of the area"*.

Officers consider that much of what the inspector stated and concluded about the location and suitability of the site in 2008 is still relevant and material to this application today. Officers consider that the modest increase in pitch provision (from 3 to 6 pitches) within the existing site boundary will not be of an unacceptable scale as to be detrimental or harmful to the nearby settled community along Marsh Road and Edgmond or the area, and is therefore an acceptable form of development in this location.

Highways

Local residents have made repeated reference to the narrow nature of Marsh Road with its rural lane character; that the site is within the national speed limit (60mph) and that a bend near the site entrance makes visibly difficult and hence there are various highway dangers.

The site is located along Marsh Road, which is a country lane that serves to link the B5062 and A41 and there are also a number of properties along Marsh Road, including farms with their large farm vehicles. In addition, one property south of the application site uses land for the storage of touring caravans and this appears to be an established use and uses only a residential access for the caravans, which can come and go without restriction.

The application is for permanent occupation, which is different from a transit site where families could just turn up, and as a result the chalets/mobile homes are not likely to be moved regularly. Vehicles can pull off the road in the site entrance splay and hence can pull off the road in order to open the gates onto the site. Obviously the arrival on site of the chalets mobile homes

will involve some highway disruption, but this can occur now as well as at the nearby caravan storage property. Regular vehicle movements will more likely be the comings and goings of each family with their vehicles, not necessarily caravans. The Council's highways engineer does not have any objection to the application and therefore there would not be technical highways reasons that could be substantiated.

Amenity issues

The application effectively seeks to provide an additional 3 pitches and overall on site there could be 6 chalet/mobile homes and 4 touring vans. The site is visible as one passes the site entrance, but overall the site is well screened and there are no residential properties immediately adjacent any of the site boundaries – only fields. Indeed the appeal inspector acknowledged "*The site is evident from the roadside…the site causes no material harm to the general appearance of the area"*.

Officers do not consider that the provision of a further 7 caravans/homes on the site, together with a single storey amenity block (in place of the centrally located chalet) will have a worse visual effect on the appearance of the area, when considering that the overall site area is not being extended and that there is a caravan storage site further south of the application site with no limit on the number of vans (or colour) that can be stored there.

As there are no residential properties adjacent to any of the site's boundaries there are no existing properties to be significantly affected by increased domestic activity and general attendant noise and disturbance. The area of the site (red edged) not set out for the pitches o the plans can be used as general amenity space for the residents of the site.

Drainage

Residents comment on the poor drainage of the site and that additional pitches will exacerbate flooding. The Council's drainage engineer has confirmed that there is some flooding that affects the entrance to the site and marsh Road and this is associated with insufficient drainage of the public highway - not the site - as the entrance is at a lower level than the highway. The Council's Highway Engineers are aware of the issue, and it has been added to the Capital Drainage Scheme list and will be dealt with as and when possible.

The applicant is proposing to install a septic tank and the drainage engineers have recommended a standard condition requiring the submission and approval of drainage details and percolation tests before any of the pitches are occupied. Drainage already exists for the existing homes on site. The applicant owns land adjacent to the site, so there is likely to be adequate soakaway drainage facility on land within the applicant's control. Officers therefore do not consider that there are drainage issues that would warrant refusal.

In conclusion

Officers therefore consider that there are a number of significant material considerations that must be taken into account in the determination of this application. In the absence of local plan policies and allocated sites, the application must be considered against the aims and policy guidance in the government publications NPPF and "Planning policy for traveller sites". There is also an indentified shortage of gypsy/traveller site provision in the Borough – and even with this application there remains a substantial shortage. The site already benefits from planning permission for 3 gypsy/traveller pitches and so is an existing established traveller site. At an appeal for the site, the Inspector considered the site to be suitable for a gypsy/traveller site and that its rural location was not isolated and there was reasonable access to the facilities in nearby Edgmond and Newport. Officers contend that these comments are still pertinent to this application and still accord with the general thrust of government policy. Officers also consider that the scale of the development with its modest increase of pitches from 3 to 6 will not have a detrimental impact on the character of the area or amenities of nearby residential properties. There are no highway or drainage reasons that could be substantiated and there are no other issues that cannot be dealt with by planning condition. To reflect the increase in pitch provision on site and the erection of an amenity block, additional conditions would need to be imposed.

Officers therefore consider that the proposal to vary condition 2 of planning permission W2006/1268 to allow more gypsy/traveller homes on the site is in general conformity with the NPPF and the document Planning Policy for Traveller Sites.

RECOMMENDATION to GRANT PLANNING PERMISSION subject to the following conditions (exact wording to be finalised by officers):-

1. The site shall not be occupied by any persons other than gypsies and travellers.

2. There shall be no more than 10 homes/chalets/touring vans in total on the site at any one time.

3. The site shall be laid out in accordance with the submitted plans and there shall be no variation without the express consent of the Local Planning Authority.

4. Prior to the commencement of the amenity block, samples of the external materials (bricks and tiles) shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the agreed materials.

5. Prior to pitches 3, 4 and 5 being occupied and the amenity block being commenced, foul and surface water drainage details shall be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with approved details

and fully implemented before pitches 3, 4 and 5 are first occupied and the amenity block is first brought into use.

6. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet *Bats and Lighting in the UK.*

7. The parking of vehicles shall not occur outside any of the pitches or areas of hardstanding.

TWC/2013/0096
Ketley Millennium Village, Holyhead Road, Ketley, Telford, Shropshire
Erection of 375no. houses and apartments with associated access, parking, roadworks, landscaping and open space ****Amended plans, documents and Public Rights of Way changes received*****

APPLICANT
Taylor Wimpey Homes

RECEIVED
09/07/2013

PARISH
Ketley

WARD
Hadley and Leegomery, Ketley and Oakengates

OFFICER Gareth Thomas

OBJECTIONS: No

MAIN ISSUES:
Policy compliance with TMC design and sustainability objectives, public open space, recreational provision and landscaping. Housing need, highway and traffic issues, attention to technical requirements of drainage and geo-technical matters, ecology and noise and review of Section 106 Agreement

The Proposals:
The application seeks Full Planning Permission. The proposals comprise the erection of 375 houses and apartments together with associated parking, roadways, landscaping and areas of open space. The development will provide a mix of dwellings in terms of size and tenure, as follows:

Dwelling Type	**No. beds**	**No. of units**	**Proportion of Mix**
Market Houses	2 bed	45	12%
	3 bed	182	49%
	4+ bed	59	16%
Market Flats	1 bed	1	0%
	2 bed	32	9%
Social Rented Houses	2 bed	14	4%
	3 bed	22	6%
	4+ bed	8	2%
Social Rented Flats	1 bed	8	2%
	2 bed	4	1%
TOTAL		**375**	**100%**

Affordable housing development includes 56 affordable dwelling units, consisting of 21 shared ownership units and 35 units for rent.

The application was accompanied by the following documents:

Design & Access Statement
Transport Assessment and Travel Plan.
Ecology Report
Air Quality Review & Scoping
Tree Report
Geotechnical Study – Mineshaft Completion Report
Flood Risk Assessment & Drainage Report
Noise Review
Affordable Housing Schedule

A synopsis of design ambitions for TMC is a relevant consideration and is summarized in the following two paragraphs:

The site lies extends the Existing Phases 1 and 2 of the TMC development in a westerly direction along the site's spine road. Phase 1 has a distinctive contemporary character and has been well received both nationally and regionally as a high quality development. Visual interest is created through a limited number of architectural typologies and there is consistency in treatment of the different buildings in terms of massing and design. This has made Ketley Village a distinct and unique place.

Phase 2 is now nearing completion. This phase did seek to retain much of the contemporary approach to design based on perimeter blocks and terraces. Standard house types were however introduced for cost reasons (as well as saleability), which was a departure from the highly contemporary Phase 1. The house types were given a contemporary appearance to reflect the designs in phase 1. There was a reduction in the number of 3 storey properties with gable frontages. Those remaining are concentrated along the Spine Road with 2.5 and 2 storey dwellings to the rear. All the buildings turn corners to avoid blank gables and walls facing the public realm and provide interest and passive surveillance.

As a truly sustainable development, the development has incorporated some novel if not necessarilly unique options for water management, waste management, energy generation solutions, Ecohomes house building standards and embodies energy reduction and ecological and biodiversity conservation and enhancement. Moreover stewardship involving the prudent management of assets has featured highly and a stewardship plan is in place involving Sanctuary Housing Trust, the Parish and Borough Councils allowing long term maintenance and stewardship of the site's assets (open space, ecological areas, play areas etc.).

The original masterplan for TMC proposed three broad character areas – Parkview, Ecoville and Clearwater. Lying at the western end of the development was Parkview, which was designed with a "civic" identity and containing community uses. This is the area of TMC which was the most "urban" in character with town houses and apartments laid out and designed to provide a market town feel with formal public spaces and development

generally of three storeys. The square containing a monkey puzzle tree was designed to provide a community space for events to take place with a site fronting the square set out for a primary school. The school will not be brought forward and instead, a large extra care facility is presently under construction.

The area known as Ecoville forming Phase 2 is currently nearing completion. It is the area of lowest density and gives priority to ecological conservation with SUDS features such as swales helping to provide wildlife corridors between key ecological areas of the development. The remaining part of Ecoville forms part of this application along with Clearwater. The original ambitions for Clearwater have been adopted as far as possible into this application and although the original expansive lake has been modified, the proposals still show a small lake within an open space area, which is considered to be more usable and maintainable.

The development has been slow to progress, possibly because of its high quality design and materials. The viability of the remaining part of the scheme has been a factor, which has influenced both a design re-think and the commercial viability re-assessed. From a design point of view, your officers have sought to maintain the vernacular qualities that have so influenced TMC and that have achieved a TMC brand that is well regarded. The architects for this later phase having recognised their client's desire to make the development commercially viable have reviewed what makes TMC unique and have introduced a number of internal character areas within Clearwater. In addition to Ecoville, a number of character areas has emerged – Woodland Views, Clearwater, Clearwater Square and Clearwater Spine. Each cluster has its individual identity whilst retaining the TMC brand and vernacular. Pedestrian priority has been at the forefront of the design with Manual for Streets road and street layouts incorporating shared surfaces that provide the key to the creation of linked pedestrian routes, nodes and joining up of public and private spaces. Solar orientation has been an important driver with layout and architectural and landscaping design features maximising solar gain.

A new replacement masterplan has been submitted. The masterplan sets out to offer a mix of house types that offer variety within the street scene whilst respecting the TMC vernacular, the provision of a network of streets, spaces and building lines to achieve legibility throughout the development. A series of landmark buildings are proposed.

In terms of open space, the applicants propose NEAP and LEAP facilities together with the public open space at the location earmarked for the Clearwater lake. The applicants have provided landscaping details for the Clearwater Lake area that depict a boardwalk and bridge feature, designed using quality hard paving materials. The NEAP and LEAP facilities will be agreed later by condition but the NEAP facility includes a BMX track, skatepark and ball court facilities located away from houses in the western part of the site adjoining Phase 1 behind Badger and Rabbit Mounds. Natural surveillance is ensured by careful location of dwellings in the south western portion of the development.

With regards to the replacement new section 106 Obligation, as mentioned earlier, the applicants have been in detailed discussions with both the Council as local planning authority and the HCA as landowners. A full viability appraisal has been lodged with the Council and reviewed by the appropriate officer. The original section 106 Agreement dated 6th February 2006 related to three phases of development at TMC. Some contributions have been paid to coincide with those parts of the development that have taken place; however, it is true to say that there is a substantial amount of money, principally that originally set aside for the school, that hasn't been paid. The total original contributions required amounted to approximately £5.28m, of which £4m would have been necessary for a new school. Some £704,700 has been paid to date. The applicants now offer the following sums:

ITEM	**AMOUNT**	**TRIGGER POINT**
Meadows School amalgamation and contribution to classroom provision	£2m	£670k prior to occupation of any dwelling on site; £670k upon occupation of 100th dwelling on site; £660k upon occupation of 200th dwelling on site
Safe routes to school (Meadows)	£65k	Upon occupation of 100th dwelling
Safe routes to school (Hadley)	£85k	Upon occupation of 100th dwelling
Ketley Parish Council community centre improvements	£175k	To be agreed
Improvements to cycle routes	£80k	Upon occupation of 100th dwelling
TOTAL	**£2.405m**	

In addition, the applicants propose 15% affordable housing but pointing out that this equates to 21% overall within TMC – slightly above the 20% required in the original outline permission.

SITE AND SURROUNDINGS:
The Ketley Millennium Community (TMC) lies within the wider area of Ketley which is a former mining settlement. The TMC site overall is bounded by the railway to the north, Holyhead Road to the south, Wombridge Road to the east and Waterloo Road and the housing in Broadway to the west.

Phase 1 of the development is now complete although final road finishes have yet to be provided. The park has also been completed. Phase 2 lies to the north of phase 1. There is open space between Phase 2 and the railway line to the north including one of the swales constructed as part of the Reclamation and Infrastructure works. Badgers Mound lies to the south with Rose Mound and the application site backing on to the dwellings on

Broadway. The 'Rabbits Ears' and 'Rabbits Head' which are areas of retained landscaping form other open areas within the TMC area. The Spine Roads serving TMC lead into a civic square at the heart of Phases 1 and 2 of TMC. The square was the centrepiece originally proposed for a new primary school; however a decision was made by the Council to not proceed with the building of a new school at this location but rather to upgrade existing facilities elsewhere within the community. Planning permission has now been granted for a care home facility at this site and is currently being built out alongside a new housing scheme for adults with learning difficulties

The TMC Phase 1 has been largely built out, while development of Phase 2 is nearing completion. Phase 1 was built as a modern, highly sustainable development incorporating innovative building designs, which proved costly. Consequently Phase 2 although including similarly well designed buildings has been built out as a more "suburban" solution, which according to the developers is more marketable although the design did manage to provide a degree of "civic" presence onto the street scene and pick up salient features used on Phase 1. The elevational treatment of existing buildings in the earlier phase of development consisted of strong vertical emphasis, predominantly three storeys with steep roof pitches and use of quality facing materials including brick, timber and render.

The application site comprising Phase 3 extends to 10.82 Ha and is bound to the west by Phase 2 of the TMC, to the south by Holyhead Road and its parallel neighbouring roadway, Beverley Road and to the north by an area of open space and the Shrewsbury-Wolverhampton railway line and to the east, an open area of largely scrub land, including ecological areas and the former construction haul road leading up to Wombridge Way that was built to provide access as part of the extensive land reclamation work in the early 2000's. Much of the land the subject of this application consists of restored former spoil mounds and a long since derelict golf driving range. The restored area has created a series of development platforms. The base of the spine road that has already been constructed between Phases 1/2 and leading back onto Holyhead Road provides the basis for the proposed layout. This access also serves the Glen Cottages area of Brickhill Lane. Brickhill Lane itself also links onto the former haul route onto Wombridge way. Access onto Wombridge Way, a heavily trafficked highway has now been sealed off to prevent illicit activities. However this partly metalled route does provide the opportunity for improved accessibility from TMC to the wider community, either by upgrading the route to full standards or seeking to use this route as a cycleway/pedestrian route, thereby linking in with the network of paths that have been created following restoration of the land and creation of ecological areas and woodland. However it is not anticipated that this length of road will serve any housing.

The original permission for the TMC development included a Regulatory Plan that set out standards to be achieved for sustainability, including the options for achieving a desirable living and working environments, sustainable transport and reduced car usage, economic opportunities through live-work units and ICT connections, providing for community recreation, safeguarding

and promoting biodiversity, re-use of previously developed land with waste minimisation and recycling provision and designing out crime through passive surveillance. The Regulatory Plan was enshrined in the outline permission and its requirements have been followed through in Reserved Matters approvals and subsequent full permissions. Central Government who pioneered some 14 Millennium Communities across the UK in 2000 no longer promotes the concept of millennium communities. However, the HCA, together with this Council and the Ketley Parish Council have been keen to continue to promote these ideals through subsequent and this application(s). In fact, the TMC development has set the sustainable development standards for other sites coming forward in the Borough and many of the design and quality standards promoted back in 2004 have been used successfully at other sites. It has set the bar line for developments in the Borough.

Ambitions set out in the original outline permission sought to achieve 20% affordable housing. This percentage figure set below policy requirements recognised the high development costs both in terms of land reclamation and the high sustainable development standards proposed for the site. That said Phase 1 achieved 28% affordable housing with Phase 2 achieving 30%. The current proposal achieves 15%. Overall 21% will therefore be achieved should permission be forthcoming.

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

In order to gain access to the site and construct the spine road for the development, it was necessary to demolish the Parkside Centre, which was the home of Ketley Parish Council. Following closure of the Ketley Junior School, the Parish Council moved into the vacated premises, on a temporary basis until such a time as the new proposed school and community centre at TMC was built. £50,000 was provided within the original Section 106 agreement for the essential alterations to the building to enable it to be used as a community centre for a temporary period.

In late 2007, the Council decided that the erection of a new school on the Millennium Community site would not go ahead as there would not be sufficient pupil numbers in the area to justify its provision. At the same time, it was still envisaged that a new community centre would be built at the same location as planned, although it was also recognised that Plans Board approval would be necessary to modify the original section 106 Obligation. Subsequently, the Parish Council decided that it would prefer to remain in the former infants' school building and expressed a preference for a contribution to be made towards the refurbishment of the former school premises to make it suitable for community use. The works that were considered necessary included the provision of acoustic glazing and a new heating system. The costs of the total works have been estimated at £175,000. However, time has

passed as have circumstances and no formal agreement has been obtained, which would have necessitated revising the section 106 Obligation. Furthermore, the former school building and the associated parking area have now been transferred to the Parish Council.

The original outline planning permission for TMC has now lapsed; section 106 contributions associated with the outline permission have been made but some contributions remain outstanding. Clearly, the substantial proportion of the £5.25 million payable was towards provision of the new school and associated highway requirements. These are no longer necessary or required. In lieu however, contributions will still be necessary towards school placement provision, cycle routes and safe routes initiatives, among other contributions. Detailed discussions have taken place over the past two years involving Council officers, the HCA and the preferred developer partner Taylor Wimpey to properly reflect these changing circumstances – these also include of course a substantial reduction in overall number of plots at TMC (from an overall 750 units to 560 units). This application therefore includes a request that a new section 106 Obligation be prepared that will replace the existing Obligation at TMC.

This application provides the opportunity for Members to review the original section 106 Obligation requirements. Officers have stressed the need for open book accounting and for appropriate viability appraisals to be undertaken. This work is now complete.

