

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 15 January 2014 at 6.00pm in the Walker Room, Meeting Point House, Telford

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

ALSO PRESENT: Councillor A Lawrence (for planning application TWC/2013/0881).

PC-070 MINUTES

RESOLVED – that the minutes of the meetings of the Planning Committee held on 4 December 2013, 11 December 2013 and 18 December 2013 be confirmed and signed by the Chairman

PC-071 APOLOGIES FOR ABSENCE

Councillor N A Dugmore.

PC-072 DECLARATIONS OF INTEREST

None

PC-073 DEFERRED/WITHDRAWN APPLICATIONS

The Development Management Service Delivery Manager informed the Committee that further discussions with the applicant and Environment Agency were required regarding planning application TWC/2013/0871.

RESOLVED – that determination of planning application TWC/2013/0871 be deferred until the next meeting of the Planning Committee.

PC-074 SITE VISITS

RESOLVED – that site visits take place on Wednesday, 5 February 2014 as follows:-

3.30pm Land off Shepherds Lane, Red Lake, Telford, Shropshire
(TWC/2013/0824)

4.15pm (approx) Unit 108C, Halesfield 13, Halesfield, Telford, Shropshire, TF7 4QR
(TWC/2013/0871)

PC-075 PLANNING APPLICATIONS FOR DETERMINATION

(a) 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 and determination had been deferred at the meeting of the Committee on 18 December 2013 to

enable Members to undertake a site visit. Members received a comprehensive report for consideration.

Councillor A Lawrence spoke against the application in terms of the location of the site in proximity to the border of open countryside. Whilst he understood issues regarding housing supply, he feared that approval of this application would set a precedent for the erosion of the borough's Greenfield land.

Messrs H Haycocks, S Clinton and O Daley, local objectors, spoke to oppose the application which they believed was contrary to the National Planning Policy Framework (NPPF). Mr Haycocks stated his belief that the site was open countryside and development was, therefore, also contrary to the Local Development Plan. Mr Clinton expressed concern regarding the access in terms of pedestrian safety and Mr Daley commented upon the loss of green belt and countryside.

The Applicant, Mr A Williams, spoke in support of the application, focussing upon the principle of development in terms of changing policy context, accordance with highways guidance and standards, landscaping and minimising impact on residential amenity.

The Planning Officer noted issues raised by speakers and advised Members of the changing policy context since the previous application W2004/0965 was dismissed by the Planning Inspector. The current proposal conformed with current policies including the NPPF was, therefore, deemed acceptable subject to conditions and informatives. She noted that the Highways Engineer did not object to the proposal and that refusal on highways grounds had not been considered by the Planning Inspector when the previous application was dismissed.

Members referred to the site visit which had taken place that afternoon and expressed concern regarding agricultural land use, pedestrian safety, use of the access by the nearby ménage and dwellings which had taken place since the previous appeal decision, lack of footpath, impact on the visual amenity, loss of green network and a preference to reuse previously developed land, suitability of turning points, the weight of local objection, affordable housing and whether there was sufficient space allocated for car parking.

In response to questioning, the Planning Officer further outlined the changing planning context in terms of the appeal decision in 2005 and the current situation, particularly noting that the sequential assessment set out in PPG3 which prioritised brownfield land over Greenfield was no longer required. She noted that the site was not designated Greenfield despite its appearance but that a balance view had to be taken regarding the demand for housing in terms of the requirement for a five year housing supply. The Planning Officer advised that the number of houses proposed by the development did not meet the threshold to require affordable housing and that the size and nature of the proposed dwellings matched the character and setting of the area.

Members were provided with clarification regarding the process for change of use from agricultural land to paddock to development land and also regarding the location of the access road on the plans. Members were also provided with information regarding the upgrade of the access road following development in the immediate vicinity which had brought it to adoptable standard.

With regard to the presumption in favour of sustainable development when a five year housing supply did not exist, Members expressed concerns that developers' were failing to build despite significant consents being in place which was putting pressure on sites such as this. The Assistant Director: Planning Specialist acknowledged that consents were in place for significant developments on public land, many of which were owned by HCA.

Unfortunately, development was taking place at a rate determined by developers which was, in turn, determined by take up within the housing market. He also reminded Members of the government's interpretation of deliverability which affected whether a five year housing supply could be demonstrated. In addition, he advised that the access had been assessed by the Highways Engineer in terms of national government standards, that the site was not Green Network and, therefore, had always been considered suitable for development, that the urban boundary had been established when the New Town was designated, and that all forms of housing, not just affordable, were required throughout the borough.

Whilst some Members' concerns were not assuaged, other Members were of the view that the site was within the urban boundary and not part of the Green Network, that adequate separation distances could be demonstrated, there were no highways or drainage objections, and, whilst the loss of paddock land could be lamented, the hedgerow would be retained and the application concurred with current national and local policy. The majority of Members, therefore, considered that there were no justifiable or defensible reasons to refuse outline planning permission.

RESOLVED – that with respect to planning application TWC/2013/0881 outline planning permission be granted subject to the conditions set out in the report.

The meeting ended at 6.50pm.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

PLANNING COMMITTEE

5th February 2014

Schedule 1 - Planning applications for determination by Planning Committee

TWC/2013/0806 Wrockwardine Wood Arts College, New Road, Wrockwardine Wood, Telford, TF2 6JZ	
Outline application for residential development of up to 53 dwellings with associated open space, landscaping and infrastructure following demolition of existing school buildings (ALL MATTERS RESERVED).....	2
TWC/2013/0824 Land off Shepherds Lane, Red Lake, Telford, Shropshire	
Outline planning application for residential development of up to 12no. dwellings with associated access and all other matters reserved.....	13
TWC/2013/0936 Land off Lodge Road, Telford, Shropshire	
Extension and refurbishment of traveller and gypsy caravan site including the erection of 25no. single storey utility pods, 17no. pitches, community building, substation and associated roads and works	25

TWC/2013/0806

Wrockwardine Wood Arts College, New Road, Wrockwardine Wood, Telford, TF2 6JZ

Outline application for residential development of up to 53 dwellings with associated open space, landscaping and infrastructure following demolition of existing school buildings (ALL MATTERS RESERVED)

APPLICANT

Telford & Wrekin Council (Property Services)

RECEIVED

03/10/2013

PARISH

Oakengates

WARD

Wrockwardine Wood and Trench

OFFICER

Anna Adams

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of development, Green Network, Mineshafts, Highways safety, Scale and Design, Impact on residential amenity, S106 contributions – Financial viability of scheme

THE PROPOSAL:

The application seeks outline planning permission for residential development of up to 53 dwellings with associated open space, landscaping and infrastructure following demolition of existing school buildings.

