

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 4 December 2013 at 6.00pm in the Auditorium, Abraham Darby Academy, Hill Top, Ironbridge Road, Madeley, Telford

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

ALSO PRESENT: Councillors A J Eade (for planning application TWC/2013/0777) and V A Fletcher (for planning applications TWC/2013/0774 and TWC/2013/0821).

PC-054 MINUTES

RESOLVED – that the minutes of the meeting of the Planning Committee held on Wednesday, 6 November 2013 be confirmed and signed by the Chairman.

PC-055 APOLOGIES FOR ABSENCE

Councillors R T Kiernan, J Loveridge and G C W Reynolds

PC-056 DECLARATIONS OF INTEREST

Regarding planning applications TWC/2013/0774 and TWC/2013/0821, Councillors I T W Fletcher and J C Minor indicated that they were Members of St Georges & Priorslee Parish Council but had not taken part in any previous discussions regarding the applications and stated that, in the circumstances would not be withdrawing from the meeting for those items.

PC-057 DEFERRED/WITHDRAWN APPLICATIONS

None.

PC-058 SITE VISITS

None.

PC-059 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/2013/0774, TWC/2013/0821 and TWC/2013/0823.

(a) TWC/2013/0774 - Land off, Teece Drive, Priorslee, Telford, Shropshire

This was a full application for the erection of a new 750 place secondary school and 150 place sixth form buildings with associated hard play areas, car parking, landscaping and engineering works.

An update report was tabled at the meeting which detailed further comments received since the publication of the main report and clarified Highways obligations, issues regarding bus service, design issues, issues regarding ecology and rationalisation of existing open space.

Cllr Mrs Brenda Richards representing St Georges & Priorslee Parish Council addressed the Committee, acknowledging the desirability of the new school, but raised the Parish Council's concerns in terms of access, loss of green space and impact on the local community.

Cllr V A Fletcher, Ward Member addressed the Committee in opposition to the application on the grounds that the proposed access was unsuitable and the extra traffic generated would have an adverse impact upon the area and local residents, loss of green space and amenity and sustainability due to a poor local bus service. During her address to the Committee, a photographic slideshow was played showing traffic issues in the vicinity.

Mr B Rive representing Priorslee Community Association noted that his grounds for objection had already been raised and handed over to Mrs S Lane, representing Priorslee Protection Association who also spoke to oppose the proposals. She highlighted issues regarding access, the suitability of the traffic assessment, pedestrian safety, limited consultation, loss of green space and impact on ecology.

On behalf of the Applicant, Mr R Cooke addressed the Committee in support of the application highlighting the scheme as part of the wider Building Schools for the Future project, which provided impetus for the transformation of learning across the borough. He noted that the site was derelict Brownfield and that the principle concern raised during consultation was that of access. He advised that an entrance from Castle Farm Way was not available as part of this proposal but that traffic and safety concerns could be mitigated by condition. He pointed out that the proposal was sustainable and contained community benefits in the form of enhanced sports provision and a modern educational establishment.

The Planning Officer particularly referred Members to aspects of the report which addressed issues relating to the National Planning Policy Framework (NPPF) and sustainability, footpaths, bus routes, parking, highways infrastructure works as detailed in the update report, and the rationalisation of existing open space. He confirmed the site would not be fenced and that the Atkins transport assessment was a joint submission between the Council and Landowner. The Planning Officer also informed Members that due to a technical glitch, the deadline for comments on this application had been published as 16 December 2013 which was later than the statutory requirement. He, therefore, suggested that if the Committee were so minded, in order to take account of any additional comments received during that extended period, grant of permission could be delegated to the Development

Management Service Delivery Manager following consultation with the Chair and Vice-Chair, after the published deadline had passed.

All Members welcomed the principle of the proposed school development but some Members expressed a number of concerns regarding the application particularly regarding the transport assessment submitted by Atkins which significantly differed from the “Corun” report submitted by Priorslee Protection Association, whether a school travel plan would be enforceable at an Academy, limited consultation with the local community, noise in terms of NPPF requirements, increased journey times, inadequate local bus service which did not run until after 9.00am, lack of community benefit due to borough-wide admission criteria for the faith-based school rather than a local catchment, adequacy of proposed access, preference for access from Castle Farm Way, traffic projections, parking and drainage.

In response to questioning, the Planning Officer advised that Environmental Health Officers had not raised objection subject to condition, there was no legal minimum requirement for consultation but that he had attended a Parish Council meeting and met with local residents on an individual basis when they visited the Offices and that School Travel Plans were enforceable by condition but it was likely that some revision would need to take place. He also confirmed that the Transport Assessment had taken into account the cumulative effect of potential residential development on the neighbouring site but that the potential for future modification or mitigation should not be taken into account in the determination of this application. He indicated that existing access from Castle Farm Way had been secured for construction purposes following negotiation with the landowner, but that this could not be extended permanently. He also confirmed that discussions were on-going with Severn Trent Water regarding drainage and it was intended for attenuation to be located beneath the car park if required.

In response to questioning regarding the Transport Assessment, the Highways Development Team Leader informed Members that the submitted Transport Assessment was based upon the Telford Strategic Transport Model (TSTM) supported by individual junction capacity assessments to determine any specific problems or works required to key junctions. The TSTM would be used to determine the acceptability, and associated transport infrastructure requirements of, sites coming forward under the “Shaping Places” Local Development Framework and to inform the Local Transport Plan. The model was approved under the Department for Transport Guidance and the Design Manual for Roads and Bridges (DMRB). It was noted that the “Corun” report contained none of the technical input/output modelling files with which to validate the stated conclusions, however, the main assertions in the “Corun” report regarding higher trip rates, revised junction geometry and traffic flow profile across the peak hour had nevertheless been modelled at 2030 by the Highway Authority and found to be acceptable in terms of both queues and delays. As the suggested alternative access via Castle Farm Way did not form part of the planning submission, it had not been assessed. He also noted that regarding the Priorslee Avenue right turn lane, contrary to the Corun report, DMRB allowed relaxations in the width of ghost right-turn lanes to 2.5m for improvements to existing junctions and 3.0m for through lanes at new junctions. At Priorslee Roundabout there was sufficient width kerb-to-kerb to meet the lane geometry, modelling and capacity requirements as required under either modelling scenario and regarding the

profile over peak hour, the TSTM suggested a flat profile which had been included in the submitted Transport Assessment and supported by the Highway Authority.