RELEVANT HISTORY:

TWC/2010/0521 App Type: Reserved Matters, Date Received: 25/08/2010, Description: Erection of 83no. dwellings with associated roads , sewers and infrastructure, Print Address: Telford Millennium Community, Ketley, Telford, , Decision: Reserved Matters Granted, Decision Date: 13/01/2011

W2005/0482, App Type: Full Planning, Date Received: 20/04/2005, Description: Creation Of New Spine Road To Serve The Site, Reclamation And Reprofiling Of The Site, Construction Of Suds Drainage And Strategic Landscaping, Print Address: Telford Millennium Community Site, Holyhead Road, Ketley, Telford,, Decision: Full Granted, Decision Date: 19/07/2005

TWC/2011/0322, App Type: Full Planning, Date Received: 23/03/2011, Description: Formation of temporary car parking area for staff parking for 5 years (amended description and plans) (Retrospective) , Land off Ketley Park Road, Ketley, Telford, Decision: Full Granted, Decision Date: 21/07/2011

W2006/0463, App Type: Reserved Matters, Date Received: 18/04/2006, Description: Erection Of 103 Dwellings, Retail/Office Development With Ancillary Infrastructure and Landscaping (Phase 1 Of Telford Millennium Community), Land To The North Of, Holyhead Road, Ketley, Telford, Decision: Reserved Matters Granted, Decision Date: 16/03/2007

RELEVANT POLICIES:

PLANNING POLICY CONTEXT:
National Planning Guidance: NPPF

Saved Wrekin Local Plan Policies
H10 – Scale of development
UD2 – Design Criteria
UD4 Landscape Design
H22 – Community facilities
OL11 – Woodland and Trees
OL12 – Open land, Landscape – contributions from developers
OL13 – Maintenance of Open Space
LR4 – Outdoor Recreational Space
LR6 – Developer contributions to outdoor recreation open space provision within residential development
EH14 - Land stability
EH7 - Contaminated Land
EH8 - Remedial action on Contaminated Land
NR 6 – Waste disposal and recycling facilities

LDF Core Strategy
CS1 – Homes
CS9 – Accessibility and Social inclusion
CS10 – Community facilities
CS12 – Natural Environment
CS13 – Environmental Resources
CS15 – Urban Design

CONSULTATIONS AND THIRD PARTY REPESENTATIONS

For all consultation responses received by the Development Management team,
The following text below represents a summary of the salient points made in relation to the application. Full versions of all consultation responses and representations received can be viewed by Members of the Planning Committee via the Council's planning pages online.

Highway Authority (TWC) – Comments awaited following re-submission of new Transport Assessment.

Planning Ecologist: No objection subject to condition and informatives.

Drainage Engineer: Further work is required to the drainage modelling. The drainage model show little flooding across the site drainage system. The model needs to have the basins and swales, with their discharge control on them included.

Environment Agency: No objection subject to condition. Flood risk: The site lies in Flood Zone 1, which is the lowest risk zone for fluvial flooding. The overall Drainage Strategy for the area has been previously agreed and is now constructed. We note that the proposal has shown an intention to provide betterment for the site and that SUDS solutions using infiltration may not be suitable for the site characteristics here. We recommend that the revised attenuation should be carried out in a way to ensure that storage is maintained for the 100 yr event plus climate change.

Pollution prevention: This development site lies on former colliery land with a number of landfills in the vicinity. The site has potential for containing contamination, but we note that some remediation work has been carried out.

The site lies on unproductive strata (Till) which is between 2.9m and 11m. This should afford protection to groundwater within the underlying Secondary A aquifer (Etruria Formation). The site does not lie within a Source Protection Zone and there are no licensed groundwater abstractions nearby. The risk to groundwater is therefore considered to be low. Consequently we would expect human health to be the main driver for any remediation required and you should also consult with your Environmental Health officers.

The area has been subject to site investigation and risk assessment by GIP and Grontmij and this has been reviewed by us previously under a pre-planning consultation. The following recent OPUS report for Taylor Wimpey West Midlands reviews the completed work - Geo-Environmental Investigation Report for TMC Phase 3-5 November 2012.

With respect to contamination, the report concludes that there are hotspots of Cadmium, Nickel, Lead and Benzo(a)pyrene. We recommend that the chemical laboratory analysis certificates and location plans from the Grontmij validation assessment should be made available in order to fully assess the residual contamination risks on the site and to establish the eventual clean capping requirements. We would like to ensure that these hotspots have been dealt with appropriately prior to building the houses and associated infrastructure, and so emphasise the need for this work to be completed.

Environment Agency position: In order to ensure that all contamination is dealt with properly, we advise that an appropriate condition should be applied:

Parks and Open Space Officer: The application confirms the open space is to be managed by the Trust however it does not confirm how this land is to be managed in the future. Can you confirm there is a management plan the Trust is working to, as this needs to be part of the application. This management plan needs to be in place to ensure the future sustainability of management of this public open space.

There appears to be a number of changes to access arrangements with either rerouted or new Byways. Two of these Byways either go through the middle of the proposed NEAP or by the side of the proposed LEAP. I am unsure of the

restrictions proposed but it's clear that this creates a hazard to children using these proposed facilities. As such I would ask that this is clarified and if vehicles are proposed that if vehicles are proposed that safety signage at either end of the 2 play areas are provided (details to be agreed).

There is no detail of the play provision included in the application, so this will need to be a reserved matter. The location of provision is in principle agreed, but there are some areas of concern in regards to the proposed shape of the BMX track which appears to be a very sloped route which could be seen as too fast to use safely and needs looking at in more detail by a professional track builder. If as I suspect changes would be required this may slightly change the design of the NEAP area. I am happy to assist the applicant in the design and even to assist in commissioning on their behalf should they so wish.

There is no programme for the timing of installation of the NEAP and LEAP. The NEAP must be programmed as early within the proposal as is possible as the NEAP is actually a partial replacement of the existing facilities that were removed to facilitate the development and have been lost to the existing community for a number of years. As such I would anticipate the NEAP provision to be provided prior to commencement of development. Safety should not be a concern in this regard as the development of the NEAP is outside the new residential area which can be easily fenced off.

Sustainability Officer (TWC): The Design and Access Statement states that the dwellings are to be constructed to Ecohomes 'Excellent' rating. However, the Code for Sustainable Homes has for sometime replaced the EcoHomes standard.
While the development is a sustainable design solution, a more effective way of securing a comprehensive sustainable development, 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 CC (archaeology): The Environmental Statement accompanying the outline application W2004/0981 for the proposed development site recommended that an archaeological watching brief should accompany certain groundworks within the proposed development area. In view of this and in and in relation to Paragraph 141 of the NPPF, it is recommended that a

programme of archaeological work be made a condition of any planning permission for the proposed development.

Severn Trent Water: advise that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. There is a pumping station close to the planning application site. Furthermore, any new development must not restrict our access to the sewerage pumping station. Please note, due to the close proximity of the proposed new development the occupant may experience noise/smell pollution. I can confirm we have no objections to the proposals subject to the inclusion of a condition requiring details for the disposal of foul and surface water.

Telford & Wrekin Access Forum (original comments) : It is noted that the site has a restricted byway (Brickhill Lane) running generally north to south through the site past the Glen Cottages (and continues in both directions beyond it too) The Forum is concerned that the planning application appears to be turning this into a road for all vehicles, which seems to remove this right of way and the protection that it provides for non-motorised users. Restricted byways are in short supply in the Telford and Wrekin area and it seems as this one may well be lost to the community at large. It is used by walkers and riders alike. I ask that this is taken fully into account and would be interested to know what the alternative is and whether stopping-up/diversion orders have been published to make this a legal process. It is vital that there is a north/south route available exclusively to non-motorised users (walkers, horse and cycle riders and carriage drivers), which is not shared as a public road. I do fully realise that the area is being developed for housing and I do not otherwise oppose this process but the legal rights of way should not be compromised for this to happen.

Further comments received on 6th July 2013: I have known the TMC site for some time and have both walked and ridden horses on its Public Rights of Way (PRoW). I understand there have been a number of Rights of Way (RoW) that have been stopped up or diverted to enable the earlier development to the west of the site. Concern is always raised when development takes over land that has been historically used by the public ˜as of right". I was therefore keen to look closely at this planning application to see how it integrated development, RoW, and public access through and within the site. I must say of all of the developments that I have seen in the Telford area this has the potential (and it is very close now) to being outstanding in every way as far as PRoW are concerned and a shining example of what can be done with consultation and effective design. Most of the RoW on the site have been in place since the start of the development and they both run through the site and around its perimeter. By putting in the RoW at the start of development the routes now run through wide and safe, well-cultivated and established green spaces, in places with beautiful shading from the tree planting in the green corridors. Most routes are 3m wide and are surfaced with rolled stone, which is in keeping with the development. The routes are accessible to all users if built in this way and there is no furniture that precludes the less-able/less-mobile, those in disability buggies, or those

on cycle or horseback. I have spoken to the developers about a few minor issues and I have been very pleased that they have been keen to provide a state of the art RoW network in and around the site. They very sensibly realise that this is not only of value to those who pass through the site but also to those that live there. This development will be a shining example nationally of how urban design can integrate and improve access for all to the PRoW network. I fully support the application for planning permission as long as the following matters are addressed in full.

- All PRoW should be multiuser wherever possible (Footpaths do not allow for cycling)
- All multi-user PRoW should be of 3m width where possible (Footpath 2m width)
- PRoW should allow for high permeability of the site, be off road, circular and of the same status around the loop all 3m routes should be of Bridleway status as a minimum
- One PRoW to the north of the site is indicated as Footpath (e.g FP110) on the plans and this should be designated as Bridleway for part of its length to allow a greater range of use, especially by cyclists - important for sustainable transport and a joined up route of Bridleway across the whole of the north of the site allowing passage from east to west. It is on the ground already and 3m wide
- PRoW need to be dealt with by the correct Orders and be placed on the Definitive Map. If not they mean nothing in law and could disappear. New routes on the ground generally follow an older PRoW but the new routes do not follow the Definitive line exactly. This needs addressing with the correct Legal Order It would be unlawful to build over an existing PRoW without the correct Diversion Order in place
- Any furniture/gates on rights of way should have minimal impact and be suitable for disabled users especially those in mobility buggies. It is best normally to have none.
- Large drainage grills should not be used across bridleways horses will see them as cattle grids and fail to cross them
- Rights of way that have/will be built over need an Order to divert them and be put on the Definitive map (RB 115 for example). These currently have the status of Restricted Byway.
- The diversion of RB 115 is recommended to run around the east of the development from Beverley Road in the south to under the railway bridge in the north. The southern half of this is in place this must be finished for full support of the application the developers have indicated that they are willing to do this. The correct Legal Order also needs to be in place. [Therefore plan C1520/P003 Proposed PRoW Diversion on the spine road is neither acceptable or legal the developers know this and are keen to address this issue]

In summary: The site, with a little work, could be a premiere example of how to get development and rights of way right. This could be a major marketing tool for the developers with the high provision of rights of way and green corridors in the site. If the above conditions are met I fully support the application and it will lead to a net gain in the RoW network in Telford and Wrekin which will be greatly valued by all users

British Driving Society: An ancient road, Brick Kiln Lane, runs through this project from the A5. Its structure has been altered, for width, gradient and position. This restricted byway has been out of use since the Millennium project started, and has caused great inconvenience to the public. Therefore planning permission should not be given until they have restored this historic lane. Firstly, the diversion states "bridleway" when in fact the ancient lane being diverted is a "Restricted Byway". The definition of a Restricted Byway is for use of walkers, cyclists, horse riders and horse and carriage drivers. It is a "green lane" for non motorised traffic. The optative width being 5m or 3m with passing places. There is nothing in plan C1520/P003 that resembles this. In fact there are very few non-motorised or green corridors. Secondly the diversion is along, or on the verge, of the highway - therefore not a diversion, but a closure. Thirdly, the north end does not appear to connect to the County Road. It also looks as if is to be an access road to NEW houses by VEHICLES. This is not acceptable and would be unlawful. Fourthly, this ancient lane has been out of use to the public for a number of years - bulldozed and left. It should be reinstated before any planning permission is given or development takes place.

Shropshire Fire Service: It will be necessary to provide adequate access for emergency fire vehicles. There should be 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. It has been identified that water supplies for fire fighting purposes will need to be provided on the development to ensure adequate fire safety measures. This can be achieved by the provision of fire hydrants on new or existing water mains or by other satisfactory means. It is recommended that these requirements are designed in by the developer at an early stage especially where new water mains are to be laid. The installation of a correctly designed sprinkler system is recommended

Network Rail: No objection. However applicants' attention is drawn to the potential of this railway line to cause noise. The current level of usage could materially change at some future date. Network Rail's maintenance regime can involve night time work, including emergency work. The Wombridge Level Crossing is unmanned/uncontrolled. No direct access is shown on the submitted plans. Can the developer confirm that people will not be directed to use this facility?

PLANNING CONSIDERATIONS:

Principle of development

The site already benefits from a wider outline planning permission with the first two phases of development having been built out. Whilst the outline permission has expired the outline consent is a relevant planning consideration in terms of the principle of development. Moreover the site is shown within the Wrekin Local Plan where residential development is considered to be acceptable in principle. The development forms part of the TMC development area that was masterplanned to provide for significant

development opportunity. Development platforms and spine road to base course standard are in place.

The National Planning Policy Framework (NPPF) has a presumption in favour of development in sustainable locations thereby promoting the efficient use of land, promotion of mixed use development, conservation and enhancement of the natural environment.

Officers consider that in principle the site is clearly suitable for residential development and it meets the aspiration of NPPF that seeks to promote sustainable mixed use development with enhancement to biodiversity and efficient use of land. Furthermore, the development will provide decent affordable housing with a mix of type and size to meet local needs in accordance with policy CS1 of the core strategy.

With respect to the regulatory plan agreed in 2004, your officers can confirm that the development as proposed continues to embody all the primary principles established within the Plan. In a similar manner to the phase 2 development planning application, adjustments have been made to support the fine detailed design. These include:-

- Amendments to detail of the block structure to support a more refined parking approach, whilst retaining the design quality of the public realm.
- The access road to Wombridge Way has been altered to form a pedestrian cycle link only.
- Some fine detail of the massing arrangements have been altered but not significantly. There are no 4 & 5 storey buildings.
- The role of the Clear Water lake has been changed to create a more useable public space and also reflect the deliverability of the topography in this location.
- The LEAP adjacent to the Clear Water Park has been moved north slightly to accommodate drainage features.

Other than the above, your officers believe that most of the Regulatory Plan requirements are very similar to the envisaged regulatory plan principles and should be welcomed as a development that achieves a high degree of sophistication in layout and elevational treatment.

Layout, scale and design, impact on neighbouring properties

Your officers have undertaken a Design Council/CABE/HBF 'Buildings for Life 12' assessment to determine whether the proposals are acceptable both in planning terms and in sustainability terms. This revised assessment tool is becoming the standard template assessment for housing and housing layout design by posing a series of standard questions that go to the heart of design and sustainability thereby forcing a degree of rigour and importantly objectivity when determining whether a housing scheme will offer a good place to live. Your officers have started to use this assessment tool to avoid bias of opinion

on the subjective question of design. For members' consideration, this assessment is offered up in the following paragraphs together with commentary under the BfL12 headings, which are sub-divided into three main headings – 'Integrating into the neighbourhood', 'Creating a Place' and 'Streets & Home':

1. ***'Integrating into the neighbourhood' Criterion:***

Criteria 1: *Connections: Will/does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones whilst also respecting existing buildings and land uses along the boundaries of the development site?*

Evaluation: Whilst the distinctive quality of the development is a positive from the point of view of site distinctiveness, the TMC development generally does have a slightly 'stand alone' quality and it is less successful (visually and practically) in the way it is connected to and integrated with the surrounding community. There has been substantial dialogue in terms of connections to the existing rights of way network.

Evidence: The proposal forms part of the wider TMC development, which has indeed felt slightly isolated from the remainder of the local community. That said, there are excellent connections with the wider PROW network.

Criteria 2: Facilities and services – will/does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

Evaluation: Although the development is very close to a cluster of off site facilities, these are quite limited. Because the site is located in a central part of Telford it is surrounded by more extensive facilities such as schools, general shopping etc.- however these do involve a short to medium walk or short drive by car. The development proposal will result in the provision of open space and recreational facilities.

Evidence: small retail centre immediately off site including a chip shop, bookies and pub. Small retail centre located within 500 M and extensive schools, shops and other services located within 1.5 km. The proposal includes provision for a NEAP including ball park, skate park and bmx track together with a LEAP.

Criteria 2*: Is there an accommodation mix that reflects the needs and aspirations of the local community?*

Evaluation: The development provides a good selection of different housing types including 2 bed to 3-4 bed housing to 1 bed to 2-3 bed apartments

Evidence: Houses and apartments have been designed on the basis of blind tenure, providing the same good space standards for market and affordable homes. The development provides 12 main house types, 12 different

apartment types and different tenures including 15% affordable housing.

Criteria 3: *Will/Does the scheme have good access to public transport to help reduce car dependency?*

Evaluation: The site has good access to public transport.

Evidence: The site lies immediately adjacent to the 'Redline' bus service which is the most frequent bus service in Telford. The entire site lies within a 300M walking distance of a bus stop

Criteria 4: *Meeting local housing requirements – will the development have a mix of housing types and tenures that suit local requirements?*

Evaluation: The development provides a good range of tenure including 319 private sales units, 36 affordable rent units and 20 affordable non grant units.

Evidence: Houses and apartments have been designed on the basis of blind tenure, providing the same good space standards for market and affordable homes. The development provides 12 different housing types, 12 different apartment types and different tenures including 15% affordable housing (the latter has been achieved via Land owner (gap assisted) grant funding, shared equity, and grant (gap assisted) RSL renting. The mix and tenure are responsive to the finding of the local Telford & Wrekin Council Housing Market and Housing Needs Study.

2. 'Creating a Place' criterion

Criteria 5: *Character – will/does the scheme create a place with a locally inspired or otherwise distinctive character?*

Evaluation: The scheme has a strongly distinctive appearance.

Evidence: The layout and design adheres to the original design concepts and the agreed Regulatory Plan consisting of principles and 'rules' regarding the design of the circulation and movement network, public realm, parking, overall layout structure, building heights and massing, character type and the response to internal and external views, topography, geotechnics and ecology, housing need etc. This phase of development also retains the water feature albeit in a reduced form – the reduced form however brings about better opportunities for informal public open space usage.

Criteria 6: *Working with the site and its context. Does the scheme take advantage of existing topography, landscape features including water courses, wildlife habitats, existing buildings, site orientation and microclimates?*

Evaluation: Whilst the development has done much to work with the natural landscape and ecological site features, the scheme has to some extent - set its own design agenda. This is not necessarily a wrong approach as much of

the original site character has to some extent disappeared with land reclamation and the creation of development platforms.

Evidence: The scheme does reflect the local context in terms of scale (2 and 3 storey). Overall it appears to be shaped by the natural topography but importantly respects exceptionally well the ecological habitats. Buildings have been arranged to exploit the raised position of landscape and ecological features. Solar gain and energy capture feature in the layout of buildings.

Criteria 7: *Creating well defined streets and spaces. Will or are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?*

Evaluation: The streets and buildings have been designed together to create an overall coherent and unified structure. There is a clear hierarchy of streets and spaces, which have been subtly arranged and design as residential spaces (rather than streets) to reduce traffic speeds. Streets are tree lined and open up into a series of squares that link streets together.