The school building and site will no longer be required once the Cooperative Academy has been completed and opened, as part of the Building Schools for the Future programme. Accordingly, the application site and other similar school sites are available for redevelopment.

All matters are reserved for a further application; however an illustrative layout has been submitted with the application to indicate the possible positions of the access points and layout of dwellings, parking, open space, retained trees etc.

SITE AND SURROUNDINGS:

The application site comprises an area measuring approximately 2.5 hectares and currently occupied by Wrockwardine Wood Performing Arts School, an established secondary school with associated buildings, hard surfacing, sports pitches and car parking/ pedestrian routes. The school has been extended and altered with a variety of red and dark buff brick and blue-coloured cladded buildings.

The existing vehicular access points to the site are at the southern end, off New Road and the northwest, off Hollyhurst Road. There are also pedestrian routes

through the site. There is no Definitive Rights of Way (DROW) on the site; although several DROW are located to the north of the application site, from Hollyhurst Road.

The east and south/west portions of the site are designated Green Network. There is a parcel of land covered by trees on the southern part of the site, and the land slopes down sharply, with the legacy of former mining activity on and adjacent to the site. There are further trees to the east and north of the site, to the rear of existing residential properties. The site is bounded by palisade fencing and gates, with an established hedge along New Road.

The site is sustainably located in a predominantly residential area within the urban area of Telford, close to Oakengates and Donnington, and a range of services and facilities. New Road is on a main bus route.

The surrounding residential development comprises a mix of terraced, semi-detached and detached two-storey properties and bungalows, dating from Victorian to Twentieth Century dwellings, mainly red brick construction, as well as cream and white rendered properties. The properties along New Road are predominantly set back and located in an elevated position above the highway. Some of the properties have drive access and offstreet parking facilities; whilst others use onstreet parking. Hollyhurst Road also has a mix of offstreet and onstreet parking.

PLANNING HISTORY:

Various planning applications relating to development associated with the school.

PLANNING POLICY CONTEXT:

National Planning Guidance:

National Planning Policy Framework (NPPF)

Core Strategy:

CS1 Homes

CS5 District and Local Centres in Telford

CS9 Accessibility and Social Inclusion

CS10 Community Facilities

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

H6 Windfall Sites in Telford & Newport

H22 Community Facilities

H23 Affordable Housing

OL3 Green Network

OL4 Development in the Green Network

OL5 Extensions and Redevelopment in the Green Network

OL11 Woodland and Trees

OL12 Open Land and Landscape – Contributions from New Development

LR6 Developers Contributions to Outdoor Recreational Open Space Provision within New Residential Development

CONSULTATION RESPONSES:

Wrockwardine Wood & Trench Parish Council: Objects to the proposed entrance on to New Road. This is a very busy road on a main bus route. Established residents use the road to park outside their properties. The increased volume of traffic which is inevitable with the proposed amount of new dwellings will cause a danger to all road users.

Oakengates Town Council: Support in principle, but there are concerns over the access in and out of the proposed estate.

Highways: no objection in principle, but makes the following comments:

- Whilst the access arrangement and layout is indicative, the proposed access onto Hollyhurst Road does not have requisite visibility splays therefore this should be addressed at reserved matters stage
- At reserved matters stage, further consideration will be required of turning areas (tracking of the Council's 11.3m service vehicle) and parking provision. Visitor parking should be provided within the shared surface layout in a parallel parking arrangement designated between trees
- Concern regarding existing substandard visibility splays at the Hollyhurst Road / New Road junction, and improvements are required to be made to this junction
- The Transport Assessment has demonstrated that no mitigating works are required for the Wrockwardine Wood Way/New Road Junction as a result of this development
- As the School Zone markings will be removed when this site ceases to be utilised as a school, this will leave highway available for vehicles to park on the street. This could potentially cause a highway safety issue as visibility on New Road and Urban Road/New Road Junction would be greatly reduced due to the bend in the road therefore this area should remain protected with a Traffic Regulation Order
- Conditions are required regarding site layout, pedestrian access, drainage, construction details, travel plan, visibility splays and bus stop relocation works, provision of pedestrian crossing, offsite works
- A financial contribution of £3000 for the implementation of a Traffic Regulation Order (Parking Restriction) on New Road and Urban Road / New Road junction to replace the School Zone Road Markings. The monies are to be indexed and payable upon commencement of operations.
- Informative is required regarding works within the highway requiring consent under S.278 of the Highways Act 1980.

Drainage: Full detailed drainage design should be provided with reserved matters application. This should include details on how the site will provide a minimum of a 30% betterment on existing flows. Any attenuation system must be capable of providing this betterment up to the 1 in 100 +30% event. Details on how flows between the 1 in 30 and 1 in 100+30% event will conveyed to the attenuation feature are required. The use of the highway for this function will not be permitted. Details on the future ownership of this system should also be submitted.

Urban Design: No objection in principle to the redevelopment of this site for residential, but advise that the layout and design should be revisited and revised as part of the subsequent Reserved Matters.

Affordable Housing/ Viability: There is the opportunity for new housing schemes to include a proportion of homes that are affordable, as part of the developer's overall contribution to planning obligations associated with the development. The Council seeks to achieve 38% affordable housing on new developments in Telford, although this may be moderated to take account of viability or other factors. There is a continuing shortfall of affordable housing in the borough to meet local housing needs, particularly to rent.

The applicant's proposal offers no affordable housing provision. The applicant states in the draft heads of terms that *the inclusion of any affordable housing as set out in the viability assessment provided will reduce the capital investment to the new Telford Co-operative Academy below the necessary level.* A 'nil contribution' is therefore proposed.

The viability assessment is based on a schedule of 53 units which accords with the layout included in the application. The values and costs presented reflect the current sales/build rates for the general marketplace and establish a residual land valuation in line with that expected for this locality in Telford. The profit shown at 22% of costs is below that widely accepted as the market threshold of 25% thereby supporting the nil contributions shown under the S106 category including no affordable housing provision.