Responding to further questioning, the Highways Development Team Leader indicated that the bus service had been investigated in conjunction with the bus operator and it was considered possible to extend the No. 24 service to cater for school arrival time at a minimal cost. He referred to the highways recommendations regarding the provision of and extension to pedestrian routes to link with the bus stops on Priorslee Avenue along with funds to upgrade the bus stops, upgrades to surfacing and lighting to the footways and public rights of way which would provide pedestrian access to the site. He also noted that there were no footways on the Ricoh access side of Priorslee Avenue which would lead pedestrians to cross at this location. He noted reference to an additional accident to those reported in the Transport Assessment but this was considered to be an isolated incident and that this and the accidents reported in the Transport Assessment did not highlight any deficiencies in the highway network. The Highways recommendation also requested a condition allowing access to the school car park to cater for any capacity issues associated with the 21 spaces provided for parent drop-off/pick-up and financial contributions had been requested towards Traffic Regulation Orders at the junction of Teece Drive and Priorslee Avenue and any subsequent areas of Priorslee. Traffic volumes on Priorslee Avenue during the busiest peak hour were below the theoretical road capacity at 2030 and no evidence of link-capacity issues on Priorslee Avenue had come to light during modelling. All traffic flows and junction assessment work excluded the possible reduction in car borne travel associated with the School Travel Plan which was the subject of a recommended condition. He further noted that submitted photographs of primary school parking demonstrated a high proportion of illegal parking but this occurred some distance from Teece Drive and Traffic Regulation Orders could be considered along the intervening section of Priorslee Avenue to address illegal parking but would need to be subject to enforcement by the Police. The Highways Development Team Leader also confirmed that Teece Drive was wide enough for two coaches to pass and that parking for potentially four coaches was indicated on the layout which was the subject of the recommendation.

After consideration of the responses to questions, some Members considered that whilst access from Castle Farm Way was the preferred option, it was accepted that this did not form part of the application and that sufficient Highways conditions had been recommended to mitigate concerns regarding access from Teece Drive. Members were also supportive of potential improvements to the local bus service. It was noted that the land had previously been developed and that the proposals would provide a long-desired school in Priorslee. It was further noted that the proposals conformed to the NPPF requirements for sustainable development.

The Assistant Director: Planning Specialist confirmed that if Members were minded to approve the proposals, the travel plan would be connected to the site and any non-compliance would be a breach of consent. He also reiterated advice that the proposals were considered to be compliant with the NPPF in terms of a presumption in favour of sustainable development, that Highways modelling tools were Department for Transport approved and, therefore, the proposals met with government expectations, that there was no alternative access proposed as part of

this application, and that improvements to the bus service would be sought by the Highways Authority. He referred Members to the sections of the report dealing with footpaths, parking and drainage. In making their decision, he asked Members to consider whether the evidence presented suggested that there were defensible reasons to refuse the proposals.

On being put to the vote, the proposal was approved by a majority

RESOLVED – that with respect to planning application TWC/2013/0774 the Development Management Service Delivery Manager be authorised, following consultation with the Chair and Vice-Chair of the Planning Committee, to grant planning permission subject to :-

- (a) The Council as landowner providing a Memorandum signed by the Assistant Director Development, Business and Employment agreeing that the Council will provide the following sums at timescales to be agreed with Telford & Wrekin Council Highways Officers:
 - (i) Traffic Regulation Order to encompass Teece Drive and Ricoh entrance junctions off Priorslee Avenue £5,000;
 - (ii) £5,000 in connection with Traffic Regulation Order works elsewhere in Priorslee if required;
 - (iii) Up to £24,000 commuted maintenance sum in respect of the signalisation works for the Castle Farm Way and Priorslee Avenue junction;
 - (iv) Up to £12,000 commuted maintenance sum in respect of TOUCAN crossing in the vicinity of Salisbury Avenue where NCN81 crosses Castle Farm Way;
 - (v) Up to £10,000 toward the upgrade of bus stops in the vicinity of the proposal; and
- (b) 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 Development Management Service Delivery Manager).
- (b) TWC/2013/0777 - Aston Grove, Moorfield Lane, Church Aston, Newport, Shropshire, TF10 9EH

This was an outline application for residential development with associated access following demolition of Aston Grove with all other matters reserved. The application indicated a total of 10 units with 7 being Open Market housing (5 three bed and 2 four bed) and 3 Social Rented Housing (2 two bed and 1 three bed).

Cllr A J Eade, Ward Member, spoke to oppose the application expressing concern that the single-track was not suitable for the development, that existing walls should be retained and that the application was premature. He also expressed concern that recent evidence suggested that a five year housing supply did not exist and sought an explanation due to the implications for the Shaping Places document and planning policy.

The Applicant, Miss P Stephan, addressed the Committee in support of the application, noting the retention of TPO trees, removal of a low quality hedge and increase in visibility splay to be secured by moving the existing wall. She noted that surrounding land was also subject to planning permission and drew attention to the NPPF requirements regarding housing supply.

The Planning Officer confirmed that as a five year supply of deliverable housing sites could not be demonstrated, the application had been considered in terms of the 'presumption in favour of sustainable development' as no material considerations indicated otherwise. She commented that the site was sustainable, that residential development would take place on the adjacent site and, as part of those proposals, the traffic speed limit outside the access to Aston Grove on Wellington Road would be reduced to 30mph. She noted that ecological concerns could be mitigated by condition and pointed out that the layout of the site was a reserved matter.

Members requested a detailed explanation of the issue regarding housing supply which was provided by the Assistant Director: Planning Specialist. He referred Members to the detailed published statement on Five Year Housing Land Supply which was available to view on the Council's website and confirmed that there was no change to local policy. In summary, he referred to the provisions in the NPPF which established the 'presumption in favour of sustainable development' should an Authority be unable to demonstrate a five-year supply of deliverable housing sites. The new policy approach was key to the Government's drive to bring about a rapid and substantial increase in new homes across the country. Evidence indicated that no English region would meet this requirement as it was based on evidence of delivery. Due to the economic recession, the rate of building had declined and, therefore, evidence of supply could not be proven even though 800 homes were being built per year, potentially making Telford the fastest growing town in the country. The Local Planning Authority was therefore responding to a position set by Central Government and recommending to Members how to determine applications in the context of this position.