Evidence: The development has a coherent street/spatial organisation based upon a simple hierarchy of streets and spaces. The legible layout helps to subtly and effectively distinguish between public, semi public, semi private and private space eg. the hierarchy of streets (reinforced by the building type and enclosure) and there is a distinction between the main public route through the development and the progressively more private spaces beyond. The houses have been designed not only with main elevations onto streets but where they turn a corner they offer windows within the gables to provide surveillance.

Criteria 8: *Easy to find your way around. Is the scheme designed to make it easy to find your way around?*

Evaluation: Street layout and building types have created a legible layout

Evidence: The development has been designed to provide an interesting and legible experience. This will be achieved by the strategic use of storey heights that have been arranged to reinforce a legible structure - with 3 storey villas along the main spine road and two storey along side streets, the use of the more 'one off' and distinct buildings at key locations eg. apartment buildings and by having an overall coherent legible layout.

3. 'Streets & Home' Criterion

Criteria 9 *Streets for all – are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?*

Evaluation: The development has a well designed layout where buildings, streets and spaces have clearly been designed together as an integrated whole rather than a street layout with buildings arranged alongside.

Evidence: The generation of the design clearly shows how the layout developed from a place and space shaping framework rather than just from a street structure. Apart from the main street, all other spaces appear and function as shared people friendly spaces contained by buildings.

Criteria 10*: Is resident and visitor parking sufficient and well integrated and situated so as to support the street scene?*

Evaluation: Car parking provision is a major use of the streets and spaces but has been designed as an integral part of the public realm. Whilst it has been successful for the housing - it appears to be less so for the apartments.

Evidence: Grouped car parking bays are proposed along the spine (mostly for 5 and 6 cars) but located to the rear and therefore will minimise their visual intrusion. Elsewhere the developer has insisted that off street on-plot parking facilities are provided as they are more marketable. The layout will achieve good natural surveillance for parking areas not on-plot although parking for the apartments is a difficult design issue although surveillance is achieved to some extent .but is slightly less successful.

Criteria 11*: Public and private spaces. Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?*

Evaluation: The proposals show good use of shared streets and spaces. Good arrangement of buildings and circulation/ external space which has achieved good natural surveillance. Public open spaces and landscaping will help link areas of housing clusters.

Evidence: There is a clear hierarchy of streets and spaces, which have been subtly arranged and design as residential spaces (rather than streets) to reduce traffic speeds. Streets are tree lined and open up into a series of squares that link streets together. The scheme is characterised by 'Home Zone' design. Housing has been arranged to provide good natural surveillance - with good overlooking. NB both front and rear areas of the layout are well designed (they have good natural surveillance) unlike many residential schemes which have good 'front of house' appearance but poor rear areas. There is a management arrangement in force. The provision of high quality landscaping and open space and recreational facilities are very important attributes to this development.

Criteria 12: *External storage and amenity space – is there adequate external storage space for bins and recycling as well as vehicles and cycles?*

Evaluation: Ample rear gardens are a feature of this proposal with the opportunity to provide storage facilities.

Evidence: The initial phases saw quite elaborately designed sheds within screened garden areas. The current proposals show larger garden areas generally within the development. However there will be a need to condition the requirement for sheds to encourage lockable storage for bikes etc. given

the encouragement to increase modes of transport other than the car. Recycling facilities feature throughout the TMC development and are located in the heart of this proposal.

The NPPF states that good design is a key aspect of sustainable development and should positively contribute to making places better for people, with high quality and inclusive design. Planning should not impose architectural styles or particular tastes and should not stifle innovation. Development should however seek to promote or reinforce local distinctiveness. What we have here is a form and shape to the development which is entirely appropriate to TMC and the elevational treatment and use of materials are to a high standard.

The Council's Urban Design Officer has been heavily involved in design considerations and he also believes that the proposed development is consistent with earlier phases of TMC development and will have a strong architectural presence onto the TMC spine road and create living streets that are not dominated by the motor car.

In summary officers consider that the proposal respects and responds positively to the context through high quality design, with an integrated design which respects the landscape setting and topography, reinforces the existing street pattern and produces an safe and secure environment, in accordance with policy UD2 of the Wrekin Local Plan, CS15 of the LDF core Strategy and design guidance in NPPF.

Sustainability considerations

Normally running hand in hand with design considerations, it is considered that this issue is a key consideration at TMC given the firm commitments given at the outset to achieving high sustainability credentials and which needs a separate section. Members will be keen to know that this matter hasn't been lost in the developer's drive to ensure that the scheme remains economically viable. The design itself has clearly made use of solar gain with orientation of buildings an important consideration. The houses themselves are designed to increase daylight penetration to kitchens and living spaces by 10%. The standards used will help reduce energy consumption by 20% below Building Regulations and reduce the embodied energy in their construction by 50%. The dwellings are also designed to reduce water consumption by 20% of the national person's average consumption levels. Construction waste reduction of 23 cubic metres is a standard that is to be achieved while long term waste reduction through sufficient waste recycling space within the dwellings and facilities on site are also provided. The dwellings are constructed to Ecohomes Excellent standards (although this standard has been superseded by Code for Sustainable Homes). Nevertheless the original standards set for TMC have not been sacrificed.

The dwellings have been designed with a degree of future proofing. This allows for internal flexibility and adaptation to occur as the needs of the individual householder changes over time. This flexibility allows working from

home to take place through ICT provision.

In terms of drainage, onsite SuDS in the form of landscaping features and other semi-natural devices are incorporated into the development including the use of porous paving materials and the Clearwater lake attenuation feature.

With respect to the sustainability standards of proposed housing, the stadards set in 2004 related to EcoHomes. This standard has in effect, been superceded by Code for Sustainable Homes accreditation. All grant aided affordable units are to be to Code for Sustainable Homes Level 3, whilst all other units will be to EcoHomes Excellent standard. Members are asked to note that the EcoHomes Excellent standard cannot be formally certified by the BRE since this system has been superseded by the Code for Sustainable Homes. However, the developers will be employing sustainability consultants to review the units against the EcoHomes Excellent scoring matrix and providing the requisite confirmation professionally, but without the formal BRE certification. Given the demise of this accreditation, your officers believe this is acceptable.

It is believed that the high sustainability standards set out as a core principle in the Millennium Communities project will continue to be achieved by the Phase 3 proposals. In this regard, this development is probably the most sustainable development project being built in the Borough.

Highway considerations and Public Rights of Way matters

The application is supported by a Transport Assessment (TA) that considers the traffic likely to be generated from 560 houses (TMC total) accessed from two mini roundabout junctions off Holyhead Road and seeks to demonstrate that the capacity of these junctions are adequate to accommodate the traffic without recourse for the need to construct a third junction and access road onto Wombridge Way. Members should note that the original outline permission showed this third access, which would have required the provision of a 1.5 km length of highway that would not serve any houses, making it a costly highway to provide. The TA also considers alternative modes of transport – an equally important highway issue given the sustainability ambitions of this development. Thus walking, cycling and public transport opportunities are considered in depth.

In principle, the applicants believe that the development is broadly in line with both national and local policies that aim to develop out brownfield sites that are accessible and enjoy well developed highway and public transport infrastructure.

As described above the proposal is intended to be served by the existing two mini roundabout junctions off Holyhead Road. The Wombridge Way junction was provided to a lower standard as part of the land reclamation scheme in late 1990's/early 2000's and the access haul road linking the development platforms and this junction was metalled in part. The original proposal that

linked the development with the Wombridge Way highway as a third access point is now omitted in this proposal and replaced by a cycle-footway link that will discharge onto Wombridge Way and link the existing PROW and TMC footways/cycleways. The views of the Local Highway Authority in relation to the adequacy of having just two access points into the development are awaited following the submission of a revised Transport Assessment. This was necessary as the initial TA was based heavily on the 2004 planning application and the 2003 traffic and transport information and data prepared for the outline submission. An update of the views of highway colleagues will be presented to Members in the form of an update report at the meeting. Although the Wombridge Way issue has been the subject of protracted discussions during design discussions, the LHA has not reached any firm conclusions to this omission and is currently undertaking its own assessment of the latest information submitted in the TA.

It is understood that updated traffic counts and surveys have been undertaken to inform the revised TA. This depicts a reduction in peak hour flows since the original 2003 TA data by up to 20%. The applicants argue that this is as a result of the downgrading of the Holyhead Road from A to B classification and consequent traffic management changes at the local level. Trip generation data likely to be generated from a 560 total development (as opposed to 770 originally proposed in the outline permission) has been forecasted and this shows a higher usage of public transport than many large scale developments in the Borough (15% morning peak departures and 13% peak afternoon arrivals – typically this figure elsewhere would be in the region of 4%). Cyclists also feature highly in this assessment. Given that the Travel Plan aspirations suggest a modal shift away from the motorcar, which is not inconsistent with core sustainability values of TMC development, these figures are considered to be a reasonable synopsis of what is likely to occur when the development of 560 is built out. Traffic data has also been considered and the applicants do not believe that any traffic accidents necessarily relate to the design of the present highway.

The existing bus service has also been assessed. Services that serve Ketley include the no.44 Leegomery/Telford/Madeley service (every ten/twenty minutes depending on time of day), no.703 Wellington College service (1 outbound/1 inbound each day) and the 904 Priorslee/BRJ service (1 oubound/1inbound each day), no.25 Leegomery-Telford service (every hour), X44 Wellington service (3 peak morning). There are several stops within 250 metres of the site. The development is considered to be in a highly sustainable location in Borough terms for public transport.

In terms of parking, the outline submission and masterplan provided 1.5 spaces per unit. This has been found to be difficult and problematical in terms of sales and there are localised problems of cars being parked on pavements at the junction with Holyhead Road. The developers have increased the level of parking to approximately 2 spaces per dwelling in Phase 3. Despite car ownership levels in the Telford Borough being on the low side (1.23 cars per household), the increased number is desirable (according to the developer) and this is not argued by your officers.

Overall the developers believe that the development can be accommodated on the highway network and is not anticipated to create problems. As stated above, the final views and recommended conditions as appropriate will be provided at Planning Committee.

Public rights of way (PROW) issues are important in the context of this application as there are a number of changes proposed to enable the development to take place. As the planning permission will lead to the applicant needing to make appropriate Diversion Orders using the Town & Country Planning processes later on, it is important that Members fully understand what is proposed and that their routing and function are acceptable and beneficial. PROW issues have been the subject of considerable discussions at the Steering Group, with the Council's PROW Officer facilitating dialogue with user groups.

A number of PROW will either be extinguished or will be diverted to allow development to proceed. The land reclamation works undertaken in the early 2000's has resulted in some rights of way being lost. The Local Access Forum has recognised the difficulties but also acknowledges the pledges and commitments that the developer has recently shown to ensuring that the rights of way are provided along new and certainly more commodious routes. The opportunity has been taken to enhance the opportunities for horse users and a new bridleway link will be provided off-road where Beverley Road joins the estate spine road along a landscaped section of the site on the eastern side running northwards to link with Brickhill Lane and westwards to link with existing bridleway. As the Local Access Forum explains, the multi-user PROW should ideally be 3m wide (with footpaths 2m). The Forum recognises that the opportunity to provide a circular facility will be a positive measure and has suggested upgrading a footpath to bridle path standards. Overall, the proposed new routes represent a positive benefit and should be supported from a planning standpoint. Each of the proposed new routes provide good connectivity and the problems of loss of connections that have been arisen through construction activities will be resolved fully through these proposals.

Public Open Space Recreational Provision and Landscaping

The development provides a highly attractive public realm offer and already benefits from a high standard network of cycle/footways that thread through TMC and its ecological areas. Proposals for formal recreational facilities are proposed and the application states that the open space will be managed by the Millennium Trust. A management plan explaining how the Trust will manage these facilities and open space can be conditioned as part of any permission. Such a management plan needs to be in place to ensure the future sustainability of management of this public open space. The burden cannot fall on the Council or Parish Council and no proposals for this to happen have ever been contemplated.

There is no detail of the play provision included in the application as it was agreed early on during the pre-application discussion that this could be reserved for future approval. This is reasonable given that the design of the hard play equipment is a specialised requirement. However, the Clearwater Lake area and other informal open space areas have been fully designed as part of the landscaping scheme. The early provision of the BMX track, skate park and ball court facility together with the LEAP is necessary particularly as the NEAP is a partial replacement of the existing facilities that were removed to facilitate the development and have been lost to the existing community for a number of years. The views of the Open Space and Parks Officer who considers that the NEAP provision should be provided prior to commencement of development are noted. An appropriate condition can be included.

Ecology

Further updated ecological surveys have been carried out following the 2004 permission and the following issues have emerged:

a) Habitats - the habitats within the pre-formed development platforms are not diverse and have very low botanical interest. No protected or invasive species were recorded and development will not result in a loss of habitat interest from within the site, nor would development have a direct impact upon the adjacent habitats present within the established open space network at TMC. Three trees in the north-west of the site and one tree on the north-western boundary are going to be removed as part of the development. None of these trees are suitable to support bats, although birds could potentially nest in them, so their removal should take place outside bird nesting season.

b) Amphibians – The waterbodies forming part of the TMC development offers appropriate habitats for great crested newts (GCN). Work has previously been undertaken to protect GCN including translocation, which was undertaken to full standards. Indeed the latest updated survey, further amphibian populations were present and represent an increase in the aquatic range from the original survey. However in terms of this application, the development platforms offer no refuge or breeding opportunities and will be of limited foraging value for amphibians.' It is therefore highly unlikely that amphibians will be encountered on the site during the development. However, surface waters could be controlled and fed via sediment traps before being allowed to enter the existing drainage system and during construction works, machinery and materials should be stored away from the habitats to the north. Fencing should be erected around construction areas to prevent wind-blown debris, especially plastics and polystyrene, from entering the drainage systems or basins.

c) Reptiles. A good population of viviparous lizard and a small population of grass snake were recorded in the habitats to the north and east of the development site. The permanent amphibian exclusion fence located along the north edge of the previously established development platforms will present a partial barrier to the lizards, but is less likely to be efficient at

excluding reptiles such as adult grass snake. However, since the development platforms offer little opportunity for reptiles, providing no cover, no potential breeding sites and little foraging opportunities, it is very unlikely that reptiles will enter the site from the north. There is no fence present along the eastern boundary of the development site so reptiles could potentially enter from the east but, again, as there is no suitable habitat on the site, this is considered unlikely. To ensure that any reptiles that gain access to the site from Beverley Glenn Tip are not killed or injured, the eastern boundary of the site should be fenced with temporary exclusion fencing buried below ground level and extending at least 0.5m above ground level.

d) Bats - the surrounding areas, particularly the habitats to the north and east, are valuable for bat foraging and commuting. The development site itself is of limited value at present due to the small amount of vegetation. A lighting strategy will need to be submitted.

e) Invertebrates – the mosaic of habitats present in the open space network surrounding the application site offer invertebrate interest but the lack of botanical and structural diversity and the uniform topography within the development site makes the site largely unattractive to invertebrates.

It is considered that the ecological enhancements previously carried out at TMC as part of earlier planning permissions have been very successful and a diverse habitat has been created within the landscaped areas and water features. The proposal itself does not affect the work previously undertaken and the development platforms do not themselves offer very much interest from a biodiversity viewpoint. However the provision of bat bricks/boxes and bird boxes are recommended. The Ecologist also recommends attaching informatives to the permission relating to construction activities and potential impact on reptiles and amphibians together with protection of existing ponds.

The development is accompanied by a detailed landscaping plan that is acceptable in principle; development therefore accords with policy OL11 of the Wrekin Local Plan, CS12 of the Core Strategy and guidance on biodiversity and natural environment in NPPF.

Drainage

There are no concerns expressed in relation to drainage of the site. The site has been laid out and strategic drainage infrastructure provided in accordance with Environmental Impact assessment findings at the outline stage. The application was accompanied by a Flood Risk Assessment (FRA) as part of the application and in accordance with NPPF requirements. The assessment considers the potential for flooding from all possible sources including fluvial, surface water run-off, overland flows, groundwater, sewers and all possible sources, although as the Environment Agency advises, there is low risk from flooding at this location. Although there is outstanding modelling information still to be submitted and verified by the Council's Drainage Engineer to demonstrate that flooding will not occur above 1 in 100 year event, your officers consider that issues of detailed drainage provision can be adequately

covered through appropriate conditions.

As with any new development there is a need for positive drainage in order to accommodate and discharge surface water run-off, swales and other SuDS features, including the balancing pond Clearwater Lake, have been used extensively within the site. This is supported in principle.

Planning Obligations

Members will appreciate that development at TMC has slowed but following the re-negotiation of design aspects within Phase 2, development of the earlier phases is now nearing completion. The development did slow down for a period and difficulties have been experienced by the developer and HCA in ensuring that the remaining phase can be built out within budget. The original section 106 Agreement signed in 2006 included provision for a new primary school along with demand responsive transport facilities associated with public transport. These are no longer necessary and it is reasonable that section 106 requirements reflect both current needs and the reduced number of dwellings to be built. Negotiations have proceeded over some two years and an open book viability assessment submitted and which has been verified by an in-house specialist surveyor.

Taylor Wimpey have identified development costs and provided a breakdown as follows;

- Land Payment £2,862,000
- Build Costs £30,655,000
- S106 contributions £2,405,000
- NEAP/LEAP provision £250,000
- Site Overheads £2,785,000
- Design Fees £354,000
- Marketing & Selling Fees £2,150,000
- Group Overheads £1,458,000

In the opinion of your officer, when reviewed, these costs are similar against industry benchmarks. The land value is £107,030 per gross acre and represents the deal agreed with the HCA. The build cost equates to £88.08 per sq ft which is equally comparably to BCIS figures for an all inclusive build figure on an estate scheme. Design fees are just over 1% of build costs and marketing & selling fees are just under 5% of private revenue which are both reasonable given the way a plc house-builder operates. Based on current sales rates for the private only units of 0.50 per week giving a build duration of 14 years, Site Overheads or prelims equate to £16,577 per month which is a reasonable assumption.

The proposed S106 contributions are;

- £2,240,000 Education & Community
- £80,000 Cycle Routes
- £85,000 Safe Routes to HLC

Also forming part of the planning obligations are the provision of a LEAP and NEAP and 15% affordable housing provision on site, although monetary values are not included but in relation to recreation provision, this is approximately £250,000.

The residual figure calculated in this appraisal (revenue minus costs) gives the net profit or loss from undertaking this development. This is;

Total Revenue £49,641,000
Total Costs £42,920,000

Net Profit **£6,721,000** or 13.5% of revenue and 15.7% of costs

It is widely accepted that the threshold for financing such developments is usually 20% net profit of revenue, which would normally amount to £9.27m. . If you adopted this approach and allowed different thresholds between

Even though the appraisal has demonstrated a lack of commercial viability, the applicant is still willing to offer a package of planning obligations. The overall rate of affordable housing across TMC would still be slightly over 20% given the delivery on the first two phases. It is considered that the section 106 Obligation package as amended should be supported on the grounds of viability and to enable the build out of Phase 3, the final phase of development of TMC.