Education: Given the number and type of dwellings, there would be a requirement for a contribution of £119,715 towards primary education facilities in the vicinity of the development.

Parks & Open Spaces: It is essential that all new developments make full provision for the infrastructure/amenities and services which they create. New residents to the area will increase demand upon the existing play area / recreational resource. There are some play/recreational facilities within walking distance to this proposed development, which need upgrading for children and young people in order to

maximise their capacity. The Applicant should therefore provide a contribution towards the upgrading of the nearest community use recreation facilities (which would serve the development area), with an appropriate sum of £600 per 2 bed property (or above). This should be provided prior to commencement of development if at all possible. Should the applicant not meet the needs arising out of this development by providing this sum, Parks & Open Spaces would object to the proposal.

There appears to be a significant amount of Public Open Space (POS) proposed within this development; therefore clarification is required as to who will maintain the open space, and submission of a long term management plan. Should the applicant wish for the council (P & OS) to adopt/maintain this POS, a commuted sum for maintenance will be required and this should be agreed within a S106 (or equivalent) alongside any other capital sums.

The current outline design of the POS includes areas of difficulty for maintenance purposes and therefore increases the cost of any maintenance and therefore any commuted sum should the council be requested to maintain. Such issues include small areas of landscape / grass between car parking bays, sharp corners of parking bays which do not enable easy grass cutting and areas of trees potentially blocking mowing routes. Therefore should this outline application be approved, the detailed layout of the POS needs to involve P & OS to resolve these issues and assist in reducing potential maintenance costs.

Contaminated Land (Environmental Health): Support subject to Land Contamination condition.

Arboricultural: Support subject to conditions regarding Landscaping design, management plan, protective fencing, no burning, soil levels and materials storage

Ecology: Initial objection as further information was required relating to bats. Following submission of further information, support subject to conditions regarding Bats and Nesting Wild Birds – European Protected Species Mitigation Licence, works in accordance with surveys, further details of bat mitigation, lighting plan and nest boxes, and informatives.

Sustainability: A statement is required in the design and access statement where the developer should look to explain how they believe they have developed a valid and sustainable design solution. One of the most effective ways of securing more sustainable developments, and reducing climate change emissions, is to achieve Code for Sustainable Homes (CSH), with a minimum requirement of level 4 and consideration of Level 5.

The Coal Authority: Initial objection as a Coal Mining Risk Assessment report was required to be submitted during the application process.

Following submission of the Coal Mining Risk Assessment and reconsultation, the Coal Authority has confirmed that there are no objections subject to the imposition of a condition that, in accordance with the recommendations of the Coal Mining Risk Assessment report, that prior to submission of the reserved matters application, the intrusive site investigation works shall be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat the mine entries and/or areas of shallow mine workings to ensure the safety and stability of the proposed development, any remedial works identified by the site investigation shall be undertaken prior to commencement of development.

West Mercia Constabulary: Makes the following comment that there are opportunities to design out crime and/or the fear of crime and to promote community safety. Therefore, the applicant should aim to achieve the Secured by Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured by Design is implemented.

Shropshire Fire Service: Provides advisory comments regarding access for emergency fire vehicles, water supplies and sprinkler systems.

Consultation comments from local residents: 11 letters from local residents with the following comments and objections:

- Access from new development on to New Road – highway safety issues as busy road, regular bus route, onstreet parking, delivery vehicles
- Existing school entrance should be used instead
- Consideration should be given to change routing of Ashdale Road to one-way or a cul-de-sac
- Increase in traffic
- Development will exacerbate flooding problems on highway and further deterioration of road surface
- Impact of construction traffic on existing highways
- Lack of parking provision for proposed residents
- Quiet residential area with established houses
- Proposed 2-storey development adjacent to bungalows - out of keeping by reason of height and proximity and will impact on amenity
- Adverse impact on the area
- Loss of green open space
- Impact on wildlife – existing trees in southern part of site should be retained
- Loss of light and privacy

- Affordable houses proposed – are they rented or shared ownership?
- Devalue property

PLANNING CONSIDERATIONS:

Principle of development

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 and Wrekin council currently has a 2.5 year housing supply of deliverable sites. 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. 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 application site is located within an established residential area of Wrockwardine Wood and is well connected to a variety of services and facilities in Oakengates and Donnington, with a regular bus service. The site is therefore highly sustainable and in accordance with the main objectives in the NPPF, and also meets the criteria in policies CS5 and CS9 of the Core Strategy in terms of accessibility to existing centres.

The current school will no longer be required once the new Co-operative Academy has been constructed and opened nearby in Oakengates, replacing Wrockwardine Wood School and the Sutherland School, which is subject to a separate planning application. Thus, the proposal would not be contrary to policy CS10 of the Core Strategy, as there will be a new school to meet the local community's requirements.

Green Network

All matters are reserved for a further detailed planning application; however the illustrative layout submitted indicates the arrangement of development would be located on the site of the existing school buildings and the areas of hardstanding/ ballcourts. The east of the site is designated Green Network; however, as the majority of this part of the site is hard surfaced; it is considered that there is limited ecological value and that the land does not make a significant contribution to the aims of the Green Network. Accordingly the proposal to replace the hard surfaced ballcourts with residential development and associated access road is acceptable and would not be contrary to the Green Network policies OL3 to OL5 in the Wrekin Local Plan. The area of Green Network land to the south and east of the site will not be significantly affected by the development; with existing wooded areas and green open space to remain and to be increased. In turn, this will help to protect and enhance biodiversity on site, in accordance with policy CS12 and OL11. In this regard, conditions can be implied in relation to trees and ecology.

Mineshafts

The legacy of mining activity in the area has resulted in a number of mineshafts on and adjacent to the application site, which is a significant constraint to development. The applicant has submitted additional information, which has been assessed by the Coal Authority. Supporting information submitted with the application indicates the necessary standoff distances required. This will dictate the layout of the development to some degree; however, as outlined in the Coal Authority's comments and in accordance with the recommendations in the risk assessment report, further investigations of the site will be required. Accordingly, this can be dealt with by condition.