Although Members expressed some continued frustration with the position regarding housing supply, on being put to the vote it was unanimously

RESOLVED – that with respect to planning application TWC/2013/0777 the Development Management Service Delivery Manager be authorised to grant planning permission subject to :-

- (a) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:
 - (i) Provisions ensuring that 35% of the dwellings to be built shall be affordable housing (in this case as social rented) in number, with any fraction of this 35% not being sufficient to construct a full unit then the remainder shall be calculated and given to the Council as an off-site contribution; and

- (ii) **An open space contribution as required by Policy LR4 and LR6 of the Wrekin Local Plan equating to £600.00 per 2-bedroom property (or above) to be provided upon commencement of the development.**
- (b) **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 Development Management Service Delivery Manager)**
- (c) TWC/2013/0821 - Land adjacent to Kiyokuni Europe Ltd, Holyhead Road, Snedshill, Telford, Shropshire

This was an application for change of use of vacant employment land to a two year temporary gypsy and traveller caravan transit site with the provision of 15 pitches and portable toilet facilities for a temporary two year period. The proposals indicated that the pitches would comprise 14 “double” pitches (2 caravans and 2 cars) and one “single” pitch (with one caravan and one car). Therefore the total provision on the whole site was for 29 caravans and 29 cars. The proposal included charges for occupation.

An update report was tabled at the meeting which detailed amended plans received, additional consultation responses received and information regarding the policies relevant to this application, particularly the Central Telford Area Action Plan (CTAAP) and NPPF.

Cllr Mrs Brenda Richards representing St Georges & Priorslee Parish Council (adjoining parish) spoke to oppose the application on the grounds of increased traffic, impact upon the area and the weight of public objection.

Cllr V A Fletcher, Ward Member for adjoining Ward (Priorslee), addressed the Committee in opposition to the application. Although she recognised the Council’s statutory obligations towards the travelling community, she believed that the site was not appropriate due in part to it’s proximity to the M54 and associated noise and pollution. She also believed that the application was in breach of CTAAP and the NPPF. Cllr Fletcher noted the weight of public objection as evidenced by petition and individual letters and questioned the potential for non-compliance with any time limit on stays and enforcement of conditions of use.

Mr A Jones spoke on behalf of Castle Trading Estate Management Company to oppose the application in terms of consultation, contradiction of policy (CTAAP and NPPF), strategic importance of the site and its designation as employment use, the purpose of the transit site whilst awaiting extension of Lodge Road and discrepancies in the application. He believed that there procedural issues regarding the amended Red Line plan and sought withdrawal of the application from consideration at this time under the threat of an Ombudsman complaint.

On behalf of the Applicant, Mr J Bedesha addressed the Committee in support of the application. Mr Bedesha noted the Council’s statutory obligations in terms of the Housing Act 2004 and the need to limit illegal encampments and their associated adverse impacts. The site, which was well screened, would be managed by the

Council's Housing Team by license agreement and conditions and any breach of license or conditions would result in eviction. The Council was also still looking to identify a suitable alternative site.

The Planning Officer particularly referred Members to aspects of the report which addressed issues relating to the principle of development in relation to local and national planning policy, design, location and highways. She noted speakers' concerns regarding the submission of amended plans but indicated that the Red Line had not changed, only the layout, and therefore there was no reason to reconsult and no breach of procedure had occurred. The Planning Officer also informed Members that due to a technical glitch, the deadline for comments on this application had been published as 18 December 2013 which was later than the statutory requirement. She, therefore, suggested that if the Committee were so minded, in order to take account of any additional comments received during that extended period, grant of temporary permission could be delegated to the Development Management Service Delivery Manager following consultation with the Chair and Vice-Chair, after the published deadline had passed.

During the course of the debate, some Members raised questions regarding planning policy (particularly CTAAP); loss of employment land, consideration of coal mining features and that fencing had already been erected on the site. Concerns were also raised regarding crime and antisocial behaviour, occupation by pitch and not by family, considerable public objection and the evidence-base for assertions that there was a lack of space for gypsies and travellers.

In response to questions raised, the Planning Officer advised that there was an abundance of employment land in the borough and by taking a balanced view and considering the temporary nature of the site, it was considered that the lack of facilities for gypsies and travellers outweighed the provisions of CTAAP in this particular case. In particular, she advised that the Planning Policy for Traveller Sites (paragraph 25) indicated that as a five-year supply of deliverable sites could not be demonstrated, this constituted a significant material consideration in the consideration of applications for the grant of temporary planning permission. She confirmed that as no below ground level works would be carried out on site, the Coal Authority did not object to the proposals subject to an Informative and that the fencing which had been erected at the site did not require planning permission.

Continuing the debate, some Members were of the opinion that a requirement for a temporary traveller site could be demonstrated by the growing number of illegal encampments across the borough. The Council's statutory obligations were noted, together with the abundance of employment land and national policy provisions regarding land supply. It was noted that work was taking place to extend permanent provision at Lodge Road, which was a well-managed site, and no evidence of antisocial behaviour at existing permanent sites had been presented. Considerable public objection was noted but it was also noted that of those objections received, only a small percentage came from residents or businesses in the immediate vicinity.

The Assistant Director: Planning Specialist summarised the reasons for the recommendation to approve this application, highlighting the Council's responsibility to provide traveller sites and, whilst this site represented a departure from local

policy, it did not change the provisions of CTAAP and the lack of a five year supply of sites was presented as a significant material consideration. Ground conditions had been considered and could be dealt with by Informative; no evidence had been provided of antisocial behaviour at existing sites. He indicated that evidence of need had been written several years ago and a greater demand could now be evidenced by the numbers of unauthorised encampments. He concluded that in making their decision, Members needed to determine whether there were any sustainable and defensible reasons to refuse permission on the basis of planning matters alone.

On being put to the vote, it was by a majority

RESOLVED – that with respect to planning application TWC/2013/0821 the Development Management Service Delivery Manager be authorised, following consultation with the Chair and Vice-Chair of the Planning Committee, to grant two year temporary planning permission subject to the conditions set out in the update report tabled at the meeting.

Councillor I T W Fletcher asked that his vote against the recommendation be recorded in accordance with procedure rule 11.4.

(d) TWC/2013/0823 - Blessed Robert Johnson Catholic College, Whitchurch Road, Wellington, Telford, Shropshire, TF1 3DY

Councillor A A Mackenzie left the meeting prior to consideration of this item.