RECOMMENDATION:

RECOMMENDATION: That subject to the applicants entering into a section 106 Obligation as detailed in this report and there being no objections from the Local Highway Authority the Development Management Manager be given delegated authority to issue a GRANT of FULL PLANNING PERMISSION subject to the following conditions (subject to refinement), together with other conditions deemed necessary by the Development Management Manager particularly following completion of highway and planning assessments on latest submissions.:

CONDITIONS TO INCLUDE:

1	A04	Time Limit – commencement of development
2	B011	Samples of materials
3.	B012	Sample panel on site
4	B019	Details of windows and doors
5	B029a	Land Fill Gas

6.	B030	Access
7.	B031	Access
8.	B045	Travel Plan
9.	B047	Mud on Road
10.	B050	Shallow mining
11.	B056	Soil gas
12	B057	Land Contamination
13	B062	Drainage
14	B074	Drainage Brownfield run-off rates
15	B111	Archaeology
16	B126	Landscape Management Plan
17	B130	Tree Protection
18.	B131	Tree Protection roots
19	B139	Custom Condition – replacement of poplar woodland
20	B149	Ecology
21	B150	Site Environmental Management Plan
22	B152	Cycle sheds
23	B155	LEAP and NEAP provision
24	B156	Phasing
25	C38	Development in accordance with deposited plans
		Informatives
	132	Fire Authority
	140	Conditions
	117	Minerals Area

REASONS FOR GRANT OF PLANNING PERMISSION:

This application is for a further development of the Ketley Village Telford Millennium Community and it is considered that it broadly complies with the requirements of the Regulatory Plan and Design Statement set out in the outline planning permission W2004/0981. The density, scale, mass and design of the dwellings reflects the contemporary style of dwellings in phases 1 and 2 of the development of this site and will provide adequate open space and landscaping provision. Furthermore the development will not adversely impact on the amenities of neighbouring occupiers. These proposals should also meet the landscaping and sustainability targets set out for this development.

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:

Saved Wrekin Local Plan Policies
UD2 – Design Criteria

UD4 Landscape Design
OL11 – Woodland and Trees
EH14 - Land stability
EH7 Contaminated Land
EH8 Remedial action on Contaminated Land

LDF Core Strategy
CS1 – Homes
CS12 – Natural Environment
CS13 – Environmental Resources
CS15 – Urban Design
National guidance:
National Planning Policy Framework
In the determination of this application the Council considers it has worked with the applicant in a positive and proactive way, in line with paragraph 187 of the National Planning Policy Framework, 2012. This has led to amended plans and details to the final appearance of the care home facility and surrounding landscaping and that overall this has resulted in the application being acceptable in accordance with the reasons for granting planning permission above.

TWC/2013/0139
JBS Fibre Recovery, Unit A, Halesfield 22, Halesfield, Telford, Shropshire, TF7 4QX
Change of use from general industrial and storage use (B1 and B8 use) to waste recycling of beds and mattresses (Sui Generis) (Retrospective)

APPLICANT
JBS Fibre Recovery

RECEIVED
19/02/2013

PARISH
Madeley

WARD
Cuckoo Oak

OFFICER Libby Harper

COUNCILLOR DEREK WHITE HAS REQUESTED THAT THIS APPLICATION IS DETERMINED BY THE PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

MAIN ISSUES:
Suitability of site for proposed use; highways and access; employment development; use covered by Environment Agency by Environmental Permitting regime (standard rules permit)

PROPOSAL:
This full planning application seeks permission for the change of use of Unit A, Halesfield 22 from general industrial and storage use (B1 and B8 use) to waste recycling of beds and mattresses (Sui Generis). This is a retrospective proposal, with the change of use having been completed, and the business in operation at these premises since March 2012. This proposal has not been deemed to be a Minerals & Waste specific application, with a change of use being deemed relevant as part of pre-application discussion. Prior to this change of use, the unit was relatively evenly split between a B8 use (storage or distribution) and B2 use (general industrial), equating to 486sqm and 475sqm respectively.

JBS Fibre Recovery Ltd are the largest mattress and sofa recycler in the UK, currently recycling over 850,000 mattress per year and processing over 40,000 tonnes of recycled fibre across five operational Material Recycling/Recovery Facilities (MRF), and working with a number of large retail businesses (including John Lewis, Marks & Spencers and Tesco). The company employs 52 staff with their facilities located across the country including Telford, where 17 people are employed (11 full-time, 6 part-time). Notably, JBS are purely a commercial business, waste from domestic customers is not accepted, nor are members of the public allowed to tip waste at any of the facilities including Telford. All JBS sites are closed sites.

The Telford operation entails the manual de-construction (with a small percentage of automation) of mattresses and beds (divans viewed on site visit) by splitting them into five key fibre materials – Polyester, White Cotton

Flock, Black Tick, PU Foam and Outer fabric. No other treatment is undertaken on the site or chemicals utilised. It has been advised that the company currently achieves a minimum of 99.4% recycling rate with the 0.6% representing heavily soiled material currently sent as a Refuse Derived Fuel (RDF) grade product.

Once split by hand, each material is baled to be processed into products elsewhere. The outcomes include fabric being cleaned then shredded and changed into recycled fibre which can be spun and used for weaving with surplus heavily-soiled material is used as RDF (fabric recovery); being recycled back into either hemp or cotton yard (cotton flock); staples, paper clips and drinks cans (steel frames springs recovery); being manufactured within the automotive industry to produce interior vehicle carpeting and engine insulation (black felt recovery); and carpet underlay (PU foam recovery). Additionally, all of the casters and polyethylene waste products, including the plastic coverings in which most mattresses are delivered in, are recycled. All the plastic material is washed and granulated to form new flakes or pellet products, which are used to produce food bottles and trays, as well as underground drainage systems.

SITE AND SURROUNDINGS:
Unit A, Halesfield 22 comprises a one and a half storey height L-shaped industrial building of part brick, part metal clad construction, two shutter doors are positioned to the front of the building and three to the rear. A grey brick built single storey extension is positioned along around two thirds of the front of the unit providing office accommodation servicing the recycling business with a series of windows and door openings. A sizeable tarmac yard providing staff parking and occasional delivery provision (maximum once a week) lies to the front of the building with a more modestly sized service yard positioned to the rear. This latter yard is accessed off a road serving the neighbouring unit leading to a walkway through to Halesfield 1.

The site sits in a corner position of the service road in a modestly elevated position to the neighbouring access road when viewed from the front (western elevation), being otherwise flat across the remainder of the site which covers a total site area of approximately 0.2ha.

The site is bounded by palisade fencing in the region of 2 metres around the perimeter of the site. The western edge is punctured by an access point to the front parking and occasional delivery area. This curves round to the northern edge providing a second access point to the front yard, and further includes the rear yard with a gated access. These are the two principal visible elevations from the road. A grass verge runs along the western boundary to the front of the palisade fence, there is no further landscaping present on the site.

A range of uses are present across Halesfield 22, comprising a vehicle repair centre to the south, a breeze block business warehouse and storage yard to the rear (east) of the site and to the side (north) of the rear service yard. A car repair garage is positioned to the side (north) of the front parking and service

yard, with a logistics training company, street sweeping equipment company, and kitchen company on the opposite side of the road (west). A day centre is positioned on the entrance to the estate, neighboured by a day nursery centre. The nearest district centre is Madeley, positioned one and a half miles away.

SUMMARISED CONSULTATIONS:
Standard consultation responses

Madeley Town Council: *Comment*
The Town Council have noted that JBS Recovery holds Environment Agency Waste Exemption Permit (EPR/CH0912TX/A001) for the recovery of textiles and preparatory treatments of waste at the Halesfield site for low risk waste. In respect of the nature of the scheme as a retrospective change of use, the Town Council advise that the assurance of Environmental Health Officer on indoor air quality should be obtained prior to permission being granted.

Development Plans: *Support*

Drainage: *No comment*

Highways: *Support subject to conditions*
Further to receipt of the revised site plan (2037-01C), the Highways Officer has no objection to the proposal in principle subject to a condition keeping the loading areas clear at all time.

Environmental Health: *No objection*
Following discussions with the applicant, the applicant has made significant improvements to the site. Subject to the waste permit from the Environment Agency, Environmental Health have no objections to the application.

Environment Agency: *No objection*
The Environment Agency have advised that they have been involved in discussions with the site operator regarding the application for a standard rules permit. The site operator will need to apply for the relevant permit in regards to tonnages of waste they expect to receive annually. With the exception of specified waste, all bulking, transfer or treatment of non-hazardous waste must be carried out inside a building. Wastes can be bulked up for disposal or recovery elsewhere and can also be treated by sorting, separation, screening, baling, shredding, crushing and compaction.

These rules will not permit the burning of any wastes, either in the open, inside buildings or in any form of incinerator. These rules do not allow any point source emission into surface waters or groundwater. However, under the emissions of substances not controlled by emission limits rule:

- Liquids may be discharged into a sewer subject to a consent issued by the local water company.
- Liquids may be taken off-site in a tanker for disposal or recovery.
- Clean surface water from roofs, or from areas of the site that are not being used in connection with storing and treating waste, may be

discharged directly to surface waters, or to groundwater by seepage through the soil via a soakaway.

Shropshire Fire Service: *Comment*
Informatives requested Access for Emergency Fire Service Vehicles; Water Supplies for Fire Fighting

Neighbour consultation responses:

Following consultation, two letters of objection have been received. The issues raised can be summarised as follows:

- Health and Safety – significant environmental risks attached to materials that are being transported to for processing, risk of environmental contamination to nearby occupants
- Fire Safety – risk to business in close proximity to site; Noted Fire Officer has mentioned Sprinkler systems may be considered.
- Insurance risk issues
- Parking - current operation causing severe congestion at various times of day with the indiscriminate parking of heavy goods vehicles on the access roads and other business properties nearby. Should be restricted to the parking of their vehicles on application site only and not so as to interfere with other businesses nearby
- Halesfield 22 access road being too narrow for HGVs to pass each other easily.
- Air quality protection - charitable children's day nursery of some 24 years' and a centre for adults with learning disabilities standing within very close proximity to the proposed activity.

RELEVANT HISTORY:
W97/0445 Change of use of part of building to MOT Testing Station. Full granted 16/07/97
W95/0147 Erection of a single storey extension to rear and side and conversion of part of existing office to canteen area. Full granted 08/11/95
W83/0410 Erection of extension to existing garage repair shop. Full granted 20/07/83
W82/0007 Erection of an extension to existing stores and offices. Full granted 18/06/82
W81/0100 Erection of an extension to existing stores and offices. Full granted 03/04/81
W80/0567 Continuation of use of existing building as office/canteen. Full granted 02/09/80

RELEVANT POLICIES:
National Planning Policy Framework (NPPF)

Core Strategy:
CS2 Jobs
CS3 Telford
CS13 Environmental Resources

Wrekin Local Plan:
E4 Development on Unallocated Employment Sites in the Urban Area

PLANNING CONSIDERATIONS:
Unit A, Halesfield 22 is located in an established industrial area, where it is acknowledged that a range of non-employment uses are positioned in the vicinity, with particular reference to the Halesfield Day Services unit and Halesfield Day Nursery Centre at the entrance to Halesfield 22. The site measures in the region of 0.2ha and is shown as 'whiteland' on the adopted Proposals Map, and therefore not subject to a specific land use designation. Consideration of the site under Policy CS3 is relevant, with development in line with the emphasis of this policy where Telford will accommodate the majority of development and new jobs.

More specifically, Policy CS2 defines that in order to create sustainable communities; we need to deliver sufficient jobs to create a dynamic and widely based economy in the Borough. With relevance to this application, the Policy specifies that provision should be made to offer a choice of work opportunities, help achieve greater diversity in the economic base, and minimise the impact of new employment development on existing uses, the environment and local amenity.

Policy E4 sets out a series of criteria that need to be met for development to be permitted on unallocated employment sites in the urban area, requiring that development does not have an adverse impact on adjacent land uses, character of the area and satisfies the environmental health and other policies of this plan. In considering these requirements, attention is specifically drawn to the objections (health & safety, fire safety, traffic and access, and air quality) raised by interested parties, and the notable level of change that this site has been subject to across the progress of the application defined below.

The Local Planning Authority recognises that at the outset of this retrospective (with the operation having been in situ since the end of March 2012 and subsequent debate over the type of planning application required) application, the operation of the business was not in the form as presented in the information submitted. As a consequence its appropriateness was questionable - with a significant amount of material on site leading to external processing and storage of materials across the rear service area. Such an approach would not have satisfied the requirements of a subsequent standard rules permit as had previously been identified as the next desired step should this application be approved.

The context of the site has changed significantly since the submission of the application. Further to dialogue between the Local Authority – both in its Environmental Health and Planning Authority role, the Environment Agency in its regulatory role through its environmental permit role, and the planning applicant and agent, the site went through a period of ceasing further deliveries, with the rear loading area having been cleared of all stored materials, together with the stored material to the front parking and occasional

delivery area. This is with the exception of a single skip to be retained for the nominal level of waste derived from the deconstruction process (i.e. very heavily soiled outer fabric) and a small scale refuse provision for office waste, both at the rear of the building. The larger skip has now been located to a corner position in the rear yard to ensure appropriate manoeuvrability of HGV delivery vehicles and will be emptied frequently. This will require a separate environmental permit for outside storage, and should relate to the area pertaining to the positioning of the skip only. All deconstructing operations have ceased from the external areas, with all storage and deconstructing activities contained within the buildings.

The applicant has advised that the emphasis of the site has been altered in order to achieve a workable approach in accordance with the approach originally defined, with a greater focus on provision of an office hub, with the volume of material to remain the same as witnessed on a further site visit. Measures to ensure this position is to be maintained in the long term can be put in place through the imposition of conditions, and will form part of the environmental permit requirements with the Environment Agency, where a management strategy - including means of regulating flow volumes will be required (permitting arrangements mean planning permission must be achieved prior to an application for a permit being undertaken). Permits also reference that sites must control dust and litter.

These changes mean that the site is adequately serviced in terms of car parking such that the loading bay is now operating as originally advised for main bulk deliveries; staff parking is available within the front yard (shown on drawing 2037-01C). This arrangement is to the satisfaction of the highway authority subject to the imposition of a condition requiring that the loading area shall be kept free of any obstacles or obstructions at all times in order to ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area. All deliveries can be made within the boundaries of the site and should not lead to congestion as had been a concern of neighbours.

The use is not considered to have an adverse impact on adjacent land uses, nor have an adverse impact on the character of the area and satisfies environmental health requirements and other policies of the planning framework. All deconstruction activities are undertaken internally with netting to avoid any possible fibres escaping the site installed across the rear yard, and to be imminently installed across the full perimeter of the site including the front car park where occasional deliveries may be made. In terms of movement of materials from the site, waste collectors are required to take appropriate steps to ensure no escape of materials arises to the detriment of the locality. Notably, bearing in mind the manual emphasis on the processes undertaken, the site is not a significant generator of noise to the detriment of neighbours. Thus satisfying the requirements of policy E4 and CS13, posing a minimised Fire Safety or Health & Safety risk, and air quality impact as cited by neighbours. These changes have meant that Environmental Health officers and the Environment Agency are satisfied with the operation being undertaken.

The remaining criteria of policy E4 are satisfied by the development proposals, in that the site is adequately serviced by public utilities, notably drainage have no comment to make with provision of mains services in place, and is a brownfield site.

JBS Recovery Ltd moved from smaller premises in the Borough with increased demand for their services. The principle of the business represents an example of a desirable enterprise in the Borough whereby material is being diverted away from landfill and the component parts being deployed to a range of new active uses. Through revision to the operational working of the site, it is now considered to be an appropriate use in an appropriate location, with its long term suitability to be controlled through the imposition of conditions, and anticipated to be subject to further regulation through the environmental permitting regime. The site can be adequately serviced in terms of parking and public amenities; is not considered to have an adverse impact on adjacent land uses with all storage (beyond nominal skip and office refuse provision) and deconstruction activities taking place inside the building; complies with environmental health requirements of the planning framework; and, does not have an adverse impact on the character of the area. The proposal reutilises an existing building in an established employment area, thus adding to the employment base present in the Borough. The proposal is therefore in accordance with local and national planning policy.

RECOMMENDATION to GRANT PLANNING PERMISSION subject to the following conditions:

1.	C38	Development in accordance with plan Nos.
2.	C020Custom	Highways Custom – loading area shall be kept free of any obstacles or obstructions (noting single skip and office refuse provision)
3.	D11	Hours of work general

Informatives

I35 custom	Shropshire Fire Service - Water Supplies for Fire Fighting and Access for Emergency Fire Service Vehicles
Icustom	EA permit
I40	Conditions
I41	Reasons for grant of permission
RACustom	Custom reason for approval
RANPPF	Approval - NPPF

TWC/2013/0325
Lee Dingle, 48 Lees Farm Drive, Madeley, Telford, Shropshire, TF7 5SU
Change of use from a dwelling house (Use class C3) to a residential childrens care home (Use class C2) *****Additional information received******

APPLICANT
Clutton Homes

RECEIVED
29/05/2013

PARISH
Madeley

WARD
Madeley

OFFICER Libby Harper

COUNCILLOR GILLIAN GREEN HAS REQUESTED THAT THIS APPLICATION IS DETERMINED BY THE PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of use, residential amenity, and highway safety

PROPOSAL
This is a full application for a change of use from a dwelling house (Use Class C3) to a residential childrens care home (Use Class C2). The applicant is a new company looking to deliver its first home in Telford.

The proposed scale of the home would comprise providing a place of residence for a maximum of four children; the applicant has suggested that this maximum would apply when registering with Ofsted – the body responsible for regulating childrens care homes. Care would be afforded to the children with generally two live in care staff working 3 full days on and 6 full days off. One of the care staff would be a senior care role taking responsibility of the staff handover (taking about 15-20 minutes), where there would be 4 staff in total at the home.

It is proposed that in addition to the care staff, the home would have a manager working 9.00am to 5.30pm Monday to Friday, and be on call on Saturday and Sunday for emergencies. The applicant advises that the role of the manager would be to ensure that all company policies are fully adhered to and that the home is run in strict accordance with all government policies, regulations and recommendations.

Beyond the proposed alternative use of the property, physical changes to Lee Dingle entailed in the proposed development involve revising the internal layout of the house and the set-up of the garage. The ground floor would comprise – living room, games room, kitchen, office, staff bedroom with ensuite, WC, and conservatory. The 1st floor would comprise – 4 bedrooms, staff bedroom, and bathroom, and shower room. No extension of the property is proposed through this development scheme. It should be noted that these elements are somewhat advance, and the garage has been temporarily used

as an office for the purpose of creating the facilities, however no occupation as a C2 use has occurred.

The applicant has defined their rationale for choosing Lee Dingle as the proposed right location for a children's home, with factors including that it has limited passing traffic and not on a bus route to deter unwanted visitors to the home and to prevent the children being tempted to abscond, the location of the property at the head of a quiet cul-de-sac has also been defined as a key attribute.

SITE AND SURROUNDINGS:
Lees Farm Drive is a cul-de-sac comprising 57 dwellings, and 3 additional cul-de-sacs are served off Lees Farm Drive. The site is approximately 1.7 miles west of Madeley district centre. No. 48 is a detached two storey dwelling positioned at the end of the road in a corner plot, with an open fronted double driveway and front garden. A conservatory is positioned to the rear. A double garage sits at a 90 degree angle to the house, adjacent to the boundary with the neighbouring property to the east (No. 67). Gated access is provided adjacent to the garage through to the private amenity area at the side and rear. A shed is positioned to the rear of the garage. Evidence of some ground clearance work was present during a visit to the site. A tennis court sits in the south eastern corner of the rear garden.