Highways safety

There are existing vehicular access points to the school site from New Road and Hollyhurst Road. The illustrative layout also indicates vehicular accesses from these highways, with both accesses relocated to more central positions. The New Road access in particular is currently located on a bend. Accordingly, the vehicular access points would need to be revised to ensure improved visibility splays. Whilst the Parish and Town Council and local residents' comments are noted in relation to highway safety issues; the Highways Engineer outlines improvements to visibility are essential for the development, along with a number of changes such as the relocation of the bus stop and the need for widening of footways. The proposal will not adversely impact on onstreet parking arrangements on the opposite side of New Road. However, subject to conditions and a contribution for a Traffic Regulation Order, there are no highways objections. Thus whilst this is an outline application, the proposal complies with H6 of the Wrekin Local Plan, demonstrating that the site can be adequately accessed, with onsite parking.

With regard to policy H6 of the Wrekin Local Plan, appropriate conditions can be applied with regard to highways – access and parking, drainage and contaminated land.

Scale and Design

The illustrative layout demonstrates that the site can accommodate up to 53 dwellings with associated car parking and private amenity space, as well as providing significant areas of public open space. Officers agree with the Agent's assertion that there is currently no definitive style of development adjacent to the application site on New Road and Hollyhurst Road. Furthermore, New Road does not have a strong building line. Therefore, it is not considered fundamental that the proposed housing fronts New Road. Likewise, where there is a stronger development frontage on Hollyhurst Road, dwellings would be orientated with highway frontages. However, there are a number of bungalows, particularly on Hollyhurst Road, and the current scheme does not propose any single-storey units. Whilst all matters including design and appearance are reserved; due consideration

will be required on the detailed application to ensure development is appropriate and responds to the established properties. The illustrative layout indicates the scheme would comprise a mix of housetypes, as required in NPPF. It is considered that the proposal can be designed to reflect the character and appearance of the existing residential area.

Impact on residential amenity

The local residents' concerns are noted regarding the potential impact of two-storey development adjacent to existing bungalows. This is an outline application and the submitted layout is likely to be amended at reserved matters. It is considered that the detailed plans can be designed to ensure that the proposal provides a good level of amenity for existing and proposed properties, with adequate separation distances and does not adversely impact on light and privacy/overlooking. Furthermore, the retention of many of the existing trees and planting will help to maintain privacy.

Section 106 Planning Obligations

The scale and nature of the proposed development would normally see a requirement for contributions towards education, parks & open spaces and highways, as well as provision of a proportion of affordable housing. The draft Heads of Terms sets out that the Applicant would be prepared to provide a contribution towards highways and a commuted sum for the maintenance of the areas of open space. On 12th December 2013 Cabinet approval was given in relation to the continuing Building Schools for the Future (BSF) programme, and that in order to meet the costs of the BSF programme, the balances from the sale of the vacated school sites will contribute to the funding of BSF. It was outlined in the Cabinet report that the value from the sale of the land would affect the viability of the proposals to the extent that financial contributions would be limited. The submitted information regarding the viability of the development has been assessed, and having regard to the Cabinet report, it is considered that provision of the highways contribution towards a traffic regulation order, and a commuted sum towards maintenance of public open space, is acceptable in this instance. The provision of a percentage of affordable housing and significant contributions towards primary education and recreation/play facilities would make the scheme unviable. The lack of these facilities and contributions are not sufficient reason to warrant refusal given the lack of deliverable site and with regards to issues of viability and the wider public benefit provided through the BSF programme, officers therefore consider on balance that the limited provision of contributions are sufficient.

Other matters

Other issues raised by local residents include impact of construction traffic on existing highways. Officers consider appropriate conditions can be applied to ensure that the construction of the development does not impact on highway safety. In terms of the quiet nature of the area, the scale and location of the development is

considered to be compatible. Effect on property value is not a material planning consideration.

In conclusion, the principle of residential development on the site is considered acceptable as the site is highly sustainable and accessible, and the school will no longer be required when the new Cooperative Academy opens. The development will not adversely impact on the Green Network and will be in keeping with the context of the site and residential area. All matters are reserved; however it is considered that the proposal for up to 53 dwellings can be accommodated on the site with adequate access, parking and amenity space. The proposal will not adversely impact on adjoining residential amenity, or on trees and ecology. Furthermore, the development can be designed so that the proposal is not adversely impacted by mining and the mineshafts on site.

RECOMMENDATION: to GRANT PLANNING PERMISSION subject to written confirmation from the Assistant Director Development Business and Employment and Assistant Director Education and Skills to provide financial contributions of £3,000 towards Traffic Regulation Order and a commuted sum, to be agreed, for the maintenance of open space and any surface water attenuation feature on site, and the following conditions:

1. A01 Time limit - Outline
2. A03 Time limit – Submission of Reserved Matters
3. B01 Standard Outline – all Reserved Matters
4. B03 General details required
5. B41 Visibility splays
6. B45 Travel Plan
7. B49 Layout, drainage and construction
8. B49 Offsite highway works
9. B49 Offsite works – widening of footways
10. B50 Coal Authority Risk Assessment report recommendations – further site investigations
11. B57 Land contamination
12. B61 Drainage details
13. B121 Landscaping details
14. B126 Landscape Management Plan
15. B130 Trees – protective fencing
16. B139 Trees – removal of structures within RPA
17. B149 European Protected Species Licence
18. B149 Bat mitigation
19. B149 Lighting plan
20. C70 Trees – no burning, soil levels, materials storage
21. C109 Bat survey

- 22. C109 Bird boxes
- 23. C40 No approval of layout
- 24. C38 Approved plans

Informatives:

- I11 Highways
- I17b Coal Authority advice
- I22 Ecology
- I32 Shropshire Fire Service
- I33 Broadband
- I35 West Mercia Constabulary - Secured by Design
- I35 Code for Sustainable Homes
- I40 Conditions
- I44 Reason for Approval

TWC/2013/0824

Land off Shepherds Lane, Red Lake, Telford, Shropshire

Outline planning application for residential development of up to 12no. dwellings with associated access and all other matters reserved

APPLICANT

Telford & Wrekin Council

RECEIVED

11/10/2013

PARISH

Ketley

WARD

Ketley and Oakengates

OFFICER

Anna Adams

KETLEY PARISH COUNCIL HAS REQUESTED THAT THIS APPLICATION IS DETERMINED BY MEMBERS AT PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of Development, Green Network, Highways issues, Drainage, Trees and Ecology, Residential amenity, Character and appearance

THE PROPOSAL: The application seeks outline planning permission for the erection of up to 12 residential units, with access. All other matters are reserved; however an indicative site layout has been submitted, with a residential mix of 4no. 4 bedroom dwellings and 8no. 3 bedroom dwellings, with associated parking and amenity space. The development would comprise 100% market housing.