This was a full application for the demolition of existing school buildings and the erection of a 1200 place secondary school with associated parking and hard and soft landscaping. An update report was tabled at the meeting which set out additional comments received since the publication of the main report and clarifying the highways works to be secured by condition rather than a Memorandum.

Noting the principle of development on site already existed, that land ownership was not a material consideration and that parking provision would be significantly increased, Members welcomed the new school facilities.

RESOLVED – that with respect to planning application TWC/2013/0823 the Development Management Manager be authorised to grant planning permission 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 Development Management Service Delivery Manager).

The meeting ended at 8.46pm

Chairman:

Date:

PLANNING COMMITTEE

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

PRESENT: Councillors J C Minor (Chairman), S P Burrell, N A Dugmore, E J Greenaway, K R Guy (as substitute for J Loveridge), A S Jhawar, G C W Reynolds, S A W Reynolds and C R Turley

ALSO PRESENT: Councillors S Bentley (for planning application TWC/2013/0685), A J Eade (for planning application TWC/2011/0871) and A A Meredith (for planning application TWC/2011/0871)

PC-060 APOLOGIES FOR ABSENCE

Councillor J Loveridge.

PC-061 DECLARATIONS OF INTEREST

Cllr N A Dugmore commented on his position regarding planning application TWC/2013/0832 but stated that, in the circumstances he would not be withdrawing from the meeting for that item.

PC-062 DEFERRED/WITHDRAWN APPLICATIONS

None.

PC-063 SITE VISITS

RESOLVED – that a site visit takes place at 3.00pm on Wednesday, 18 December 2013 at land off Castle Farm Way, Priorslee, Telford, Shropshire in respect of planning application TWC/2013/0769.

PC-064 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/2011/0871 and TWC/2013/0832.

- (a) TWC/2011/0871 - Land to the East and West of Station Road, Newport, Shropshire

This was an outline application, including access, for the erection for up to 350 dwellings (Use Class C3); extra care housing (Use Class C2); 4.5ha of employment land (Use Classes B1, B2 and B8); public open space and landscaping provision including sports pitch and landscaped park; demolition of existing industrial buildings; highway works and associated infrastructure development. Issues relating to layout, scale, appearance, and landscaping were reserved matters for later consideration.

The Planning Officer advised that the application was first submitted in October 2011 and included 3.9 hectares of land to be used for a new supermarket and petrol filling

station; this application had since been amended and now excluded that land such that the supermarket and petrol filling station no longer formed part of the outline application. The Planning Officer pointed out that if members were minded to grant outline planning permission, then the committee report and committee resolution would be sent to the Secretary of State, to allow an assessment to be made as to whether there were any issues of a significant enough nature to warrant intervention or whether the final decision could be left to the local planning authority. Referral to the Secretary of State had taken place for housing applications at Wellington Road and Land North of Audley Avenue, and neither application had been called-in. The Planning Officer reminded Members that the Council's housing land supply had recently been reassessed and that the five year deliverable supply required by the National Planning Policy Framework (NPPF) was not available; she did not believe that there were significant material planning considerations to outweigh the provisions of the NPPF in this regard. Not all approved housing development would come forward at the same time, there would be some phased development. The Planning Officer also referred Members to the Cabinet report dated 14 November 2013 which considered a review of employment land in Newport and drew attention to the enhancement to employment land which was proposed by the application. The Planning Officer also explained that Newport's continued growth would require some greenfield sites to be built on and that there would be some loss of agricultural land as a result. The Planning Officer particularly pointed out that a Habitats Regulation Assessment had been undertaken which concluded that there would be no adverse impact on statutorily protected sites and the application had been subject to an Environmental Impact Assessment. In addition, the Environmental Statement had recently been revised and updated and the Environmental Statement had been considered in assessing the application.

The Planning Officer also highlighted the update report which had been tabled which set out further comments received since publication of the main report. The Planning Officer pointed out that there was no objection from Highways subject to Section 106 contributions, drainage or ecology officers.

Cllr J Pay, representing Church Aston Parish Council spoke in opposition to the application on the grounds of housing need and the Council's recent statement on housing land supply in the borough, viability of affordable housing targets, sustainability and the impact on local infrastructure. He made assertions that there had been some misinformation during consultation.

Cllr A J Eade, Ward Member for Church Aston and Lilleshall, spoke against the application questioning the evidence that there was not a deliverable five year supply of housing land in the borough as required by the National Planning Policy Framework. He noted the effect of this requirement was that the application could only be refused on the grounds of sustainability, and he pointed to issues regarding highways, impact on GP and dental surgeries and loss of employment land to support refusal. He suggested that the Committee should defer determination of the application until the Cabinet had considered the housing supply position as part of the Shaping Places: Local Plan Update report which was due to be presented on 12 December 2013.

Cllr A A Meredith, Ward Member for Newport South, also spoke to oppose the application in terms of the length of time it had taken for the application to come forward for determination, disturbance to current tenants of employment units and the potential for them to relocate outside Newport if they were not rehoused prior to demolition, loss of employment land contrary to the Cabinet decision on 14 November 2013, size of

homes and distortion of local rental market by annual tenancies let to students at Harper Adams University.

Mr P Hill, the Applicant's Agent addressed the Committee in support of the application, pointing to the national impact of the government's directive regarding five year housing supply, the mixed-use nature of the application, including extra care facilities and open space. He noted the proposed extension of bus services, and financial contributions. He noted that the current business park was out-dated and facilities would be significantly enhanced by these proposals. He indicated that, if Members were minded to support the proposals, development would take place in a phased, co-ordinated manner which would support current tenants of the business park.