The property is currently vacant with internal renovation and upgrading work underway. Changes being undertaken also include amendments to the internal layout of the house creating 2 additional bedrooms to form a 6 bedroom dwelling, alongside landscaping work to the garden. The double garage present on site has also been subject to work with the intention to use the garage as a hobbies room. The changes made do not require planning permission, being classified as permitted development under the existing use.

The site is bordered by neighbouring properties along the eastern and western boundaries. More specifically, No. 67 Lees Farm Drive lies to the east, with its garden bordering the application site, boundary treatment comprises a mix of brick wall, panel and post & rail fencing with mature hedging (in excess 2 metres) and trees beyond. No. 46 is positioned to the opposite boundary comprising mature hedging .and a wall in the region of 1.5 metres adjacent to the two dwellings. No. 48 is stepped forward from No 46, with their respective rear gardens generally running parallel. The access road runs to the north of the dwelling, with further properties of Lees Farm Drive positioned on the opposite side of the road and further afield.

A bank of trees runs from about a third of the way along Lees Farm Drive curving around the back of the properties on the south side of Lees Farm Drive. This then opens out in a significant area of woodland, hence the name Lee Dingle, running down in to Coalport. This woodland forms the southern boundary of No. 48, and is designated as Green Network on the adopted Proposals Map. This rear boundary also forms the edge of the Severn Gorge Conservation Area and the Ironbridge Gorge World Heritage Site.

The front garden and the dwelling area is principally level, with a slope present across the rear garden, the land beyond the rear boundary drops down significantly in to the Dingle.

SUMMARISED CONSULTATIONS:
Standard consultation responses
Two rounds of consultation have taken place for this application, the second following the submission of additional information relating to the nature of the proposal.

Madeley Town Council: *Comment*
Originally made the following comments:

- Increased traffic - considerable increase in regular daily traffic movement plus visitors on a cul-de sac road which supports a considerable residential estate
- Residential amenity is important, evidenced by the protective legal covenants associated with and enjoyed by the properties
- Precedent future extension by lapsed planning permission (W2003/1272) - would allow scope for future development that may exacerbate the situation
- Proposal differs from use of the dwelling as a single household and requires Change of Use Class approval
- No indication of the Ofsted registration or Statement of Purpose, no record of service delivery/compliance in the management of a residential care home for children
- Local Planning Authority will need to be extremely satisfied that Lees Farm Drive is an appropriate location for a residential children's care home

Following receipt of additional information, additional comments were received:

- Material change indicated - reduction off-road car parking due to re-development of existing garage, impacts on vehicular capacity
- Original comments stand and should be interpreted as serious concerns about this application

Highways: *No objection*

West Mercia Constabulary: *No objection*

Shropshire Fire Service: *Comment*
To consider "Fire Safety Guidance for Commercial and Domestic Planning Applications" as part of the planning process.

Neighbour consultation responses:

A total of 19 letters of objection from 18 properties have been received in response to the 1st period of consultation, issues raised can be summarised as follows:

- Unsuitable location for introduction of children's home/institution of this kind – existing character of streets and occupants (significant number children and elderly), concern type of children
- Need for more information – parking and type of children resident
- Restrictive covenants – understood to all properties in Lees Farm estate dwellings no business or other purpose than as a private dwelling, no nuisance annoyance or damage, car parking
- Insufficient consultation
- Parking – inability to park 8 cars
- Increased footfall and traffic – no through road with very little traffic to increase significantly, road is a safe walkway for local school children
- Building work underway
- Increased risk of antisocial behaviour and impact absconding
- Concern over title
- Viability of site
- Noise
- Impacts on local amenities – schools particularly emphasised
- Lack of availability of local amenities
- Opens up property to wider uses
- Could be purpose built elsewhere in Telford
- Set a precedence for further provision in Lees Farm Drive
- Risk decrease property values
- Rateable value – negotiable as commercial area not a residential area?
- Inappropriate applicant letters to residents
- Risk number of residents to increase – precedent for future expansion/development, increased without need for further planning application
- Concern that the proposed extension contravenes the boundary lines of the current dwelling
- Competence of applicant and procedures – first home run by applicant
- Health & Safety

Following reconsultation, a total of 85 letters of objection have been received from 45 properties, issues raised can be summarised as follows:

- Unsuitable location for introduction of children's home/institution/commercial venture of this kind – existing character of streets and occupants (significant number children and elderly, vulnerable adults in locality), concern type of children
- Traffic – increased flow, highways reviewed changes, movements underestimated
- Building work underway
- Restrictive covenants – understood to all properties in Lees Farm estate - no business or other purpose than as a private dwelling, no nuisance annoyance or damage, car parking
- Insufficient consultation
- Reduced property values and increased house/car insurance costs
- Inappropriate letters and personal visits to residents from applicant
- Company name (applicant)
- Incorrect description of the proposal – work underway

- Vehicle parking – no mention disabled parking given 10 full time staff, residents and visitors, parking not scaled, double garage converted, manoeuvrability of driveway, on street, road outside Lee Dingle turning area
- Possible need further drainage works
- Property four bedrooms not six as stated
- Precedence future extension of property incl. previous extension – W2003/1272, establishment of head office mentioned
- Incorrect Certificate submitted and inappropriate timing procedurally
- National Planning Policy Framework – communities at heart of neighbourhood planning, empowerment local people to shape where they live, enliven town centre through residential development
- Concerns over safe operation of home – lack of experience of applicant, first care home by company , risk assessments, staffing
- Misleading Design & Access Statement
- Irregularities planning application and associated documents
- Security in place for vulnerable children in home and residents Lees Farm Drive
- Converted garage not shown on plan and relationship with building regulations
- Incorrect qualifications/career history of applicant
- Risk assessment process and impact assessment on local residents/schools needs to be made public
- Confusing reference to pledging money to National Society for The Prevention of Cruelty to Animals
- What/where is evidence property used as a drugs farm and relevancy
- Setting up of homes in other areas – where and why different?
- Reduction no. of employees cited in company across material (100 to 50)
- Threat of jobs moving out of area if planning not granted – attempt at coercion
- Need for details - signing of lease, statement of purpose document, which national care home provider applicant Chief. Exec. of, CV Managing Director Neil Hedges, shift patterns wrong and not enough cover, where will Managing Director work? care placement criteria, Mr Gilbert's (owners) stance on the use of Lee Dingle as a residential children's home, role of Mr Clutton in running the home and qualified to do so, provisions event of staff illness and/or holidays
- Missing Appendix 4
- Lack of amenities - public transport particularly emphasised
- Noise
- Increased risk of antisocial behaviour and impact absconding
- Concern future planning applications - grounds sold off for development, extension use to care village, precedent for future properties in road
- Lack of clear plan – explaining location of home and
- Concern developers feel there be little professional involvement entailed
- No regulatory body involvement - Care Commission/T&W council
- Proposal should have been prior communicated to residents for feedback
- Need in this area - could find tailor made location in Southwater, plenty of other large empty homes.
- Issues at other homes - including Red Lake/Coalport

- Wellington Grooming Trial
- Safeguarding measures
- Need – already high proportion of children's homes per capita, cost of provision
- Loss of privacy
- Staffing concerns – presence senior practitioner out of hours?
- Duty of care of authority to local residents
- Longevity of venture - no long term lease arrangement
- Believe already two care facilities on estate – issues arising
- Type of business blight on country – foster parents better, or run by Councils, T&W strategies recommend move away from this type of provision
- Lack of environmental report for ground clearance works
- Garage being used as an office – at least 3½ days a week
- Fire hazard and smoking
- Site clearance during nesting season – breach of Wildlife & Countryside Act

RELEVANT HISTORY

W2003/0637 - Erection of a two storey extension to side, rear and front to provide a swimming pool and garaging with the addition of a conservatory to the rear. Full Refused 18/07/03.

W2003/1272 - Single and two storey alterations and extensions to dwelling including triple garage with games room above (Amended drawings received). Full Granted 19/02/04

RELEVANT POLICIES
National Planning Policy Framework (NPPF)

Core Strategy:
CS1 Homes
CS2 Jobs
CS3 Telford
CS15 Urban Design

Wrekin Local Plan:
UD2 Design Criteria

PLANNING CONSIDERATIONS:

Principle of use
Change of use to a children's care home is not explicitly covered in the current planning policy framework at either the national or local level. In such cases, the Local Planning Authority is directed to considering the overall principles of development - the main issues in this case are whether the proposed change of use would result in an unacceptable impact on adjoining residential amenities, and whether the care home would be out of character with the area; alongside the legislation behind dwellings and facilities where

care is provided; and relevant components of housing policies in place at the time of determining the planning application. Cumulatively, the nature of the change involved and how material it would be is a fundamental factor.

As existing the current use is a dwelling house, Use Class C3. The Town and Country Planning (Use Classes) Order 1987 (as amended) defines this in three parts:

- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
- C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

Planning requirements around the provision of children's care homes is subject to variation. In this case, the applicant has questioned the need for planning permission for the proposed change of use considering this falls within part b, however the Local Planning Authority have requested the submission of an application, classifying the proposed use as Use Class C2, defined as:

Class C2. Residential institutions

- Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses).
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre.

In this case the proposal requires a number of staff on site to provide the proposed level of care, this is considered a material change of use negating further necessity as to the need for an application. This is supported by Circular 05/2012 para 21 which states "that in small residential care homes or nursing homes, staff and residents will probably not live as a single household and the use will therefore fall into the residential institutions class, regardless of the size of the home. Local planning authorities are advised to include any resident care staff in their calculation of the number of people accommodated. A definition of "Care" can be found in article 2 of the 1987 Order to mean "personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder…".

The National Planning Policy Framework (NPPF) defines that part of the role performed by the planning system is to provide the supply of housing required to meet the needs of present and future generations, with a presumption in favour of sustainable development; the proposal is located in a sustainable location for this accommodation, in close proximity to the centre, schools, bus routes etc, in addition it will utilise an existing dwelling with minor alterations and as such it is considered that the proposals are consistent with the presumption in favour of sustainable development as set in the NPPF. Furthermore in respect of the NPPF, specific reference is made for Local Planning Authorities to "plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)" in order to create sustainable, inclusive and mixed communities (paragraph 50).

At the local level, the strategy behind the policies of the Core Strategy places an emphasis on meeting local needs in respect of homes and to promote inclusiveness, with an emphasis on focussing the Borough's development in Telford in accordance with policy CS3. This former emphasis is then taken forward to policy CS1, whilst focussing on the delivery of new homes, the policy defines that housing development will seek to provide every household in the Borough with an affordable, decent and appropriate home. The type, size and tenure of new and improved homes is to meet local need, and be delivered in a way that creates locally inclusive sustainable communities.

This policy sits alongside CS2 defining that to create sustainable communities we need to deliver new jobs to create a dynamic and widely based economy in the Borough, with provision made to minimise the impact of new employment development on existing uses, the environment and local amenity. Subsequently it is considered the principle accords with the adopted core strategy at a local level, in addition to those principles defined at a national level.

Amenity

Looking at the detail around the nature of the existing dwelling concerned and the proposed operation of the children's care home provision, the proposal would not result in any significant changes to the external appearance of the fabric of the building. The proposal will not introduce windows which would overlook adjacent properties, similarly it will not introduce any extensions which would cause a loss of light or dominance to the street scene, it is purely the disturbance of the C2 use which may cause harm to residential amenities, by virtue of noise and disturbance. This will comprise of 2 on site carers and 4 children living in the accommodation at any one time. This is considered the scale of a large family, reflecting the character of the surrounding area. In addition to this, one member of staff will be on site 9-5.30 Monday to Friday, during the normal working day when most people are at work; subsequently this level of staff and care is not considered to harm the amenities of the surrounding area any more than a normal residential unit would.

Whilst it is noted there are significant local concerns with regard to the type of children who could be accommodated here, planning cannot distinguish between one child to another; it is not within the realms of planning to directly control behaviour, and as such cannot be compared to other sites or issues raised by local residents. It is considered that the proposed use would not have a significantly greater impact on surrounding amenity than if the property were in use as a large family dwelling. The staff on site would provide supervision and care. The associated activity in terms of vehicle movements would not be unacceptable. Therefore, the proposed change of use is acceptable. With regard to the concerns expressed, there is no substantive evidence to prove that such a use would result in an increase in anti-social behaviour in the area.

Highway Safety

Parking and traffic generation is a relevant consideration, representing a concern which has been raised by a significant number of local residents. The parking arrangements for the property have changed since the stage of submission. The original application material identified the availability of parking for 8 cars inclusive of two spaces afforded by the double garage. The garage has since been subject to internal building work, towards its proposed conversion to a hobbies room, whilst currently used as an office; proposed parking therefore now stands at up to 6 cars on the drive.

Based on the parking standards in the Local Plan for residential homes, the unit should provide 1 space/4 bed spaces and 1 space per unit of staff accommodation + 1 space per 3 non residential staff. It is therefore considered that the 6 spaces which can be accommodated on the drive are adequate for this proposal and should not result in on street car parking.

Highway movements have been highlighted in the Design and Access statements indicating that traffic movements will be similar to those of a family home with 2 parents and 4 children. It also states that the home will not be registered with Ofsted to provide any education facilities at the property. Whilst a change over of staff would occur once every 48 hours between 8.30am – 9.00am there are likely to be 5 or 6 cars, and stated that visitors are kept to a minimum and gives a frequency of visits by social workers of 2 in the first month of placement and thereafter 1 every 6 months and these visits would be within normal office hours and can be respectively compared to a visitor to a normal family residence; any deliveries would be expected to be of a similar scale and frequency to that of a normal residential property. It is also noted that the Highways Engineer has not raised any objection to this proposal. Accordingly, the proposed change of use would generate traffic movements similar to the daily variations expected with a large family home which is suitable for this location, and the safety and freeflow of highway movements would not be prejudice by this development..

The Local Planning Authority recognises that renovation work is underway at 48 Lees Farm Drive as defined by local residents. The applicant has defined the nature of these works, and the conversion of the garage into ancillary accommodation for the dwelling can be undertaken without planning consent;

however the use of the garage as an office must be ancillary to the dwelling. Whilst it is noted that the office use relates to the C2 use, the dwelling is not occupied; enforcement action will be taken to cease the office use not in connection with a dwelling should this application be refused.

Future potential

The potential for further intensification and future expansion have been raised. In this respect, the Local Planning Authority considers that neither of these scenarios would be appropriate given the surrounding residential context of the site, given the rationale for this particular location by the applicant. In this respect based on the information provided and to ensure the impact reflects that similar to residential dwelling house it is considered necessary to control the use through conditions this includes a restriction to a residential care home for children up to and including age 17 years; and, that the maximum provision be for four children. The removal of permitted development rights is not required as this use does not fall under Use Class C3 where certain rights exist.

Consideration has been made to the potential of a temporary consent; whilst this may not be a viable aspect to the agent, questions are also raised with regard to the impact on the proposed user, which could ultimately harm their long term stability. The purpose of the development is to create a stable home, rather than a traditional large scale institution, and as such a temporary use would not fit with the aims of the proposal, nor meet the conditions tests as defined by planning guidance.

Other Considerations:

Local residents have raised the potential effect of the change of use and property values, and the competency of the proposed operator of the home, these are not material planning considerations. In respect of the later, in order to operate as a children's care home, the property would need to be registered as such with Ofsted as the regulating body. The suitability of the site from a Health & Safety perspective has been raised, however such controls sit outside of the planning remit, through building regulations and any Ofsted requirements.

The imposition of a number of restrictive covenants on these properties has also been raised by a significant number of local residents.. It is understood that Telford Development Corporation (TDC) were the developer of the properties along Lees Farm Drive, and in turn placed a number of restrictive covenants on the site . However this matter is not a material planning consideration and such matters will need to be resolved between the parties affected and benefiting from a covenant, with the successor to TDC being the Homes and Communities Agency (HCA).

Respective residents of Lees Farm Drive have also raised concern as to not receiving the original notification of the consultation for this planning application. The requirements on local planning authorities to undertake consultation are set out in the Town & Country Planning (Development Management Procedure) (England) Order 2010 requiring that this application

be publicised by serving the notice on any adjoining owner or occupier, this was undertaken through the 1st consultation stage, thus meeting the obligation on the Local Planning Authority. Going beyond this application is discretionary, with a number of neighbours further along Lees Farm Drive also having been notified of the application. Furthermore the application is advertised on the web site, and has met the requirements for consultation. It is also confirmed during the process the correct certificate was received and adequate time has passed to continue the process of the application.

It is recognised by residents that this is the first care home for the applicant. This is not a material planning consideration, and it would be unreasonable to control who owns or manages this facility.

Information has been submitted by the applicant which has been considered by local representations as misleading; in addition the applicant / agent visited and responded in writing to individuals with concerns, this unfortunately cannot be controlled by the LPA, however it is the role of the LPA to examine and scrutinise the information before applying to policy, and this has been adequately assessed.

Reassessing the application against the relevant policies in the adopted Development Plan and the NPPF it is considered the design of the building is acceptable and have limited detrimental impact on its surrounding or the amenities of those neighbouring the site. The provision of housing to meet the needs of different groups in the community is specifically highlighted in the NPPF.

The proposal to change the use of the dwelling to a care home for children is considered an acceptable development which should not have a significant detrimental impact on the amenities of adjoining properties or the character of the surrounding area.

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

1. A04 Time limit
2. C38 Development in accordance with plan Nos. (noting provision of car parking for up to 6 vehicles)
3. Ccustom Retention landscaping
4. D06 Restrictive use – residential children's care home – and no educational facilities
5. Dcustom Restrictive use – maximum four children, and age limit up to and including 17 years
6. Dcustom Office use shall remain ancillary to the care home, and not in association with other facilities

Informatives

I35custom No permitted development rights exist
I40 Conditions
I41 Reasons for grant of permission
RANPPF Approval – NPPF

TWC/2013/0338
The Quarry, Waters Upton, Telford, Shropshire, TF6 6NP
Erection of a two storey detached dwelling and associated works***Amended Plans Received***

APPLICANT
M A Bufton and Sons Ltd

RECEIVED
07/05/2013

PARISH
Waters Upton

WARD
Ercall Magna

OFFICER Libby Harper

WATERS UPTON PARISH COUNCIL HAS REQUESTED THAT THIS APPLICATION IS DETERMINED BY THE PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Policy - residential development linked to employment site, suitability of site for development, design and access

PROPOSAL:
This application seeks full planning permission for one detached, two storey 2bedroom dwelling, landscaping to the front, a rear garden, parking and turning area. The occupancy of the proposed dwelling is linked to the operation of the neighbouring industrial units (Units 1, 2 and 3 with B2 permission; light engineering works undertaken). The application site and the remainder of the wider employment site are in the ownership of the applicant M A Bufton & Sons Ltd.Purchasing of the site was undertaken to enable the business to be relocated from The Wharfage, Ironbridge. The business is run by 4 directors 3 of whom lived on site at their former premises.