The vehicular access to serve the development would be at the northeastern part of the site, opposite No.125 Potters Bank and the rear garden of No.21 Castle View.

In addition, the plan indicates road widening to a minimum of 4.8m and the creation of a new footpath along Shepherds Lane to replace the existing Definitive Right of Way which runs through the paddock. The existing hedgerow would be removed and replaced by a new retaining wall and the footpath.

On the sale of the site, the Applicant would pay for a range of improvements to be made to Paddock Mound, including handrails to existing sets of steps, pruning of trees around pool and removal of rushes to increase light and open water with the aim to improve biodiversity, repair steps, tree clearance along main footpaths to open up vistas and provision of new gate on Holyhead Road. The remaining sum of money would be put towards future maintenance of the area. This would be determined in partnership with the local community.

SITE AND SURROUNDINGS:

The application site comprises a parcel of land measuring 0.46ha, which is currently used as paddock. It is on the eastern edge of the wider Paddock Mound, which is an undulating area of public open space, comprising a number of Definitive Rights of Way, trees, shrubs and pond, and is used by the local community for recreation.

The application site is slightly higher than the narrow highway and comprises relatively level ground; however Shepherd's Lane itself slopes up from north to south and the land rises steeply to the west of the site. The site is bounded by a hedgerow along the highway and a substantial embankment of trees on a former pit mound to the west and south. The north, south and west of the site are located within land that is designated as Green Network. A Definitive Right of Way runs north – south through the site, with links to the wider footpath network across Paddock Mound. There is currently no formal footpath along Shepherds Lane.

The application site is located within the Red Lake area of Ketley, within the built-up area of Telford. The area is predominantly residential with traditional cottages, as well as large modern housing developments in the vicinity.

PLANNING HISTORY:

W81/0327 Residential development, Outline refused, 08/06/1983, Appeal Dismissed – This application and appeal related to an 11 acre area of Paddock Mound.

W96/0456 Residential development, Outline refused 28/11/1996 on highways grounds

W97/0737 Residential development (Outline) and offsite highway improvements, Withdrawn 16/12/2003

Pre-application enquiry in 2013 regarding the proposed residential development, which was considered acceptable in principle

PLANNING POLICY CONTEXT:

National Planning Guidance

National Planning Policy Framework

Core Strategy

CS1 Homes

CS3 Telford

CS5 District and Local Centres in Telford

CS9 Accessibility and Social Inclusion

CS10 Community Facilities

CS12 Natural Environment

CS13 Environmental Resources

CS15 Urban Design

Wrekin Local Plan

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OL5 Extensions and Redevelopment in the Green Network

OL11 Woodland and Trees

OL12 Open Land and Landscape – Contributions from New Development

LR6 Developers Contributions to Outdoor Recreational Open Space Provision within New Residential Development

CONSULTATION RESPONSES:

Ketley Parish Council: Objects to the application for the following reasons:

- Increase in traffic along Shepherds Lane/Potters Bank, which is narrow and already sees high volume of traffic and speeding vehicles
- The junction of Potters Bank on to Holyhead Road is dangerous and increased vehicle numbers using junction would exacerbate problem
- No public footpath beyond boundaries of application site, thus pedestrian safety issues
- The site is part of Paddock Mound, green space used by the local community, and the development would lead to the loss of the grassed area
- Established hedgerow to be removed is over 100 years old and will impact on wildlife
- Members of Plans Board should make a site visit to view the site, its ecological importance and how it is used by the local community.

Councillor G. Reynolds: Objects to the application on the following grounds:

- Proposal would not comply with paragraph 17 of NPPF which states planning applications must take account 'of the different roles and character of different areas, promoting the vitality of our main urban areas and protecting the Green Belts around them'
- The land currently benefits the local community for recreation and education (local primary schools learning about nature and biodiversity)
- Site acts as buffer against the major new developments in Ketley
- Access, existing congestion on very narrow lane, unsuitable for further traffic generation from development – highway safety
- Previous planning refusals over past 30 years, as land considered too important to the local community, that it provided vital land for natural habitats and that the access was unacceptable – these reasons are unchanged
- Loss of hedge around paddock is unacceptable – change to character and impact on wildlife
- The Paddock is a central part of the Paddock Mound; at the heart of the identity of this community, with significant public concern about the proposal at recent meeting
- As a co-operative council, these concerns need to be taken into account
- Ketley has lost leisure and community facilities, with the swimming pool notably sacrificed for the Millennium Community
- Area is well used by local people and provides amenity not available elsewhere in Ketley
- Historical value of site - mining and agricultural heritage
- Land forms a major part of the community identity for Ketley and provides heritage where much has been lost in the area
- Drainage and surface water issues
- Suggests planning committee consider site visit to understand the local area and context of the land
- Emyr Thomas, a chairman of Telford Development Corporation described Telford as "a forest context into which development must fit". This was a

founding principle of Telford, and Telford and Wrekin Council cannot lose sight of the importance of our open space

- Ketley Paddock Mound is not a suitable location for further development. It is an area of land which has ecological and community importance and should be protected by the planning authority and Telford and Wrekin Council more widely
- The residents of Ketley are not anti-development, as shown by the integration of the Millennium Community, however the proposal does not reflect responsible development

Development Plans: Supports the application and considers the proposal complies with relevant national and local planning policies, outlining that whilst the site lies within the urban boundary of Telford and on land that is designated Green Network; the principle of residential development in this location would be in character, sustainable, acceptable and in conformity with the aims of Green Network policy. The application complies with the NPPF and is likely to support the principle of development proposed.