Members asked a number of questions about the application which were addressed by the Assistant Director: Planning Specialist:-

- Government policy stated that where a 5 year housing supply could not be demonstrated, relevant policies for the supply of housing could not be considered up-to-date. Difficulties had arisen over how a "deliverable" housing supply was defined. He advised that after careful consideration of the terms of the NPPF, recent decisions by the Planning Inspector and advice from the Local Government Association, Officers had concluded that whilst approvals existed, a 5 year supply could not be demonstrated. This position was reflected nationally as the housing market remained difficult due to the economic recession. In accordance with the NPPF, this limited the weight the Council could apply to its housing supply policies when determining planning applications and instead there was a 'presumption in favour of sustainable development'.
- The National Planning Policy Framework set out the government's definition of sustainable development and it was the Planning Officer's opinion that this application was compliant with the requirements.
- There had been no change to local policy and there was no basis upon which the Committee could be recommended to defer the application.
- The Chancellor's Autumn Statement indicated that if Local Authorities refused applications for housing development which were later overturned at appeal, a loss of New Homes Bonus would result.
- The timeframe for bringing an application forward was somewhat led by the developer.
- The Cabinet report of 14 November 2013 regarding the need for employment land in Newport noted the need for quality facilities as well as quantity. Whilst the current employment buildings would be lost, the new buildings proposed by this application represented a significant enhancement in provision for future employment. The report represented an update of the position that was reported in 2012.
- The Council's Choice Based Lettings Scheme was not a material planning consideration.
- Education colleagues were satisfied that Burton Borough School could meet the needs of the development.
- Utilities and Geotechnical Engineers had not raised issues and there was no reason put forward why the site could not be adequately served. Similarly, no objection had been raised regarding flooding.
- Housing Needs Officers had not raised any issues regarding the Extra Care facilities. A spread of facilities across the borough was sought.

- At the examination in public of the Council's Core Strategy, it was concluded that development of Greenfield land in Newport was inevitable to provide for future needs.

After consideration of these responses, the debate continued with Members noting that education contributions would be phased and subject to indexation. Some Members considered that the housing development would have a positive impact on the local economy and boost spending power on the local high street. A significant waiting time for affordable housing in the locality was noted and the viability of developing Brownfield land was considered as well as whether there may be Brownfield land of a large enough size to accommodate these proposals. Some Members considered that the current business park was outdated and welcomed the proposed modern accommodation which would be efficient, sustainable and attractive to new businesses. The Chancellor's Autumn Statement with regard to the New Homes Bonus was noted and considered in light of a case in Lancashire where the Planning Inspector had over-turned decisions to refuse planning permission. Members, therefore, acknowledged that there needed to be good, defensible reasons to refuse the application.

Some Members sought greater clarity regarding viability as it was noted that it had proved difficult to achieve affordable provision in Newport. The Assistant Director: Planning Specialist indicated that developers could not be forced to build unviable homes and he was unable to guarantee that the developer would not seek a reduced contribution of affordable homes on the grounds of viability. However, the Committee were advised to make their decision based upon the proposals before them. Some Members also noted proposed works at Burton Borough School under the Building Schools for the Future programme, but noted that capacity at the school would not be significantly increased. Some Members noted the debate between housing need and deliverability and expressed disappointment that the government drive to increase house building had a perceived negative effect on the local community and preferred to await the Council's Cabinet's consideration of the Annual Monitoring Statement before making a decision on this application.

Some Members considered that the concerns which had been raised were adequately addressed in the report and by Officers at the meeting and, whilst local opposition to the proposals was noted, for reasons of planning policy and strategy they did not consider that they were in a position to refuse the application.

On being put to the vote, it was by a majority

RESOLVED – that with respect to planning application TWC/2011/0871 the application be referred to the Secretary of State and if there is no objection or no request to call-in the application within the prescribed time period then 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: 35% affordable housing; £820,596 for off-site highway infrastructure works; £10,000 for public transport infrastructure; £7,500 for Public Rights of Way; £360,000 for public transport service enhancements; £10,000 for Travel Plan monitoring (comprising £5,000 (C class uses) + £5,000 (B class uses)); Commuted maintenance sum for the Station Road PUFFIN crossing to be confirmed; a sum to be agreed for Public Art (to the value of £100,000); £2,464.55 per dwelling towards primary and secondary education facilities; Open space/landscape maintenance sums to be agreed, depending if land to be

transferred to the Council; S106 Monitoring fees (£1,000 flat fee plus £500 per covenant), and further subject to the conditions set out in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).

(b) TWC/2013/0685 - Land adjoining Waters Upton Village Hall, Waters Upton, Telford, Shropshire

This was an application for the erection of 5 detached dwellings with associated garages, provision of open space with associated access.

Ms K Baker, representing Waters Upton Parish Council spoke in favour of the application, welcoming the consultation which had taken place and the community gain which formed part of the proposed Section 106 Agreement. She welcomed the transfer of land, noted that there was sufficient affordable housing in the village and that the front hedge would be maintained. If Members were minded to approve the application, she asked for consideration to be given to plot 5 being designated as a single storey dwelling.

Cllr S Bentley, Ward Member for Ercall Magna, also spoke in support of the application, similarly welcoming the applicant's engagement with the community and reiterating the request for a bungalow at plot 5.

Mr C Huntley, the Applicant's Agent, addressed the Committee in support of the application, noting comments made for the first time at the meeting regarding plot 5 and suggesting that the issue be dealt with at reserved matters stage.

Members listened to the Planning Officer's summary of the report, which drew attention to consultation, principle of development, National Planning Policy Framework requirements regarding housing land supply, the sustainability of Waters Upton village, layout, access, drainage, ecology and the reasons for not requesting financial contributions as part of a Section 106 Agreement. Noting comments regarding plot 5, which had not previously raised, the Planning Officer indicated that there was not an issue with the canopy of the protected Oak Tree as the layout had been amended. Responding to a question as to whether it was possible to condition plot 5 as a single storey dwelling, she did not believe it would be defensible if it were to be appealed and she indicated that it would be more appropriate to pursue this aspect at the reserved matters stage.

Members welcomed the applicant's co-operative approach and hoped that the applicant would continue working with the community at reserved matters stage. On being put to the vote, it was, therefore, unanimously:

RESOLVED – that with respect to planning application TWC/2013/0685 the Development Management Service Delivery Manager be authorised to grant planning permission subject to the applicants/landowners entering into a Section 106 Agreement to transfer the ownership of land as shown on Drawing No. 15 Land Transfer Plan to Waters Upton Parish Council for community benefit and further subject to the conditions and informatives set out in the report.

(c) TWC/2013/0832 - Burton Borough School, Audley Avenue, Newport, Shropshire, TF10 7DS

This was an application for the erection of a two storey rear learning block extension, with associated landscaping. Relocation of four temporary classroom blocks and creation of new football pitch and demolition of part of existing two storey building and associated remedial works to existing buildings.

An update report was tabled which set out details of a petition received to retain the cadet hut located within the site. The local highways authority had undertaken vehicle tracking and concluded that the building would not be impacted by bus movements.

The Planning Officer also reported that the additional information requested by the Council's Ecologist had been received and additional conditions and Informatives were requested relating to badgers, bats and lighting.