Permission is therefore sought for a dwelling for the benefit of the business to house one of the directors or a key worker, in order to ensure an appropriate level of security and delivery of operating procedures. Much of the processes undertaken on site are by computer controlled turning and milling machines. The applicant asserts that whilst these do not require constant supervision, they do need checking at frequent intervals. Further benefit of the development is provided that living on site would remove travelling time from Ironbridge of 25-30 minutes each way.

SITE AND SURROUNDINGS:
The application site comprises an area of landscaping (a range of planting and bark chipped area) and part hardcored (finished in gravel) to the south of an existing linear single storey brick building with corrugated metal roof comprising 3 units, and is positioned centrally within the area. There are openings to the front and rear of the unit. There is gravelled parking and access to the front of the units; the access road is defined by kerbing.

The application site adjoins the highway to the west via a gated access stepped back from the road with a sandstone wall either side (at its maximum around a metre high), this runs along the road frontage edge. The existing industrial building is positioned with its gable-end to the highway and is set back approx. 9m, screened by the existing boundary treatment of mixed hedgerow and trees.

The site is a former quarry and the remainder of the site is bounded by substantial red sandstone walls and various planting, as well as timber fencing dividing the car parking area and the rear of the building. The building was formerly used by painting contractors but the company went into liquidation in 2010. The adjoining unit within the building, Unit 3 had been operating as a vehicle maintenance business for a number of years but the business has now been relocated and occupied by the applicant. Units 1 and 2 received planning permission to be used as a light engineering business during July 2011. The site itself is relatively level ground covering approximately 0.05ha.

The site is located in a predominantly residential area in the centre of the village of Waters Upton, within the rural area approximately 7 miles to the north west of Telford. There are residential properties opposite the site entrance and along the highway, and at either end of the former quarry site, including Smithy Cottage to the south, adjacent to the site entrance.

SUMMARISED CONSULTATIONS:

Standard consultation responses

Waters Upton Parish Council: *Object*

This site has been subject of previous applications, all withdrawn or refused. The latest being for two properties, the same applicant refused by TWC and unsuccessful at Appeal. The Parish Council does not agree that the reasons for refusal have changed and believe that this application should also be refused.

In addition raise concerns that the owner has been residing on site, within one of the industrial units, without permission for some time.

Additional comments have also been received following acknowledgment of the officer's recommendation for the proposal. These raise the following points:

- The site is also sandstone based so sewerage and drainage will be problematic.

However, if plans are to be 'approved' against this background, we would request some future protection is embedded in the planning approval conditions along the lines that:-

1. 'permitted' development of the property be expressly removed so no house extensions are allowed in the future.
2. No further residential property be allowed on the site and the current use of an industrial unit for residential purposes is ceased.

3. The site retains its commercial classification, noting that it is important to retain one of the few commercial sites in the community and sustainability interest.

Highways: *Object*
Being the same site as Plot 1 in previous application TWC/2011/0954 which was refused and dismissed on appeal in December 2012 ; the Inspector concluded that neither proposal individually nor both taken together would be acceptable. Although in this latest application it is stated that the vehicle maintenance user in Unit 3 of the adjoining industrial unit has relocated, the extant use still remains. Therefore the highway comments made to the previous application remain, in that, the traffic generated by the proposed development would result in an increase in highway danger owing to increased use of the existing access which affords restricted visibility.

Drainage: *Support subject to conditions*
Request for condition relating to submission of details and approval of foul and surface water drainage approach, provision of a soakaway test and agreement location of soakaway.

Arboricultural: *No objections*
Recommends if consent is afforded to the proposal that the Norway maple growing at the entrance to the Quarry is crown lifted to allow for access, to abate branches being broken accidentally by high sided construction vehicles.

Contaminated Land: *No representation received*

Ecology: *Comment*
Request for condition relating to the erection of bat and bird nest boxes, together with informatives relating to trenches; bat, bird and invertebrate boxes; and, enhancement planting.

Fire: *Comment*
Request for consideration to be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications".

Cllr Stephen Bentley: *Comment*
Wish to point out that previous applications on this site have been refused under delegated powers because of unsuitable ground conditions. Also there has been an application for change of use for the existing small industrial units, and questions whether the change of use also included temporary living accommodation.

<u>Neighbour consultation responses:</u>

Following consultation one letter of objection has been received, raising concerns over:
- Position of dwelling too close to the road

- Connection to services would disturb the infill in the quarry representing a health hazard
- Objected previously and stand by previous letters, recorded against TWC/2011/0954 and 0955:
  - previous redevelopment of site to employment use (formerly the quarry site had a row of sandstone cottages and a barn on site – utilised as a smithy) involved imported rubble to build a road within the site
  - witnessed filling in involving massive blocks of reinforced concrete, rubble, asbestos sheets
  - no sign of an engineer or building inspector overseeing the infill
  - Complaint made, Council knew nothing about the infill stopped immediately
  - Developer ordered to pull back debris from boundary with Smithy Cottage and install a fence (not done so undertaken by resident)
  - What went into the quarry was not checked by an engineer and know included hazardous waste, concern if ground is disturbed either there will be cave in or harmful toxins will be released

RELEVANT HISTORY:

PE/2013/0160 - Proposed erection of a lodge

TWC/2011/0954 - Erection of one residential property. Outline Refused 18/01/12, Appeal Dismissed 10/12/12

TWC/2011/0955 - Erection of one residential property. Outline Refused 18/01/12, Appeal Dismissed 10/12/12

TWC/2011/0751 - Erection of a single storey rear extension, installation of replacement windows and new windows and doors to existing building. Full Granted 17/10/11

TWC/2011/0453 - Change of use of existing premises from B1 to B2 (units 1 & 2) and retention of vehicle maintenance business (unit 3). Full Granted 21/07/11

W2007/0008 - Erection of 11no. dwellings. Full Refused 26/03/07

W2006/0817 - Erection of a residential development comprising 12no. 2 and 3 storey houses (Outline). Withdrawn 02/08/06

W97/0713 - Change of use and sub-division into 3 separate light industrial units. Full Granted 07/11/97.

RELEVANT POLICIES:
National Planning Policy Framework (NPPF)

Core Strategy:
CS1 Homes
CS2 Jobs
CS7 Rural Area
CS9 Accessibility and Social Inclusion
CS15 Urban Design

Wrekin Local Plan:
UD2 Design Criteria
H10 Scale of Development

PLANNING CONSIDERATIONS:
There has been a desire to secure residential development on this site for a number of years, with applications having previously been submitted back in 2011 where outline permission was sought to develop two houses on the site (two applications for single dwellings). These applications were duly refused, and dismissed at appeal.

The applicant has now submitted a fresh planning application for a single dwelling, defining that there still remains a need for one dwelling on the site with an emphasis on security reasons owing to the value of materials (machinery and stock) on site in addition to the ongoing running of the facility.

Since the time of the previous applications, there has been a significant change to planning policy at a national level, following the full adoption of the National Planning Policy Framework in March 2013, and subsequent less weight applied to out of date policies. The replacement document has a strong emphasis on the delivery of development; it asserts that LPA's should support strong, vibrant and healthy communities by providing support to housing required to meet the needs of present and future generations, and by creating a high quality built environment. Core planning principles include to promote mixed used development, and encourage multiple benefits from the use of land in urban and rural areas, proactively drive and support sustainable economic development to deliver the homes, business and industrial units that the country needs.

Housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that LPA's should promote sustainable development in rural areas and housing should be located where it will enhance or maintain the vitality of rural communities, whilst also placing a strong emphasis on supporting economic growth in rural areas. Weight is also given to the adoption of the NPPF, which reduced the weight given to Local Plans which are out of date, judging applications on the degree of conformity to the NPPF, and a presumption in favour of sustainability. The Wrekin Local Plan saved policies therefore have to be given less weight when considering planning applications, subsequently policies H10 carries less weight than it once did, by virtue of the NPPF and the more up to date Core Strategy.

Policy CS1 of the Core Strategy limits the number of new dwellings in the rural area that can be developed during the period 2006 to 2016 to a maximum of only 170 properties. This threshold was met in 2008, however tested on appeal applications have not been dismissed on this point alone and consequently has paved the way forward for development in the rural area beyond these numbers. The location of the development is within the heart a village identified as a suitable settlement where development is focused (CS7); subsequently the principle of development at a local level is considered acceptable. The proposed residential usage adds a mixed use element to the use of the land as envisaged by the NPPF and accordingly the principle at a national level is also considered acceptable.

However a main constraint associated with the development relates to noise from the associated commercial use. Taking this into account along with the provision of one unit as opposed to two, as previously proposed, is a key factor. The proposed development has been scaled back, and with only one unit an explicit tie between the residential unit and the employment use on site, can more easily be achieved and sustained; limiting the level of harm to occupants, and more greatly respects the separation between uses on the site, thus maintaining an emphasis on an employment use of the broader site. It is proposed that a condition can suitably be imposed on any approval linking the two uses to ensure the long-term suitability of the residential use (to ensure the dwelling is not sold or let separately from the business). An approach to condition the link is considered reasonable as Waters Upton is a suitable settlement for development, rather than necessitating the requirement for a Section 106 agreement. Residential amenity can also be protected from noise through the use of acoustic glazing and trickle vents.

Access will be via the existing access with two car parking spaces provided within the application site. The area of the wider site taken up by the proposed residential development is deemed appropriate to facilitate adequate parking and servicing areas outside the application site for the factory units. It is acknowledged that the Highways Engineer maintains their objection to residential development on the site; the Local Planning Authority accepts that visibility splays are limited at the site. A number of factors are however relevant here, following the relocation of the vehicle maintenance use from unit 3, its occupancy has now been replaced by the applicant, with no additional traffic movement arising. It is considered that through this change, the building now represents one planning unit, furthermore in conjunction the proposal is being considered as a whole unit associated with staff to the commercial unit, conditioning the tie to the employment use; subsequently the majority of movement associated with the house will be outside of business hours and on a par with movement attributed to the working day, with one staff member less visiting the site in work hours as they will live on the site, leading to a neutral impact overall. It is therefore considered that the proposal will not harm the safety or free flow of highway users utilising this access and sufficient parking can be maintained within the site.

Over the course of this application, the design of the scheme has been revised to be more reflective of prevailing rural characteristics in the locality;

such provision is more towards a cottage style to include chimneys, a redesigned porch and lowered eaves, being 2 storey in height built in brickwork with a tiled roof in keeping with the style of neighbouring properties. Principal elevations are proposed to face the highway and access drive, thus being in keeping with the locality. As a single dwelling in a slightly revised position to the previous scheme, with further detail around the means of enclosure, and a greater emphasis on landscaping, the proposal is considered more appropriate and can provide a better level of amenity for the residential unit. Through condition, permitted development rights are to be removed for the new dwelling relating to those which would reduce amenity on the site; this includes extensions and garden structures.

A key feature of the existing sandstone boundary wall and planting to the highway will remain as at present, with a new boundary to the existing access drive being a 900mm high brick wall with access gates to front door and to the rear door. The boundary to the industrial units will be a 1500mm high brick wall to minimise any detrimental noise impacts from the neighbouring use. Visible areas either maintained largely as is, and the less visible areas where a greater impact could be had, greater mitigation measures are proposed. This is considered acceptable and the sandstone wall can be retained through condition. An emphasis on retention and intensification of soft landscaping has been requested, and has been secured through the proposed scheme through retention of existing landscaping to the highway, and provision of soft landscaping behind the low wall to the access drive and low level planting proposed between this wall and the kerb to the existing drive.

Furthermore taking account of the ground levels of the site, orientations of buildings, distance separation and amenity areas, it is considered the development will not adversely effect the residential amenities of proposed or existing neighbouring properties.

It is considered the proposal will not harm the natural habitats of current wildlife. Comments from the ecologist are noted, and improvements can be made through conditions; including the installation of bat and bird boxes.

It is also considered that the site can be adequately drained, and concerns with regard to potential land contamination can be conditioned as proposed for the previous applications by Geotechnical and Environmental Health officers, to include an intrusive investigation to determine the actual on site ground conditions, and the nature of excavations to be undertaken.

With regard to other comments received from the Parish Council and local representations which have not been addressed above, it is noted that enforcement investigations are ongoing with regard to the unit being used for a residential use. At this time, we do not have evidence to take enforcement action. This occurrence does however; suggest the need for a form of permanent residential provision on the site. The question of purchasing property within Waters Upton has been considered, the applicant has identified that although living close by would be very convenient, it wouldn't actually offer anything to enhance security of the site offering no visible

presence to the site thus being non the wiser as to anything that may be happening just down the road. Noting the concern of the Parish Council in respect of further residential development on the site, this is unlikely to be considered appropriate bearing in mind the nature and layout of the site, and would need a separate application to be determined on its own merits.

In conclusion, it is considered that the principle of development is acceptable within the identified settlement of Waters Upton where new development in the rural area will be focused. The proposal will help aid the progression of this business in this rural location, a position encouraged by local and national planning policy. It is considered through appropriate conditioning, the residential amenities of proposed unit can be maintained, that the site can provide a scheme which will not harm the visual amenities or character of the area. In addition that the proposal will not prejudice the safety or freeflow of highway users and can provide adequate parking, and the impact to any flora and fauna can be appropriately mitigated against.

RECOMMENDATION to GRANT PLANNING PERMISSION subject to the following conditions:

1.	A04	Time limit
2.	B10	Details of Materials
3.	B12	Sample Brick Panel
4.	B019	Details of windows and doors
5.	B61	Foul and Surface Water – to include soakaway test and location of soakaway
6.	B121	Landscaping design - hard and soft landscape proposals
7.	C029	Location of quarry and foundations
8.	C109	Erection of nest boxes (bat and birds)
9.	CCustom	Protection and retention of sandstone wall
10.	CCustom	Acoustic glazing and trickle vents
11.	C38	Development in accordance with plan Nos.
12.	D01	Removal of PD
13.	Dcustom	Association residential and employment use

Informatives

I17	Minerals area
I20	Contaminated land
I35custom	Crown lifting Norway Maple
I25e	Trenches
I25g	Enhancement Planting
I35custom	Bat, bird and invertebrate boxes

TWC/2013/0459
Dawley Park, Doseley Road, Dawley, Shropshire, TF4 3AL
Installation of Fitness equipment in association with a 'Health Trek'

APPLICANT
Telford & Wrekin Council

RECEIVED
14/06/2013

PARISH
Great Dawley

WARD
Dawley Magna

OFFICER Matthew Thomas

OBJECTIONS RECEIVED: NO

MAIN ISSUES:
Green Network, Provision of public facilities, Visual impact

PROPOSAL:
This full planning application seeks consent for the installation of a 'Health Trek' facility which consists of low level hurdles, vaults, step-ups and sit-up beams made from wood to be installed on part of Dawley Park recreational ground.

This application has been submitted as part of a wider management plan to improve the recreation ground which was commissioned back in 2009 following consultation with the public. The location for the proposed facility is on land currently amenity grass adjacent the children's equipped play area.

It is proposed to install 4 pieces of equipment and grass matting will be laid to reduce wear and tear to the grass in these areas. The facility is proposed to serve the local Dawley area predominantly by local children and young people and adults for health and fitness activities.

SITE AND SURROUNDINGS:
Dawley Park is situated east of Doseley Road and north of Quarry Place in the built up residential area of Dawley and has been public open space for some considerable time. The site is within land designated as Green Network and has been used for formal and informal recreational uses.

The park is owned and managed by TWC as public open space and consists of amenity grass, bowling green, football pitches and associated building, play areas, tennis courts, gardens, informal footpaths and trees.

SUMMARISED CONSULTATIONS:

<u>Standard consultation responses</u>
Great Dawley Parish Council: No Comment

<u>Neighbour consultation responses</u>
No neighbours were consulted on this application

RELEVANT HISTORY:
None

RELEVANT POLICIES:
National Planning Policy Framework (NPPF)

Core Strategy:
CS5 District & Local Centres in Telford
CS10 Community Facilities
CS11 Open Space
CS15 Urban Design

Wrekin Local Plan:
OL3 Green Network
OL4 Development in the Green Network
LR1 Provision of Community Facilities
LR4 Outdoor Recreational Open Space
UD2 Design Criteria

PLANNING CONSIDERATIONS:
This application seeks consent for the erection of a 'Health Trek' facility to be installed within an allocated section of Dawley Park. The proposal forms part of a wider management plan to improve the recreation ground which was commissioned back in 2009 following consultation with the general public. The proposed facility is relatively low key consisting of low level hurdles, vaults, step-ups and sit-up beams made from wood for the use of the local Dawley area predominantly by local children and young people and adults for health and fitness activities.

The National Planning Policy Framework encourages local planning authorities to promote 'opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity' as well as providing 'safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas'.

Policy OL4 of the Wrekin Local Plan relates to the development in the green network. It advises that the local planning authority may permit development within the green network providing the proposed development demonstrates that a) there are exceptional circumstances; b) it contributes or is complementary to the aims of the green network or c) environmental and community benefits are an integral part of the proposal. Officers are satisfied that whilst the proposed development is relatively minor, it will provide local community benefits encouraging the use of green network without causing harm to its value.

Policy CS11 of the Core Strategy also states that development will only be permitted on open space where there will be significant community and environmental benefits delivered by the proposal. Whilst the scheme will not directly provide environmental benefits, the local community will benefit from the continued investment at Dawley Park. This is also supported by policy CS10 of the Core Strategy and policy LR1 of the Wrekin Local Plan.

The proposed facility will be installed within an allocated area of Dawley Park to the east of the tennis courts, north of Quarry Place which was identified as a suitable location following discussions with the Council's Tree Officers and RoSPA. The Local Planning Authority is satisfied that the scale and design of the facility is appropriate and that the materials are in-keeping with its surroundings. The principle of this use will not intensify the level of use to an unacceptable degree and the proposed siting of the equipment will not adversely affect the amenities of neighbouring residential properties. Accordingly, the scheme complies with policies UD2 of the Wrekin Local Plan and CS15 of the Core Strategy.