Highways: no objection to the proposal subject to conditions and makes the following comments:

- 12 residential units will generate a minimal amount of traffic which will have a negligible effect on the safe operation of the local highway network
- Pedestrian and vehicle conflict on Shepherds Lane is a concern due to the lack of footway provision. As this development will further increase pedestrian activity in this area, a 1.8 metre footway along the site frontage is required, and a linkage from the proposed footway to the retained section of Public Right of Way, improvements to the retained Public Right of Way south of the Site and provision of a designated pedestrian crossing point across Shepherds Lane
- The width of Shepherds Lane along the site frontage varies. In order for 2 vehicles to pass, the road width must be a minimum of 4.8 metres according to Manual for Streets Guidance. Therefore some localised widening will be required
- A section of the Public Right of Way running through the site will need to be diverted along the proposed new footway and then diverted back on to the existing route just south of the development. The Public Right of Way retained will require improvements due to the increased footfall as a result of the development
- Conditions are required regarding visibility splays of 2.4m x 43m, submission of details of site layout, drainage, full road construction, provision of footway, tactile pedestrian crossing across Shepherds Lane, localised widening of Shepherds Lane, and details of an improvement scheme to the retained section of Public Right of Way, as well as informatives regarding all Highway Improvement Works requiring approval under S.278 Highways Act 1980 and Public Right of Way diversions to be secured under S.247 Town & Country Planning Act 1990.

Drainage: Support subject to conditions and makes the following comments that should soakaways not be suitable for the site, the application needs to include a scheme for surface water limitation and attenuation, particularly if the surface water

and foul sewerage are proposed to connect into a combined surface water sewer. Standard conditions regarding foul and surface water drainage details and soakaways.

Contaminated Land (Environmental Health): Support subject to a condition regarding Land contamination.

Ecology: Objects to the proposal as there is a lack of information relating to the ecological impacts of tree and hedgerow removal on bats and nesting birds, and also there needs to be further clarity regarding funding proposals for the long term management of Paddock Mound being offered as mitigation.

Arboricultural: Makes the comment that there is no information within the application pertaining to the trees within and adjacent to the site.

Parks & Open Spaces: Comments that all new developments are required to make full provision for the infrastructure/amenities and services which they create. The development will contain a number of properties which will contribute to the need of recreational facilities for the area. Negotiations have been ongoing in regards to upgrading the adjacent open space. Clarification is required that the draft Heads of Terms is providing £18,500 capital and £20,000 for long term maintenance of Paddock Mound. If this is confirmed, this may be acceptable, but needs to be agreed with the partners involved. Furthermore, there appears to be an amount of Public Open Space proposed within this development alongside Shepherds Lane and the proposed shared surface street; therefore confirmation of who is to maintain this open space and a long term management plan are required as well as how the maintenance is to be financed in the long term. Should the applicant wish for the council (P & OS) to adopt / maintain this POS, a commuted sum for maintenance will be required and this should be agreed within a S106 (or equivalent) alongside any other capital sums.

Education: no objection and would not seek a contribution from this development as there is sufficient capacity in the vicinity due to the planned extension to the catchment school.

Affordable Housing: no comments

Shropshire Wildlife Trust: Objects to the application for the following reasons:

- The ecological survey focuses on the limited ecological value of the development footprint and therefore misses the value of the site in terms of ecological connectivity and social value
- The site is immediately adjacent and linked to a high value area of green space (a potential county wildlife site)
- The Lawton Review, Environment White Paper and Biodiversity Duty require planning authority decisions have regard to biodiversity; helping to protect, enhance and connect sites, which this development would contradict
- The site falls within the Green Network and questions the applicants' pre-empting the findings of a review of the network and suggest that the Green Network may warrant extension in this area

- Suitable measures could be put in place that could mitigate or compensate for the impacts of the development and further clarity is required
- The Biodiversity Duty applies to disposal of land and the applicant does not appear to have commissioned ecological survey of the wider site
- Telford & Wrekin Council cannot enforce planning conditions upon themselves; therefore clear and transparent commitments to mitigation and compensation measures are required

Shropshire Council Archaeology: no comment

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

Telford and Wrekin Local Access Forum: Object subject to conditions and makes the following comments:

- Green space within heavily developed area and has a number of definitive and informal paths
- Current green route is fenced and protected from the road, and the diversion will put this on to the roadside. It could be relocated to the 8m stand-off zone instead
- Draft Heads of Terms is welcomed, but changes to definitive routes should not come out of these funds
- New and existing routes should be upgraded to bridleway status

The British Driving Society: object to the proposal for the following reasons:

- Proposal will virtually stop up a right of way and turn it into a 'pavement'
- Narrow road and unsuitable for heavy traffic, unless made a quiet lane
- Financial contributions are minimal and do not accommodate cyclists and horse riders – need to create more bridleways which would be of benefit to the public

Wellington Local Agenda 21: Object to the application and make the following comments:

- Significant reduction of green space in an important wildlife corridor
- Major focus for informal recreation
- Reference to Paras 73 and 117 of NPPF regarding LPA's responsibility to protect habitats and maintain access to open space for health and well-being – site meets these criteria as Green Network
- Site of historic significance – Ketley Canal scheduled monument
- Development will diminish value of site
- Further surveys are required – possibility of Great Crested Newts
- Draft Heads of Terms will not mitigate the negative effects of the development
- Proposal contrary to existing plan policies re: Green Network
- Decision should be deferred until completion of green infrastructure review

Ketley History Group: Object to the application and make the following comments:

- A lot of local history has been lost to developers in Telford
- The Mount comprises remains of William Reynolds' canal – additional loading from vehicles could damage canal tunnel under lane

- Site comprised row of cottages making pottery items, and subsequently used for grazing of animals

Neighbour consultation comments:

There have been approx. 115 letters of objection from residents, (including 14 letters from residents in other parts of the UK - London, Manchester, Liverpool, Leeds, York, Exeter), with the following comments:

- Highway safety issues – Narrow road is unsuitable for further traffic, and there are no footpaths
- Existing traffic congestion and speeding vehicles - need traffic calming measures. Road widening will increase speeds and safety issues
- No comprehensive strategy submitted to alleviate highways issues
- Loss of green open space/ recreation area, trees and hedgerows – impact on wildlife – site should be designated a Site of Special Scientific Interest
- Lawton Review and Environment White Paper stresses importance of connectivity to wildlife and biodiversity
- Green Network designation
- Loss of local heritage and natural areas for walking/children to play/education
- Impact on quality of life and wellbeing of local residents, both physical and mental health
- Paddock is used by people with mobility problems
- Development will exacerbate pollution and obesity problems
- Proposal is short-sighted
- Remnants of canal built by William Reynolds during Industrial Revolution
- Overdevelopment of Ketley area, and question the need for further houses with many properties remaining unsold/vacant – Paddock Mound remains the only significant green space
- Impact of heavy construction traffic
- Road is dangerous in inclement weather
- Impact on existing residents' ability to park
- Stability of mound
- Drainage issues – flood risk at junction with Holyhead Road
- Site is incorrectly described as Shepherds Lane, when it is actually the paddock on Paddock Mound
- Previous refusals for residential development on the site, with the Inspector outlining in 1982 that neither houses nor roads should be built; and the Secretary of State considering the site was of significant amenity and ecological value and should be retained as open space
- Current proposal shows disregard for local community's wishes and the Department of Environment's views 30 years ago
- Refusal of 8 dwellings in 1997 on grounds of unsatisfactory access
- Jennings' housing development & Millennium Community has resulted in Paddock Mound being the only significant green space left
- The Local Authority has previously extolled the rural feel of the area in the surrounding urban environment
- Coherence of Paddock Mound will be damaged through the removal of hedgerows