Members welcomed the proposals but some Members expressed reservations that there were insufficient places to accommodate the likely future local population growth; Sixth Form provision was applauded and the retention of the Cadet hut was also welcomed. Clarity was sought on the size of the playing field and the Planning Officer advised the scheme was commensurate with Sport England requirements. In addition, floodlighting for evening community use was questioned and the Planning Officer advised that this could be controlled through the Community Use Agreement.

On being put to the vote, it was unanimously

RESOLVED – that with respect to planning application TWC/2013/0832 the Development Management Service Delivery Manager be authorised to grant planning permission subject to the conditions set out in the report and further subject to conditions relating to badger protection, bat protection, bat and bird boxes, lighting plan and informatives.

The meeting ended at 7.52pm

Chairman:

Date:

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 18 December 2013 at 6.00pm in the Main Hall, New College, King Street, Wellington, Telford, TF1 1NY

PRESENT: Councillors J C Minor (Chairman), N A Dugmore, I T W Fletcher, E J Greenaway, A S Jhavar, G C W Reynolds, S A W Reynolds, B J Thompson (as substitute for J Loveridge) and C R Turley.

ALSO PRESENT: Councillors N A M England (for planning application TWC/2013/0808), V A Fletcher (for planning application TWC/2013/0769), A Lawrence (for planning application TWC/2013/0881) and J M Seymour (for planning application TWC/2013/0649).

PC-065 APOLOGIES FOR ABSENCE

Councillor J Loveridge

PC-066 DECLARATIONS OF INTEREST

Cllr N A Dugmore commented on his position regarding planning applications TWC/2013/0808 and TWC/2013/0881 but stated that, in the circumstances he would not be withdrawing from the meeting for either item.

Regarding planning application TWC/2013/0769, Councillor I T W Fletcher indicated that he was a Member of St Georges & Priorslee Parish Council but had not taken part in any previous discussions regarding the application and stated that, in the circumstances he would not be withdrawing from the meeting for that item.

Cllr C R Turley commented that, with regard to planning application TWC/2013/0808, he was a member of Stirchley & Brookside Parish Council but had not taken part in any previous discussions regarding the application and stated that, in the circumstances he would not be withdrawing from the meeting for that item.

PC-067 DEFERRED/WITHDRAWN APPLICATIONS

None.

PC-068 SITE VISITS

RESOLVED - that a site visit takes place at 3pm on Wednesday, 15 January 2014 at land to rear of 49, 51, 53, 55, 57, 59, & 61, Muxton Lane, Muxton, Telford, Shropshire in respect of planning application TWC/2013/0881.

PC-069 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 each planning application.

(a) TWC/2013/0649 - Land to rear of Holly Acres, Long Lane, Telford, Shropshire

This was a full planning application seeking consent for the extension of the existing park homes site known as “The Moorings” situated off the A442 in Long Lane, Telford. The proposal included provision for 12 Park homes, 30 Caravan tourers and 10 holiday tents together with associated landscaping, access and fishing rights to canal/pond. Councillor J M Seymour, Ward Member for Wrockwardine had requested that the application be determined by the Planning Committee. During the preparation of the main report, the Local Planning Authority had reconsulted all consultees following receipt of amended plans and an update report tabled at the meeting detailed comments received as a result.

Councillor D Johnson, representing Rodington Parish Council, spoke against the application on the grounds of need, inclusivity, viability and noise disturbance.

Councillor J M Seymour, Ward Member for Wrockwardine, spoke in opposition to the application in terms of housing demand, sustainability, lack of affordable housing, limited current use and the likelihood of business failure.

The applicant, Mrs K Finney, addressed the Committee in support of the application, pointing out that the proposals represented a continuation of existing development at her family home-base and acknowledged that, whilst significant levels of tourism were not anticipated, business aimed at the over 50s would need to be built up over a period of time. She also said that the canal had been dredged.

The Planning Officer explained the three rounds of consultation which had taken place regarding this application and explained the planning history of the site in context with changing national and local policy. She drew attention to issues of sustainability in terms of park management, tourism, design, parking, access and indicated that the canal would not be reinstated so there was no reason to condition landscape and infrastructure on Shropshire & Newport Canal Trust land. She also indicated that it was not reasonable to condition the nature of the business, ie for adults over 55, and that a business viability statement was not necessary in this case with the expansion being at the applicant’s own risk. The threshold for affordable housing had not been met.

Members’ concerns focussed on sustainability but it was noted that the existing site was well managed, that the proposals were compliant with the National Planning Policy Framework and would contribute towards the borough’s tourism aims in the longer term. Members unanimously supported the application.

RESOLVED – that with respect to planning application TWC/2013/0649 planning permission be granted subject to the conditions as set out in the update report.

(b) TWC/2013/0769 - Land off Castle Farm Way, Priorslee, Telford, Shropshire

This was an outline application for up to 600 dwellings, associated open space and infrastructure works with all matters other than access (ie, appearance, landscaping, layout and scale) being “reserved matters” for consideration at a later stage. The proposal included provision for public open space including protected trees, footpaths and drainage courses. In addition, two new vehicular access points were proposed to the north and the south of the existing vehicular access off Castle Farm Way. The site had been subject to previous planning applications, which were detailed in the main report. An update report was tabled at the meeting and Members were given additional time to consider the further comments received since the publication of the main report together with details of Section 106 planning obligations secured following negotiations. A site visit had been undertaken in the afternoon immediately prior the meeting.

Councillor V A Fletcher spoke against the application in terms of access for the adjacent proposed academy, replacement of felled Oak trees, loss of wildlife and ecology, loss of amenity and open space, pollution and noise from the M54, lack of facilities for young people in locality and pressure on infrastructure.

Mr D Hambleton, Chairman of Priorslee Protection Association, spoke in opposition to the application on the grounds of pressure on infrastructure, safety of access and egress, lack of primary education facilities and the Committee’s decision to grant planning permission for application TWC/2013/0774 which he considered to be inappropriate.

The applicant’s agent, Mr S Hawley addressed the Committee in support of the proposals noting that the Planning Officer’s report comprehensively addressed issues raised by speakers.