To summarise, the proposed 'Health Trek' facility meets the criteria for development within the green network and allocated open space, providing continued investment towards outdoor amenity benefiting local communities. The proposed equipment and its location has been agreed following consultation with relevant parties and the general public and furthermore there will be no adverse impact on the character of the local area or the residential amenities of neighbouring properties and as such the scheme complies with local policies CS5, CS10, CS11 and CS15 of the Core Strategy, policies OL3, OL4, LR1, LR2 and UD2 of the Wrekin Local Plan as well as the guidance contained within the National Planning Policy Framework and is therefore recommended for approval.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. A04 Time limit
2. C38 Development in accordance with plan Nos

TELFORD & WREKIN COUNCIL

PLANNING COMMITTEE – 24 JULY 2013

INVEST IN TELFORD – PLANNING UPDATE

REPORT OF SERVICE DELIVERY MANAGER: DEVELOPMENT MANAGEMENT

1. SUMMARY OF MAIN PROPOSALS

1.1 The report provides an update to inform Planning Committee Members of the Planning team's performance over the past 12 months, in addition to the recent changes to the service area structure. The report also sets out the proposed national changes to performance indicators and the need to provide both timely and quality decisions. Consideration is given to Councils Priorities in addition to the service areas, and makes recommendations to achieve this when determining planning applications

2. RECOMMENDATIONS

2.1 That Planning Committee approve the officer/Planning Committee determination arrangements set out in paragraph 4.24 of the report

2.2 That Planning Committee delegate approval to the Development Management Manager, in consultation with the Chair of Planning Committee, to develop and implement a formal 'Call In' procedure to determine application at Planning Committee

2.3 That Planning Committee approve the introduction of the early notification of site visits as proposed in paragraph 4.25 of the report

2.4 That Planning Committee recommend to Full Council that the practices for public speaking at Planning Committee be brought in line with those of other Councils.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Business Winning, Business Supporting Council
	Will the proposals impact on specific groups of people?	
	No	*No*
TARGET COMPLETION/ DELIVERY DATE	August 2013	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The resource implications of the recommended changes to planning processes have been addressed through the restructure of the service and will be accommodated within existing budgets. Enhanced technical and administrative support has been resourced to facilitate determination of applications within the Planning Guarantee period of 26 weeks (paragraph 4.5), therefore the risk to local planning fee income as a result of this legislative change is considered to be low.
LEGAL ISSUES	Yes	The changes to the arrangements for referral of applications to Planning Committee, the suggested development of the "call-in" procedure and the proposals for early notification of site visits are local arrangements between Planning Committee and officers can be implemented with immediate effect if approved. Any recommended changes to the Public Speaking Scheme will need to be approved by full Council.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	The recommendations carry no inherent risks but seek to provide a more effective and efficient planning service.
IMPACT ON SPECIFIC WARDS	No	Borough wide impact.

4. INFORMATION

4.1 **Applications**

During 2012, a total of 1,004 applications, were validated, of which 87% were approved, 6% refused, and 7 % withdrawn, demonstrating that the Planning team has provided proactive

engagement with the customer aiming to achieve a suitable balance between the wishes of the applicant and the impact of the proposed development on the amenities of the surrounding environment and neighbours.

4.2 **Appeals**

Over the course of the last year only 18 appeals were received (excluding enforcement appeals); of these 41% of the appeals were allowed with 59% dismissed. Of the 18 appeals received, seven decisions related to Planning Committee decisions. Three of the seven appeals were refused by Planning Committee against officer recommendation and these three appeals were upheld resulting in costs being awarded against the Council.

4.3 **Planning Performance**

Planning performance figures are monitored April to March. The target period for determination of major applications is 13 weeks (increased to 16 weeks for any which require an environmental impact assessment) and 8 weeks for minor and other applications. At the present time 49% of majors, 54% of minor and 64% of other applications have been determined within the target periods.

4.4 The Growth and Infrastructure Bill recognises a need for development and growth and LPAs must help ensure its delivery. As a measure to ensure that LPAs perform, the Bill proposes that applicants should be able to apply directly to the Planning Inspectorate where an LPA has been designated as performing poorly. The 'Planning guarantee' proposed ensures no application, whatever scale takes more than a year to receive a decision including any appeal. There would be a 26 week limit to any local decision, and 26 weeks for any appeal. To ensure LPAs deliver the guarantee, a refund of any planning fee will be made for those applications which remain undecided in 26 weeks. To ensure this 'planning guarantee', a consultation document 'Planning performance and the planning guarantee' was published in November 2012; this set out the criteria that might be used to assess the performance of an LPA, what thresholds might be used, how designations would be made and its consequences. It also proposes a refund of the planning application fee in cases where the planning guarantee is not met.

4.5 Whilst this is a consultation document and changes may occur the principle of the document is likely to stand, with a need to deliver quality decisions in a timely manner. Failing LPAs could face decisions being made at a national level rather than locally, with a significant loss of fees. The response to the consultation is due in April 2013, and the legislation will be in place and initial designations made in October 2013.

4.6 **Enforcement**

In 2012 the Local Planning Authority received a total of 587 complaints regarding alleged breaches of Planning Management which were dealt with by our enforcement officers. 336 of the complaints were within the west team area and 251 were within the east team area with areas shown in **Appendix 1**.

4.7 Complaints are received regarding a variety of alleged breaches of planning control including unauthorised development, development carried out not in accordance with approved plans, unauthorised change of use, unauthorised works to listed buildings, untidy land, unauthorised tree works and high hedge complaints. Officers seek to negotiate with the parties involved to resolve the situation either through removing the breach, or through the submission of a planning application. Officers have demonstrated the success to resolve these issues without formal action which is evident through the number of formal notices served. Of the 587 complaints received in 2012 a total of 24 notices were served in which were broken down as follows:

- Enforcement Notice 6
- Breach of Condition Notice 6
- Section 215 Notice (untidy land) 5
- Listed Building Enforcement Notice 3
- Replacement Tree Notice 2
- Planning Contravention Notice 2

Only one notice was appealed, which has recently been dismissed through a public inquiry; an application for costs has been made and partially awarded. This notice has now been enforced and the dwelling that was not erected in accordance with the plans has now been demolished.

4.8 **Viability / Affordable housing**

Officers recognise that there are a number of schemes presented to Planning Committee with reduced amounts of affordable housing and financial obligations. Each case is judged on its own merits and considered by Planning Committee at that time. Only when it is supported by a detailed appraisal will viability justify the acceptance of a reduced planning obligation "package". The Council employs officers with specialist skills to assess the viability submissions and comments are reported to Planning Committee.

4.9 There have been times when, without the LPA requesting affordable housing, a percentage is provided; in these cases officers have not discouraged the offer. There are also schemes which have gone beyond that of the S106 obligation which have not been reported to board as they have not required further board approval such as:

- Ercall Wood – reserve matters for 50 units currently being considered for 100% affordable housing scheme (approval only for 15%)
- Grove Road, Overdale – talks around 100% affordable housing scheme for 80 units (approval only 15%)
- Sutton Hill local centre – 47 units for 100%, not presented to Planning Committee as no S106 required.

4.10 **2012 Service area restructure**

During 2012 both Development Management and Housing & Development Planning have taken part in a restructuring programme. Firstly the alignment of Development Management and Development Plans & Housing with the Property and Facilities Management teams creating Development, Business & Housing service area. Following the Council wide restructure the Assistant Director of Development Business & Housing proposed a restructure in July 2012, and confirmed the new structure in November 2012.

4.11 A smaller restructure has taken place in July 2013 with the service area now becoming Development Business & Employment to improve links between unemployment, skills shortages and business need following the addition of the Skills Delivery, Lifelong Learning, Careers & Youth Employment Service Delivery Unit. The new structure recognises that the service area, in particular Development Management has to lead the change process to help investors, encourage investment and compete within the region and nationally; chasing investment and removing barriers. To enable this there are two primary changes to the Development Management structure. Firstly the creation of a Business Support Team, freeing up capacity within the planning teams, but also to create a front of house to provide a "Business Supporting, Business Winning Council" providing a one stop shop for business and investment enquiries. Secondly the reorganisation of the planning teams to fall within the two areas based teams covering East and West of the Borough. A plan showing the split across areas is included in **Appendix 1**

PROPOSED CHANGES

4.12 **Invest in Telford**

In April 2012, Cabinet approved a report entitled 'Encouraging Growth - A New Way of Working'. This recognised the challenges facing businesses and developers wishing to invest in the Borough both from global economic conditions but also those identified by investors as local barriers. The Report launched a Business & Development Charter which pledged to ensure a more streamlined, consistent, personalised and supportive service to all our customers. Since its adoption in June 2012 these pledges have been embedded in new ways of working and new initiatives, including the opening on 4 February of a dedicated 'Business & Planning First Point' within the offices at Wellington. Staffed by Business Support Officers and Planning Customer Services Officers this provides a 'one stop shop' for all business and planning inquiries. Located in Wellington it gives access to Officers dealing with property, land, planning, development, funding for business and wide ranging business support advice.

4.13 A further Cabinet report entitled 'Invest in Telford – A Programme for Change' was approved on the 28 February 2013. This highlights the unique opportunities for investors and the interventions that are being taken to implement the Business & Development Charter; including changes to the development management process to speed up the determination of planning applications and

recognises the tough economic conditions which continue to impact on development viability. The report recommends the expansion of the business charter, and the introduction of a guidance note for planning obligations. Cabinet recommended to Planning Committee some alterations to the scheme of delegation covered below.

4.14 **Business Charter:**

It is proposed that the business charter (**Appendix 2**) is updated, the key elements in relation to planning matters include:

1. Free planning advice prior to submitting a formal planning application including a Planning Advice Workshop for all schemes whatever size tailored for the projects needs. This is something our neighbouring authorities do not provide.
2. A meeting with the agent or applicant within 14 days of submitting their request for advice, to ensure a timely proactive response.
3. A fast track validation process with applicants and agents able to book an appointment with a validation officer as a checking service, provided free of charge.
4. Validation of a planning application within 3 working days of it being lodged. If inadequate information is received then a list of requirements will be sent to the applicant within 3 working days to provide an efficient service which is open and fair.
5. Providing template S106 agreements via the website and a proactive approach to the submission of a draft agreement prior to sending an application to Planning Committee or taking a delegated decision with a commitment to process the approval within 1 month of Planning Committee or delegated decision, to reduce the significant timely delays which all parties contribute to.
6. Any indexation on financial contributions in a S106 agreement to be removed if the contribution is paid within 12 months of the date of the agreement, to encourage the delivery of development.
7. Limiting the use of pre-commencement conditions, through frontloading of applications to ensure they are still adequately controlled. This will reduce some timely administrative processes, and provide clear parameters for development.

4.15 **Development Management Guidance Note**

Under current policy for sites of 15 or more units or 0.5 ha + developers are required to provide 38% affordable housing in Telford, 35% in Newport and 40% in the Rural area. The Telford figure has been revised to 20% for the Central Telford area following adoption of the Central Telford Area Action Plan (CTAAP) reflecting an updated viability assessment.

4.16 It is recognised that national levels of affordable housing delivered via S106 have been impacted by the recession. Locally while in Newport and the Rural Area schemes have generally met the affordable requirements, in Telford the average was closer to 25% pre 2008 and circa 15% in more recent years with specific sites on occasion attracting 0% due to extreme abnormal ground conditions. While viability has lead to a reduction in affordable homes delivered via S106, this has ensured the continued delivery of housing development locally. It also compares with Shropshire Council who use a model which currently has a 13% requirement and Herefordshire Council who require between 25 and 40% depending on market area.

4.17.1 Whilst the Council is reviewing the issues around Community Infrastructure Levy (CIL) in the immediate term it is considered the Council needs to be proactive to encourage the delivery of investment, and can do so by publishing a Development Management Guidance Note relating to planning obligations, demonstrating the Councils commitment to considering viability of schemes to achieve the delivery of growth. It proposes:

- The formalisation of the process for undertaking viability assessments for any development where there is a concern that the required level of planning obligations cannot be met. Developers will submit their assessment using a standard template and the Council will review and respond to the submission of a formal viability assessment within 10 working days.
- While on-site provision remains the preference, for schemes in Telford of less than 50 units, where robust evidence through viability assessment indicates it acceptable, a commuted sum may be accepted in respect of all or part of the In affordable housing requirement
- Provision on the website of schedules of rates and agreed formula in relation to contributions particularly in relation to drainage, open space, leisure and education to enable investors to calculate anticipated obligation

- Dedicated Development Management Project Manager for every scheme to lead on negotiations on behalf of the Council

4.18 A copy of the proposed development guidance note is found in **Appendix 3.**

4.19 **Scheme of Delegation and Planning Committee**
Planning applications are determined either by officers under delegated powers or by Planning Committee. Part 12 of the Council's Constitution provides a Table indicating what Committee/Board or officers are authorised to exercise what powers/functions. Part 12 indicates that certain senior planning officers have power to determine planning applications and enter into S106 planning agreements. In accordance with the arrangement approved by Development Control and Licensing Sub-Committee on 6th October 1993, applications have been brought to Planning Committee in the following circumstances:

1. The application is "called-in" by a Councillor (previously referred to as 'green card')
2. Planning Officer considers that the application should be considered by Board
3. The application is a departure from Policy and the Officer recommendation is to grant
4. The proposal involves the Council either as applicant or landowner
5. Applicant or agent is either a Councillor or a Council employee or the land belongs to a Councillor or Council employee

4.20 The Council has also operated a call in scheme which allows Parish Councils as well as Councillors to apply to have an application determined by Planning Committee rather than by officers under delegated powers.

4.21 It is considered appropriate to update the existing practices to ensure that they meet the expectations which are being placed on the Council as LPA. In addition Planning Committee meetings have recently relocated from the Councils own internal facilities to externally managed venues. The main venue is Abraham Darby School, which is accessed from 5pm and must be vacated by 9pm. Consequently there is a need to consider ways to provide efficient meetings which do not impact on cost, and that do not result in the deferral of applications.

4.22 It is considered that while approximately 93% of applications are determined under delegated powers the current arrangements still result in a number of applications, mainly submitted by the Council, being presented to board which are considered relatively non controversial and which could be more efficiently be dealt with by officers under delegated powers. It is recognised that any changes to the arrangements should not undermine the transparency of and public faith in the planning process, especially when the Council is the applicant and/or the owner or otherwise interested in the determination. However, the LPA needs to make adjustments to practices which are having an unnecessary impact on the length of the process, and implications on time for all those involved, from the applicant, the neighbours, the officer and the members. The proposed changes regarding the Council submissions would bring their consideration in line with applications of a similar scale and nature that are submitted by developers and currently are determined under delegated powers.

4.23 It is also recommended that for a more effective use of Member time that the scheme for public speaking is brought in line with the practices adopted by other LPAs with regard to 3 minute representations. The Chair would still have discretion to exceed the time limits when there are particular applications which require longer presentations. The Parish Charter Monitoring Group have consulted all the Parish/Town Councils on this proposed change and the findings are shown in **Appendix 5**. Of the 17 responses received 9 Councils preferred 3 minutes (including 1 Parish that still wanted 5 minutes to be available when requested) with 4 Councils requesting 5 minutes. A total of 4 Councils had no opinion. Given the support from the majority of the Parish Councils it is proposed that Planning Committee recommend to the Council (as the scheme for public speaking is a Full Council initiative) that the time for public speaking be set at 3 minutes. The existing Public Speaking Leaflet is included at **Appendix 4**.

4.24 In addition it is also proposed that all applications can be dealt with under delegated approval by the Service Delivery Manager: Development Management and/or Area Planning Officer unless:

- A proposal that involves the Council as either applicant or landowner (or has a financial interest) and the proposal is a Major application i.e. residential – 10 or more units /

development over 0.5 ha and non residential - creation of 1,000m2 gross floor area/ development over 1ha excluding reserved matters applications

- If submitted by or on behalf of Assistant Director or above or an Elected member
- If formally requested by the relevant Ward Member or relevant Parish Council
- If a departure from policy and officers are recommending approval
- If a S106 relating to new financial contributions/ affordable housing provision
- The number and nature of representations from the public against officer recommendation is, in the opinion of the Service Delivery Manager: Development Management and/or Area Planning Officer, sufficient to require that the application should be determined by Board

4.25 **Site visits**

In addition to the amendments to the scheme of delegation it is also recognised that the deferral of applications for site visits can hold the process up for a further three weeks. Currently applications are reported to Planning Committee, and later deferred for a site visit. Where the more strategic applications are presented the Planning Committee date is normally scheduled and we have advised members of the need for a site visit three weeks prior to its presentation; however where the more smaller and sometimes more sensitive applications are presented to members, we have not scheduled a site visit in advance which frequently leads to site visits and applications being deferred until the following meeting. Delays and deferrals can be costly and upsetting to interested parties and applicants wishing to hear the debate and have the application determined. It is therefore recommended a Parish or Town Council should request a site visit , when they believe it to be necessary, as part its initial objection during the consultation process, this will enable the Planning Officer to advise the Chairman and Vice Chairman of Planning Committee to suggest that this takes place before the Planning Committee Meeting. With approval of the Chair site visits would then take place on the same evening as Planning Committee determination which means that the application is dealt with (having got all the information and the results of the visit) on the first visit to Planning Committee rather than deferring to the next meeting. This does not take away the ability to request a site visit on the night of Planning Committee and if Members then believe it would be advantageous the existing process of voting on a site visit will continue This will provide a more effective and efficient service, without unnecessarily wasting resources or causing undue concern to applicants or neighbours.

4.26 **Planning Committee 'Call Ins'**

The Council currently operates an adopted procedure known as "Green Carding" for requests by Ward Members and Parish Councils for applications to be considered by Planning Committee rather than by officers under delegated powers. Over a number of years the process has become informal, without some Members / Parish Councils always giving valid planning reasons for their request. Furthermore since the introduction of public speaking some Members / Parish Councils whilst having requested that applications have gone to Board have not taken up the ability to make verbal representations to Board. It is therefore recommended that this system is formalised and the name changed to create a 'Call In' procedure. With regards to the Call-In (green card) system once an application has been called in by a Councillor or Parish / Town Council, the application will be determined by Planning Committee providing there are planning reasons for the request. These planning reasons will be set out by the Member/Parish Council by completing the call-in request. Officers and the Chairman of Planning Committee will discuss each Call-In, check that the information provided is relevant and it will be included on the next available Planning Committee agenda once the application is in a position to be determined. If there is insufficient or irrelevant information, the planning team will discuss this with the Parish or Town Council to ensure that the information is complete so that the application can go forward to the Board. It is anticipated that this will ensure the delivery of an effective service reducing the unnecessary delay to some planning applications.

4.27 Conclusion

Taking account of both local and national priorities it is necessary for the planning service to be more effective, making quality decisions in a timely manner; this is evident from the Governments announcements to take direct action by considering certain schemes themselves. The Council must therefore determine applications within a timely manner, and the manner in which they are conducted must be appropriate, fair and proactive, in order to retain control of developments within the Borough in addition to the planning fees. It is therefore considered a number of changes must occur to ensure this quality delivery, in line with the department's new structure and priorities of the

Council the report has set out ways of achieving a streamlined service which meets the Cooperative Values of the Council.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

5.1 LEGAL COMMENT

The paragraph 4.24changes to the arrangements for referral of applications to Planning Committee rather than having them determined by officers under delegated powers will require a change to the Table at Part 12 of the Constitution. This will be referred to the Council Constitution Committee in due course for approval. In the meantime, the changes can be implemented with immediate effect if approved. The suggested development of the "call-in" procedure and the proposals for early notification of site visits are local arrangements between Planning Committee and officers and can be implemented without reference elsewhere. As the Public Speaking Scheme was originally approved by full Council, any changes to it will also need to be approved by full Council.