- Position of housing close to wooded bank will result in removal of trees to increase light to properties
- Loss of trees would have significant impact on area
- Relocation of existing right of way/footpath is not acceptable and should be upgraded to a bridleway
- Suitable alternative uses of the site could be allotments, burial site or play area – current proposal gives nothing to the community
- Impact on character of area – at the moment, hedge and trees on Paddock Mound are prominent feature. New houses will impact on setting and appearance
- Change in approach by Council from recognising and encouraging wildlife and biodiversity (wild flower planting on roundabouts etc.) to replacing green spaces with housing for monetary gain
- Overlooking and Loss of privacy to existing and proposed properties, loss of light and amenity
- Noise and disturbance from construction traffic
- Development could set a precedent for further 'infill' proposals
- Other areas of Telford in greater need of regeneration
- Overdevelopment of Telford as a whole
- Outline application leaves queries regarding detailed application – scale of development etc.
- Ecology surveys were carried out at wrong time of year and need to cover wider area
- Site would have been a good opportunity for 100% affordable housing
- Further development of Mound – will Council retain 'ransom strip'
- Devalue property

PLANNING CONSIDERATIONS:

Principle of development

In accordance with paragraph 47 of the NPPF, all Local Authorities are required to identify that they have a 5 year housing supply, and this is updated annually. Telford & Wrekin Council currently has a 2.5 year housing supply. Therefore, as the Local Planning Authority (LPA) cannot demonstrate a 5 year land supply, relevant policies relating to the supply of housing cannot be considered up-to-date. 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 in Ketley and Oakengates. The development is considered acceptable in principle and accords with national policy in NPPF, and also meets the criteria in policies CS5 and CS9 of the Core Strategy in terms of accessibility to existing centres.

Green Network

The central part of the site is undesignated white land and can therefore be considered suitable for development. Whilst the north, south and western parts of the site are designated as Green Network, where development is limited to that which will provide community or environmental benefits or meets the aims of the Green Network as set out in policies OL3, OL4 and OL5 of the Wrekin Local Plan; it

is considered that the contribution towards environmental improvements, including the opportunity for the local community to work in partnership to determine how approx. half of the contribution should be used; as well as the existing site comprising a paddock with limited ecological and amenity value compared to the wider Paddock Mound site, that the proposal is acceptable and complies with policies OL3 to OL5 of the Wrekin Local Plan.

This parcel of land can be viewed as a self-contained site and separate from the wider Paddock Mound site in terms of its use and character as a paddock, rather than the wider tree-covered area to the west and northwest. Whilst the local concerns regarding the loss of the paddock are understandable; the refusal and dismissal of outline planning permission in the early 1980s related to the larger area of Paddock Mound. The Applicant is seeking to reinforce this important green space for the local community through planning obligations, with specific improvements proposed and continued maintenance of the area.

Highways issues

Shepherds Lane is a narrow highway, with a number of existing roads feeding into it. The lane does not currently have separate provision for pedestrians. The Applicant has sought to improve existing highway arrangements, with the intention to widen a section of Shepherds Lane and provide a public footpath to connect with the wider Definitive Rights of Way. It is regrettable that the existing hedgerow along the highway boundary would be removed to accommodate the vehicular access and footpath; however, due to the increased footfall along Shepherds Lane, and to provide a safer pedestrian route, the Highways Engineer requires provision to be made for pedestrians, as well as the proposed widening of the highway.

The indicative layout demonstrates that the site could be accessed with designated offstreet parking to the proposed development. The local concerns regarding the increase in traffic with the addition of 12 new dwellings are noted; however, the Highways Engineer considers that this number of dwellings and associated vehicle movements will not have a significant impact on the highway infrastructure, and that appropriate conditions can be applied in relation to visibility splays, construction details of the widened roadway, footpath and tactile pedestrian crossing. The access arrangements indicated on the plan are considered acceptable, subject to provision of requisite visibility splays. Accordingly the proposal meets the criteria in policy H6, with regard to access and parking provision.

The relocation of the existing Definitive Right of Way with the creation of a footpath adjacent to the highway has caused a number of concerns, and officers have advised the Applicant to discuss the matter further with the Local Access Forum. Whilst access is a matter to be determined under this application, all the associated details are to be submitted at reserved matters stage; therefore, officers consider there is the opportunity for further discussions regarding the changes to the Definitive Right of Way.

Drainage

The neighbour objections are noted regarding drainage and flood risk; however the Council's Drainage Engineer has confirmed there are no objections subject to submission of details regarding details of foul and surface water drainage and

soakaways. This is an outline application, and drainage details can be submitted at reserved matters. Accordingly the proposal complies with policy H6 of the Wrekin Local Plan which requires applications to demonstrate that a site can be adequately drained. Furthermore, in accordance with policy H6, any issues of contamination can be dealt with by condition.

Trees and Ecology

A number of concerns have been raised in relation to the potential loss of some hedgerows and trees and the impact on biodiversity, and it is noted that the LPA has a duty to protect and enhance biodiversity. Officers would assert that, in accordance with NPPF, the Applicant is seeking to make a significant contribution and achieve net gains for nature in providing improvements to the wider Paddock Mound area. For example, it is hoped that some of the tree clearance proposed will improve biodiversity within the pool.