The Planning Officer highlighted aspects of the report including that the principle of development had already been established on the site, housing need and the requirements of the National Planning Policy Framework, highways and deliverability. In order to provide clarification for Members, he also addressed comments made by speakers, noting that the application was in outline form, but that despite negotiation access to the proposed school from Castle Farm Way was not achievable, many protected trees remained on site, the ecologist’s comments regarding the loss of nesting sites for Little Ringed Plover was highlighted and planning gains were pointed out in terms of play facility provision and education. With regard to proposals for a school on the adjacent site, Members were reminded that this application had to be determined on its own merits.

In response to Members’ questions, the Planning Officer also advised that:-

- A balance was required between ensuring development can progress and securing planning contributions and the £0.4m contribution for primary education was accepted and could make provision for a class base extension.
- The detailed layout of the scheme would come forward in future applications as such an appropriate setback for the proposed dwellings from Castle Farm Way would be considered at this time.

- Drainage was a key viability consideration and the worst case scenario had been incorporated. Severn Trent Water were keen to avoid flooding and modelling would take place to see if the reservoir could cope with the installation of a weir plate. Provision of drainage infrastructure was the developer's responsibility.
- No further detail on phasing was available until a reserved matters application was made. However, it was considered that the proposals were logically formulated.
- The name of the applicant was somewhat irrelevant in the process.
- Section 278 requirements were expected prior to commencement or occupation.
- Joint reports encompassing this application and the school application had been undertaken to consider a cumulative approach.
- As the proposals were currently in outline form, on balance, it was considered that the proposals accorded with design criteria.
- Access issues for the proposed academy on adjacent site were considered in depth as part of those proposals on 4 December 2013; access for the school did not form part of this application.

In response to questioning regarding the Section 278 Agreement, the Highways Development Team Leader advised that the Section 278 works although priced for viability purposes were required to be undertaken regardless of cost and once the works were completed the Section 278 agreement, signed between the developer and the Council as Highway Authority, would be discharged. The commuted sums detailed were for ongoing maintenance and would be required as part of a Section 106 Agreement and would be secured on completion of the works.

The Assistant Director: Planning Specialist added that the proposals had been evaluated for viability, finance and education officers were aware of proposed education contributions together with the context and viability issues involved and funds would be used effectively, the proposed first phase had been designed to limit disturbance to the school and would effectively form a barrier between the school and the remaining development, access issues for the proposed new school were not part of this application and the proposals were acceptable to both the Highways Authority and Highways Agency, drainage issues were the responsibility of the utility company and the Environment Agency and no objection had been raised. He reminded Members that the site was brownfield, that the principle of development had been established and that the application was in outline form.

Following the above clarification, some Members considered that the development was sustainable and acknowledged its brownfield status; it was also considered that the proposals were National Planning Policy Framework compliant and would contribute towards the housing supply. Some Members also noted a good variety of housing types outlined in the proposals together with amenity space and contributions for affordable housing and play facilities. Therefore, the majority of Members did not believe that there were material planning reasons to refuse the application and it was

RESOLVED – that with respect to planning application TWC/2013/0769 provided that the viability position is final and the heads of terms of the

proposed S106 agreement are confirmed and acceptable, 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 the Council (final figures and terms to be agreed by the Service Delivery Manager of Development Management) relating to:
 - (i) to provide £1,100,000 contribution toward provision of off-site affordable housing units in the Telford urban area;
 - (ii) a contribution of £220,000 toward the provision, maintenance or enhancement of play equipment or facilities near to the application site;
 - (iii) a contribution toward the provision of primary education of £400,000;
 - (iv) a contribution of approximately £570,446 toward the maintenance of open space and drainage features to be determined in line with a detailed schedule of rates when full details are available;
 - (v) planning and travel plan monitoring contribution of £10,000;
 - (vi) a contribution of £100,000 will be made towards improvements to public transport in the area;
 - (vii) up to £10,000 toward the upgrade of bus stops in the vicinity of the proposal;
 - (viii) up to £24,000 commuted maintenance sum in respect of the signalisation works for the Castle Farm Way and Priorslee Avenue junction;
 - (ix) up to £24,000 commuted maintenance sum in respect of the signalisation works for the Castle Farm Way and southern access to this development;
 - (x) up to £12,000 commuted maintenance sum in respect of TOUCAN crossing in the vicinity of Salisbury Avenue where NCN81 crosses Castle Farm Way.

Where a contribution has been reduced for viability reasons, they will be subject to a robust review mechanism for fresh viability assessments ideally linked to the phasing of the development to be carried out by the DVS or another independent consultant (at the expense of the owner/developer) from the date this proposal comes before planning committee. This will ensure that a review of the viability of the development proposals will be undertaken at appropriate times to assess whether the S106 package can be enhanced

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

(c) TWC/2013/0808 - Grange Park Primary School, Calcott, Stirchley, Telford, Shropshire, TF3 1YQ

This was an outline application with all matters reserved for the demolition of the existing school buildings to enable residential development for up to 37 dwellings together with associated open space, landscaping and infrastructure at the Grange Park Primary School. The redevelopment proposals were related to the Council's 'Building Schools for the Future' programme, with the proposed Lakeside Co-operative Campus including new buildings for the primary school. An update report tabled at the meeting detailed comments received from Affordable Housing and Viability Officers.

Councillor S Parr, representing Stirchley and Brookside Parish Council, spoke to oppose the proposals on the grounds of the adequacy of vehicular access and associated travel plan, lack of affordable housing, links to the 'Building Schools for the Future' programme, the lack of affordable housing in an area with high deprivation levels and lack of community consultation.

Councillor N A M England, Borough Ward Member, spoke against the layout of the proposals in terms of overlook and privacy for existing residential properties.

The Planning Officer particularly drew Member's attention to elements of the report relating to housing supply, sustainability, enhanced school facilities and 'Building Schools for the Future' Funding, which in the circumstances of this particular application was a material planning consideration. She pointed to the lack of affordable housing provision and other planning contributions but on balance considered exceptional circumstances existed in the form of the wider community gain to be realised from the enhanced education facilities provided by the proposed Lakeside Co-Operative Campus on the Lord Silkin School site. Noting concerns regarding access, she reminded Members that this was an outline application with all matters reserved and pointed to the Highways Engineer's comments detailed in the report. With regard to consultation, she advised Members that all applicants were invited to consult with the community but it was not reasonable to withhold consent if this option was not explored.