6.1 FINANCE COMMENT

The risk to planning application fee income as a result of these legislative changes is considered to be low as the resource implications of the recommended changes to planning processes have been addressed through the restructure of the service and will be accommodated within existing budgets. Enhanced technical and administrative support has been resourced to facilitate determination of applications within the Planning Guarantee period of 26 weeks (paragraph 4.4),

7. PREVIOUS MINUTES

7.1 Meeting of the Environment & Development Policy Board on 4th December 1997

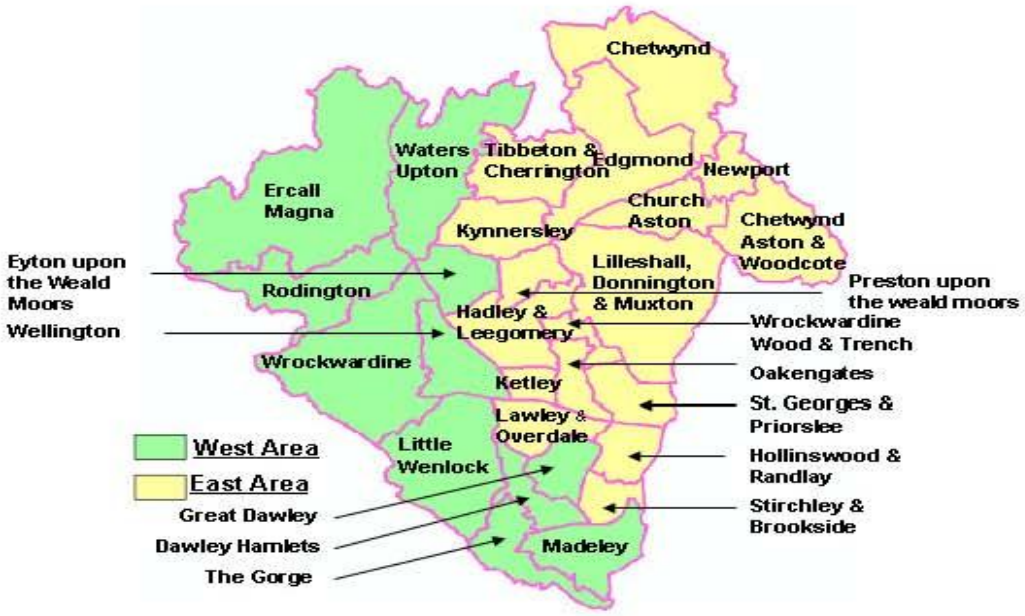
8. BACKGROUND PAPERS

Appendix 1	Plan for Area Teams
Appendix 2	Business Charter
Appendix 3	Proposed Development Management Guidance note
Appendix 4	Public Speaking Leaflet
Appendix 5	Parish Charter Monitoring Group survey results

Report prepared by David Fletcher, Service Delivery Manager Development Management.

Appendix 1 Map of Area Teams

Map of East and West Areas of Telford by Parish



Email: planning.west@telford.gov.uk

West Area (by District/Village)	
Bratton	Arleston
Waters Upton	Doseley
Rodington	Crudgington
Eyton Upon the Weald Moors	Dawley
Wellington	High Ercall
Wrockwardine	Great Bolas
Little Wenlock	Aston
The Gorge	Allscott
Dawley	Longdon Upon Tern
Madeley	Roden
Lightmoor	Sugden
Shawbirch	Rushmoor
Aqueduct	Ellerdine Heath
Rodington	Walcot
Halesfield	Coalmoor
Malinslee	Horsehay
Admaston	

Email: planning.east@telford.gov.uk

East Area (by District/Village)	
Lilleshall	Hadley
Chetwynd	Leegomery
Newport	Ketley
Chetwynd Aston	Oakengates
Woodcote	St Georges
Church Aston	Priorslee
Tibberton	Lawley
Kynnersley	Overdale
Preston Upon the Weald Moors	Randlay
Donnington	Hollinswood
Wrockwardine Wood	Stirchley
Trench	Brookside
Snedshill	The Rock
Muxton	Horton Wood
Apley	Wombridge
Cherrington	Stafford Park
Town Centre	

Appendix 2 Business Charter

Spend Local

We will develop and host a database of business services covering all business in Telford which will be a free of charge facility to encourage local procurement.

Development Planning

We will maintain an up to date Development Plan that gives you certainty on development opportunities and supports investment and growth.

Free and Timely Pre Planning Advice

We will provide you with free planning advice as well as a free development viability appraisal prior to you submitting a formal planning application.

Getting Your Application Validated and Registered Quickly

We will check your planning application prior to submission and then validate it within three working days.

Speeding up the Decision Making Process

We will delegate the decision on as many planning applications as possible in order to speed up the decision making process.

Cost Certainty Regarding Planning Obligations

We will publish a clear, transparent and viable system of planning obligations and can provide S106 template to ensure we complete the S106 agreement within six weeks of planning approval.

Relief on Indexation

We will waive indexation on financial contributions in a S106 agreement if development commences within 12 months of the date of the agreement.

Speeding up the Discharge of Conditions

We will reduce the number of onerous planning conditions, especially pre commencement conditions which can undermine funding agreements.

Support with Building Control

We will actively encourage early engagement with our team of experienced building control officers and will offer 15% discount on Building Regulations where this is sought at the same time as planning.

Responsive Property Service

We will arrange property viewings within 24 hours of your initial enquiry and will, upon request and subject to other consents, get you into the property within 48 hours.

Flexible Property Terms

We will offer flexible lease terms to suit your business and property needs and adapt these in response to your expansion plan whilst being transparent at all times in the costs and charges due under a lease/licence.

Appendix 3 - Development Management Guidance Note - Planning Obligations

Responding to the economic downturn and creating the conditions for the continued growth and regeneration of the Borough is a top priority for the Authority. Planning has a key role to play in achieving these ambitions guiding development, creating attractive places to live, work and visit and enabling the provision of infrastructure to support growth. The Council is committed to providing the conditions for growth including ensuring the viability of development. For circa 5 years the Authority has successfully addressed investors concerns with the viability of delivery of sites through the use of viability appraisal. This has maintained the delivery of housing schemes in the Borough. Although this flexible approach has been in place for some time, given the continued economic downturn and reflecting the requirements of the National Planning Policy Framework (NPPF), the Authority is now formalising its approach to viability.

In addition the Council recognise the need to provide investors with as much cost certainty regarding planning obligations, at as an early stage as possible and to ensure negotiations with the Council are coordinated and decision-making is timely.

Telford & Wrekin Council is currently preparing a revised Local Plan – 'Shaping Places' that is anticipated to be adopted in early 2015. The introduction of a Community Infrastructure Levy remains under review. The Local Plan and any related CIL will recommend appropriate changes to policy in relation to planning obligations and affordable housing considering the viability of development. In the interim this 'Guidance Note' provides advice on planning obligations usually contained within a Section 106 Agreement. The guidance does not establish new planning policy. Adopted policy is set out in the Core Strategy, Central Telford Area Action Plan (CTAAP) and saved policies from the Wrekin Local Plan.

Affordable Housing
In line with adopted policy the following % of affordable housing will be sought:

- Telford – 38% or 20% for sites within CTAAP
- Newport – 35%
- Rural Area – 40%

Where viability is identified as a concern in achieving the Policy position, a viability statement will need to be provided. Information must be submitted using a standard template (Note A detailed below) and the Council will review and respond to appraisals within 10 working days.

While on-site provision remains the preference, for schemes in Telford of less than 50 units, where robust evidence through viability assessment indicates it acceptable, a commuted sum may be accepted in respect of all or part of the affordable housing requirement

Other Planning Obligations
Developers are encouraged at an early stage to access our schedule of rates and agreed formula which will be available on our web page and as part of pre application advice in order to assist with calculating anticipated obligations and to maximise cost certainty, they will cover:

- Drainage
- Open Space
- Recreation
- Education

In relation to Highways contributions these will be calculated on an open book basis. Sites within the CTAAP area will continue to have contributions determined by the adopted formula model.

Template S106 Agreements will be available on our website and through pre application discussions.
Applications and the level of contributions will vary in scale, location, ground conditions and a range of other factors. All potential applicants and investors are encouraged to approach the Development Management Team at the earliest opportunity to seek free pre application advice. From pre application stage a dedicated Development Management Project Manager will be allocated who will lead on behalf of the Council in relation to all aspects of negotiation of S106 Agreements. The Project Manager will coordinate a team approach ensuring all relevant issues are addressed at the outset.

Note A - VIABILITY APPRAISAL SUMMARY - Residual Model

Site Name.....

1. REVENUE or SALES
   Gross Development Value (GDV) of all units

2. TOTAL COSTS
   - 2.1 Acquisition Costs inc Land or Site value, Stamp Duty, legal fees, etc
   - 2.2 Construction costs including Contingency, Abnormals, S106, etc
   - 2.3 Professional Fees
   - 2.4 Marketing and Letting including Disposal Fees of legal & agents
   - 2.5 Finance Costs

3. PROFIT (GDV less TOTAL COSTS)

   - 3.1 Profit on Total Costs %
   - 3.2 Profit on GDV %

Appraisal Models available:

1. Commercial software such as Argus Developer Version

2. Planning Advisory Service guidance on Viability with suggested models
   http://www.pas.gov.uk/pas/core/page.do?pageId=575110

3. HCA Development Appraisal Tool (free to download from HCA website)
   http://www.homesandcommunities.co.uk/ourwork/development-appraisal-tool

Appendix 4 Public Speaking Leaflet

Public Speaking at Plans Board

The Council is responsible for determining applications for planning permission. The majority of planning applications are dealt with under delegated powers by Officers and are not considered by the Plans Board. However, major, complex and contentious proposals will be determined by elected Councillors at Plans Board meetings. Public speaking applies only to applications which are heard at a public meeting of the Plans Board.

Public speaking at Plans Board meetings is not a legal requirement. The purpose of this scheme is to give the public, Parish Councils and applicants an opportunity to make their views known in person to the Plans Board. Letters of support or objection will also continue to be taken into account.

Plans Board meetings are normally held on Wednesdays. Venue details can be obtained from Democratic Services. Wherever possible, items on which the public wish to speak will normally be considered early on the agenda and, therefore, the order of business may differ from the published schedule. Any speaker not present when the application they are concerned with falls to be considered will lose the opportunity to speak.

If you wish to speak at the meeting you must register in advance in accordance with the procedure set out below.

Can I speak on any planning application?

Only on those which are due to be determined by the Plans Board.

How will I know when a particular application will be heard at Plans Board?

Development Management will be able to advise whether an application is likely to be considered by the Board and when. Registrations for public speaking are not accepted until the relevant Plans Board agenda has been published. Agendas are published five clear working days before the date of the meeting.

Who can speak at Plans Board Meetings?

- The person applying for planning permission (or his or her agent or other representative) is entitled to speak in support of their application.
- Any other member of the public (or his or her agent or other representative) is entitled to speak either in favour or against the application.*
- A representative of a Parish or Town Council is entitled to speak either in favour or against the application, providing that the property is situated within that Parish or Town Council area, or in certain circumstances when the property is in an adjoining Parish or Town Council area.
- Borough Ward Councillors, providing that the property is located within their ward, or in certain circumstances when the property is located in an adjoining Borough ward.. A Borough Councillor may also speak as a 'stand in' for the Ward Councillor.

An applicant in favour of the application can speak even though an objector does not and vice-versa.

* What if more than one person wishes to speak in each category?

In the event of more than one objector or one applicant/supporter wishing to speak either:

- Prior to the meeting, a spokesperson may be appointed on behalf of all those wishing to speak in the same category. This should normally be the first person who registered to speak but if an alternative is subsequently agreed, details must be provided to the Democratic Services Team before the day of the meeting. If the objectors or applicant/supporters cannot reach agreement about who will speak, then the person who registered first will be given the opportunity to speak.
- In some cases, for example when there are just two objectors wishing to speak, individuals may agree to share the allocated time.

Names and contact details of all those who register to speak will be publicly available from Democratic Services.

In the case of multi member Borough Wards, the Chairman may, at his discretion, allow more than one Borough Ward Member to speak.

How long is allowed for speaking?

A maximum of 5 minutes is allocated to each of the following categories of speaker:

- The authorised Parish or Town Council Representative for the area
- The Borough Ward Councillor (if not a member of Plans Board).
- Those wishing to speak in favour of the application
- Those wishing to speak opposing the application

These time limits will be strictly adhered to. In certain circumstances the Chairman may agree to extend these time limits in the interests of a balanced debate. Speakers will not be allowed to complete presentations if the allocated time limit expires.

What is the Procedure for speaking?

The Chairman will announce the application and speakers will then be invited to address the Board in the following order:

1. Parish/Town Council representative
2. Borough Ward Councillor
3. Objector (or agent/spokesperson on behalf of objectors)
4. Applicant or their agent/spokesperson

The Chairman will have the discretion to halt the Speaker should they begin to stray from the discussion of planning grounds or make inappropriate or offensive comments.

Speakers may read from prepared statements.

Once speakers have finished they will be asked to retake their seats in the public gallery and may take no further part in the meeting.

Following this, a Planning Officer will present the written report and respond to any questions raised by members of the Plans Board before the Board debates and makes a decision on the application.

How do I arrange to speak at the Plans Board?

Borough Councillors, objectors, applicants/supporters must register to speak as below. Parish or Town Council representatives will be entitled to speak subject to the Clerk of their Council notifying Democratic Services in writing or by email of the nominated speaker(s) and the application(s) they will be speaking on in accordance with the process below.

Please contact the Democratic Services team by **no later than 5pm, two working days before the meeting** using one of the following methods:

publicspeaking@telford.gov.uk
01952 383215
Democratic Services
Telford & Wrekin Council
Addenbrooke House
Ironmasters Way
Telford
TF3 4NT

As part of the registration process, individuals should disclose whether they wish to speak for or against an application and in which category. In addition, email or telephone contact details must be provided.

Names and contact details of all those who register to speak will be publicly available from Democratic Services.

What can I say?

Comments must be based on planning issues, for example: overlooking/loss of privacy, loss of light, adequacy of parking, highway safety and/or traffic generation, noise or disturbance resulting from use, layout and density, design, character and appearance, conservation, sustainability and planning policy. Issues such as boundary or property disputes, land ownership, restrictive covenants, property values, commercial competition and the developer's character or motives are not material planning considerations.

Speakers must not:

- Make statements of a personal or slanderous nature; or
- Be abusive; or
- Interrupt other Speakers or the debate of the Plans Board.

Can I provide additional information to present at the meeting?

Additional material, such as plans or photographs cannot be handed out at the meeting but must be provided to the Democratic Services Team at least 48 hours before the meeting.

What happens if an application is deferred?

If the Plans Board Members decide to defer the application (either before or after hearing the speakers) there will be a further public speaking session at the meeting to which the application is brought back for consideration but the registration requirements will still apply and the onus is on speakers to re-register.

What happens if an application is withdrawn prior to being heard?

Applications are seldom withdrawn, however, if the application is withdrawn before being presented at the meeting, those who have already expressed a wish to speak will be notified before the meeting, providing that sufficient time has been given for Officers to notify those involved of the withdrawal.

Where can I get further information or advice?

Public Speaking & Meeting Procedure Queries:
Democratic Services
☎ 01952 383215 publicspeaking@telford.gov.uk

Planning Application Queries:
Development Management
☎ 01952 380380 planning.control@telford.gov.uk

December 2012

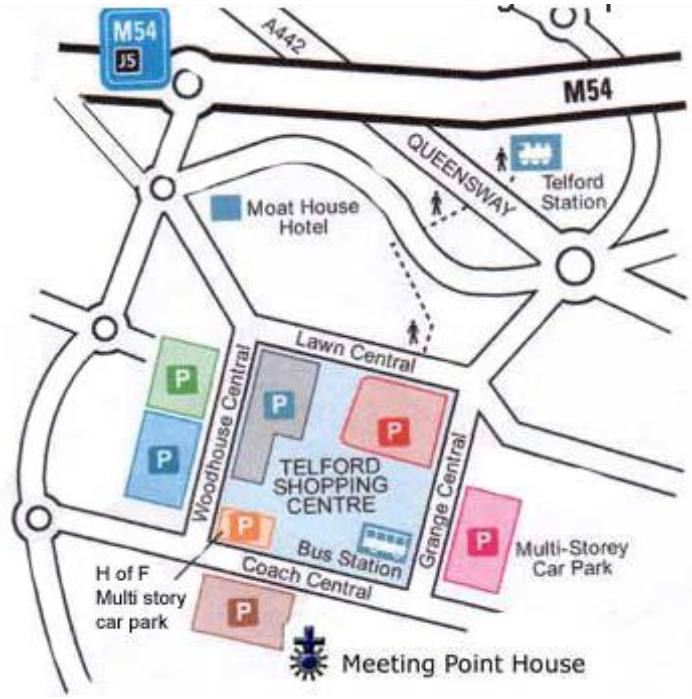
Appendix 5

CONSULTATION PARISH CHARTER MONITORING GROUP REGARDING REDUCTION FROM 5MINS TO 3 MINS FOR SPEAKERS AT PLANNING COMMITTEE

Church Aston	
Chetwynd Aston & Woodcote	5 minutes
Chetwynd	3 minutes
Dawley Hamlets	No opinion
Edgmond	3 minutes
Ercall Magna	
Eyton Parish Meeting	
Great Dawley	
Hadley & Leegomery	3 minutes
Hollinswood & Randlay	3 minutes
Ketley	5 minutes
Kynnersley	
Lawley & Overdale	5 minutes plus other comments
Lilleshall & Donnington	15th July
Little Wenlock	
Madeley	
Newport	No opinion as yet
Oakengates	
Preston on the Wealdmoors Parish Meeting	3 minutes, as long as 5 available when requested
Rodington	5 minutes
St Georges & Priorslee	3 minutes
Stirchley & Brookside	
The Gorge	3 minutes
Tibberton & Cherrington	No opinion
Waters Upton	3 minutes
Wellington	3 minutes
Wrockwardine	No opinion
Wrockwardine Wood & Trench	

Meeting Point House

Southwater Square, Town Centre, Telford, TF3 4HS
Telephone: 01952 292268
Email: reception@meetingpointhouse.co.uk



Meeting Point House is situated off Junction 5 of the M54. Meeting Point House is opposite Wilkinsons and adjacent to Telford Town Park.

From Birmingham exit at Junction 5 M54, take the second exit off the first round about on to Forge Gate. Forge Gate becomes Lawn Central. Take the third exit at the next roundabout on to Grange Central. At the next roundabout take the second exit (turning right onto Coach Central). Town centre parking is available on the left and Meeting Point House is located opposite Wilkinsons and adjacent to Telford Town Park.

From Shrewsbury exit at Junction 5 M54, take the third exit off the first round about on to Forge Gate. Forge Gate becomes Lawn Central. Take the third exit at the next roundabout on to Grange Central. At the next roundabout take the second exit (turning right onto Coach Central). Town centre parking is available on the left and Meeting Point House is located opposite Wilkinsons and adjacent to Telford Town Park.

Park at **Brown Elm** car park, sat nav post code TF3 4DQ, (take ticket on entry) which is on your left opposite the bus station. Walk along the side of Wilkinsons and Meeting Point House is facing you.

From Telford Train Station. There is a bus link from the station to Telford Shopping Centre every 6 minutes from 7:30am to 6:30pm. For bus times and more information, contact Shropshire Travel Link on 01952 200 005. Taxis are available outside the station. Walking time from the Train Station is approximately 15 minutes and from the bus station 10 minutes.

For more details visit www.meetingpointhouse.co.uk