Following questioning regarding access, the Planning Officer confirmed that conditions would be appropriately worded to reflect that access was a reserved matter and noted Members' concerns that consideration should be given to ensuring vehicular access for residents of Calcott was not limited by the school run. The Planning Officer also advised that the proposed density accommodated residents' concerns regarding overlook and privacy. Whilst disappointment was expressed regarding the lack of affordable housing, Members noted the position regarding viability and it was, by a majority

RESOLVED – that with respect to planning application TWC/2013/0808, the Development Management Service Delivery Manager be authorised to grant planning permission subject to:

- (a) The Council as landowner agreeing to provide a Memorandum signed by the Assistant Director: Development Business and Housing agreeing that the Council as landowner will pay the contributions (i), (ii) and (iii) below either upon the sale of any of the development land or upon commencement of the development whichever is the sooner (precise terms to be agreed by the Development Management Service Delivery Manager).**
 - (i) £1,500 in connection with Traffic Regulation Order works for the implementation of a Traffic Regulation Order (Parking Restriction) on Calcott to replace the School Zone Road Markings. The monies are to be indexed.**
 - (ii) That commuted sums of money for the maintenance of the open space and any surface water attenuation feature on site to be agreed prior to development.**
 - (iii) That funds raised from the sale of the land are directed to the delivery of the new Lakeside Academy in Stirchley.**

- (b) further subject to the conditions set out in the update report including clarification of condition 7 regarding road access (with authority to finalise conditions and reasons for approval to be delegated to the Development Management Service Delivery Manager)**

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

This was an outline application for the erection of 5 detached dwellings and double garages. Access, layout and scale were included for determination with appearance and landscape matters reserved for subsequent consideration. Councillor A Lawrence, Ward Member for Muxton had requested that the application be determined by the Planning Committee. An update report tabled at the meeting set out submission of amended plans, clarified planning history at the site and detailed further comments received since the publication of the main report.

Councillor A Lawrence spoke against the application in terms of a previous application which had been refused on appeal, the location being outside the urban area, access and loss of visual amenity. He urged members to undertake a site visit and the Chairman exercised his discretion to allow circulation of the previous appeal decision.

Messrs H Haycocks, S Clinton and O Daley, local objectors, spoke to oppose the application on the grounds that it was contrary to policy, citing previous appeal decision and the suitability of the site as set out in the SHLAA 2012 Report, access, pedestrian safety, loss of privacy and loss of amenity.

The Applicant, Mr A Williams, spoke in support of the application, addressing concerns raised by noting that the road was constructed to an adoptable standard, the layout accommodated protected trees, bat and bird boxes would be installed, loss of view was not a material planning permission and no overlook would result due to the length of existing gardens. He also pointed to the context of changing planning policy, housing supply and sustainability.

The Planning Officer advised Members that since the appeal decision which speakers had referred to, there had been a shift in local and national policy which supported the government's drive to increase housing supply and in light of this, it was considered that the application was acceptable.

Following a brief debate, during which Members expressed concerns regarding issues of access and sustainability, Councillor I T W Fletcher proposed, seconded by Councillor N A Dugmore, that the application be deferred to allow Members to undertake a site visit. On being put to the vote, this was agreed by a majority.

RESOLVED – that determination of planning application TWC/2013/0881 be deferred to allow the Committee Members to make a Site Visit.

The meeting ended at 8.07pm

Chairman:

Date:

TELFORD & WREKIN COUNCIL

PLANNING COMMITTEE

15th January 2014

Schedule 1 - Planning applications for determination by Planning Committee

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

Change of use from warehouse unit (Use Class B1, B2, B8) to metal recycling facility (Use Class Sui Generis) including the demolition of the existing building and erection of a two storey office building, 3no. outbuildings, 2no. weighbridges, an end of life vehicle facility and associated tank farm, a perimeter barrier and associated machinery, parking, access and landscaping2

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

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

TWC/2013/0871

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

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

APPLICANT

European Metal Recycling Limited

RECEIVED

28/10/2013

PARISH

Madeley

WARD

Cuckoo Oak

OFFICER

Matthew Thomas

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

OBJECTIONS RECEIVED: Yes

MAIN ISSUES:

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

PROPOSAL:

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

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

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

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

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

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

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

End of Life Vehicles

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

SITE AND SURROUNDINGS:

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

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

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

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

SUMMARISED CONSULTATIONS:

Standard consultation responses

Madeley Town Council: Support subject to conditions

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

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

Drainage: Support subject to conditions

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

Highways: Comment

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

Environment Agency: Object – further information required

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

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

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

Environmental Health: Comment

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

Contaminated Land: No comments received

Ecology: Condition erection of nest boxes and include wildlife informatives

West Mercia Constabulary: No Comment

Shropshire Fire Service: Add Fire Authority Informative

Neighbour consultation responses

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

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

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

RELEVANT HISTORY:

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

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

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Core Strategy:

CS2 Jobs

CS3 Telford

CS9 Accessibility & Social Inclusion

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan:

EH7 Contaminated Land

UD2 Design Criteria

PLANNING CONSIDERATIONS:

Employment

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

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

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

Design

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

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

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

Noise

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

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

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

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

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

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

Environment

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

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

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

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

Contaminated Land

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

Arboriculture/Ecological Issues

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

Highways

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

Conclusion

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

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

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

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

RECOMMENDATION:

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

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

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

TWC/2013/0881

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

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

APPLICANT

H G Clarke

RECEIVED

31/10/2013

PARISH

Lilleshall, Donnington and Muxton

WARD

Muxton

OFFICER

Anna Adams

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

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

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

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

Accordingly, the recommendation is unchanged.

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

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

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

Informatives:

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

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

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

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

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

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

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

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

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

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

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

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

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

Shropshire Fire Service has no comment to make.

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

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

The further neighbour objections are summarised thus:

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

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

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

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

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

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

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

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

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

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

19. D03 Restriction on Garage Conversion

Informatives:

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

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

OBJECTIONS RECEIVED: Yes

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

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

Appearance and landscaping are reserved matters for subsequent consideration.

SITE AND SURROUNDINGS:

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

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

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

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

PLANNING HISTORY:

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

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

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

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

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

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

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

PLANNING POLICY CONTEXT:

National Planning Guidance
National Planning Policy Framework

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

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

CONSULTATION RESPONSES:

Lilleshall, Donnington & Muxton Parish Council: no comments received

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

- Access
- Existing traffic issues on Muxton Lane

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

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

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

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

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

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

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

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

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

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

PLANNING CONSIDERATIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Informatives:

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