It is noted that the Applicant's surveys have concentrated on the application site rather than the wider Paddock Mound site. Given the likely time delay between the outline and reserved matters applications, as asserted in the Applicant's supporting information; officers consider further surveys will be required to be undertaken to establish the biodiversity of the wider area. However, it is maintained that within the application site, the hedgerow is the principle feature which has ecological value. It is reiterated that the layout is not being determined at this stage; therefore it is possible that a revised layout may seek to retain parts of the hedgerow or that a replacement hedgerow could be planted, and further planting could be included as part of the landscaping scheme; thus ensuring that connectivity is maintained to the wider Green Network and the areas of high amenity value and biodiversity. Accordingly, officers consider that the proposal will not be unduly harmful to the natural environment and biodiversity, and that the principle of development is acceptable and meets the requirements of the NPPF.

With regard to tree removal and treeworks, the Applicant is currently preparing a Management Plan in partnership with the Council's Environmental Services Department to establish the extent of the work required to accommodate the development. The majority of the trees are located outside the site boundary; therefore this is being discussed separately from the planning process.

Residential amenity

The indicative layout that has been submitted with the application would position the proposed dwellings towards the west (rear) of the site. The stability of the pit mound has been considered and the plan outlines an 8m standoff area, in which no built form would be located. Concern has been raised that due to the substantial embankment of trees, there could be a significant shading effect on the proposed properties and private amenity space, thus impacting on the amenity of future occupants. Officers have suggested to the Applicant that the site could be reconfigured with the dwellings and gardens located closer to the highway, and drive access and parking to the rear. This may reduce the resultant number of units that can be accommodated, but may provide a greater level of amenity to the occupants.

The indicative layout demonstrates that the proposed development will not have a detrimental impact on adjoining residential amenity, with the proposed unit nearest to the highway and No.125 Potters Bank, orientated, so the side gable faces the existing property, with a separation distance of over 12 metres. Furthermore, the distance from the rear elevation of the proposed dwelling to the front elevation of No.124 to the north of the application site would be approx. 20m.

In terms of the quality of life of local residents who use the Paddock Mound area, officers consider the application site comprises a paddock which does not provide an open space for the public to use. The Applicant intends to make improvements to the Paddock Mound area which will enable local residents continued access to this resource for recreation and education.

Character and appearance

The existing residential area is mixed in character, with traditional cottages, semi-detached properties and larger modern detached dwellings in the vicinity; therefore the proposed development to comprise both semi-detached and detached properties in relatively large garden plots is considered acceptable in principle, in terms of scale and size. As all matters except access are reserved; and as outlined above regarding residential amenity, officers consider it is appropriate to discuss the layout and design of the development further, and a condition should be imposed stating the current layout is not approved. It is considered that the development can be designed in a form that relates to the character and appearance of the predominantly residential area, whilst preserving the soft landscaped character of the wider Paddock Mound. Accordingly the proposal would comply with policy CS15 of the Core Strategy and UD2 of the Wrekin Local Plan.

Other matters

The comments regarding the former industrial use is noted; however Shropshire Council's Archaeologist has not commented in this regard; therefore it is not considered necessary to impose a condition regarding a written scheme of investigation. However, a condition would be imposed in regard to a Site Environmental Management Plan, which includes requirement to consider archaeology, ecology and impact of construction traffic/ hours etc. With regard to the proposal constituting overdevelopment and the number of other new residential developments in the area, the LPA would reiterate that this is a built-up area within Telford and the intention is that there will be sustainable growth of the Borough. The alternative uses of the site are noted, however the principle of residential development in this predominantly residential area is considered acceptable. Impact on the value of property is not a material planning consideration.

In conclusion, it is considered that the site is sustainably located and that whilst part of the site is designated Green Network, the proposed contributions towards improvements to the remaining wider area of Paddock Mount, and the limited ecological value of the site with its current use as a paddock; the principle of residential development on the site is acceptable. The site can be adequately accessed and up to 12 dwellings can be accommodated, subject to a further detailed planning application.

RECOMMENDATION: to GRANT OUTLINE PLANNING PERMISSION subject to written confirmation from the Assistant Director Development Business and Employment and Assistant Director Education and Skills to provide financial contributions of £38,500, of which £18,500 towards immediate improvements and £20,000 towards future maintenance of Paddock Mound, and the following conditions:

1. A01 Time limit - Outline
2. A03 Time limit – Submission of Reserved Matters
3. B02 Standard Outline – Some Reserved Matters
4. B03 General details required
5. B49 Layout, drainage and construction
6. B49 Offsite works – improvement scheme for Right of Way
7. B57 Land contamination
8. B61 Drainage details
9. B64 Soakaway test
10. B121 Landscaping details
11. B126 Landscape Management Plan
12. B130 Trees – protective fencing
13. B150 Site Environmental Management Plan
14. C14 Visibility splays 2.4m x 43m
15. C70 Trees – no burning, soil levels, materials storage
16. C40 No approval of layout
17. C38 Approved plans

Informatives:

- I11 Highways
- I22 Ecology
- I32 Shropshire Fire Service
- I33 Broadband
- I40 Conditions
- I44 Reason for Approval

TWC/2013/0936

Land off Lodge Road, Telford, Shropshire

Extension and refurbishment of traveller and gypsy caravan site including the erection of 25no. single storey utility pods, 17no. pitches, community building, substation and associated roads and works

APPLICANT

Telford & Wrekin Council

RECEIVED

27/11/2013

PARISH

Lilleshall, Donnington and Muxton

WARD

Muxton

OFFICER

Emma Green

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of Development, Design, Impacts on adjoining properties

PROPOSAL:

Proposals for a refurbishment and extension of the existing authorised gypsy and traveller site in Donnington Wood. The overall aim of the extension of the site is to tackle these issues by improving the provision of facilities and pitches for local travelling families and communities. The increased number of pitches on the site *"...will reduce the number of unauthorised sites and the tensions they can create between travellers and the settled community and reduce the need for costly enforcement action."*

To make use of adjacent land to extend the site to create a total of 25 pitches
To improve the quality of living for gypsy and traveller communities providing them with appropriate size pitches and utility pods. Each pitch will include space for 2 cars, a touring caravan, static caravan, utility pod and a small grassed area. Pitches are to be divided by fencing.

Given topographical features and geological ground conditions, earthworks are proposed to create a level and stable platform on which to build the pitches and a consequent loss of trees. The proposal also includes creation of additional roads (unadopted) for improved access around the extended site.

Replace the existing community building that is at present not fit for purpose. This will be used for education, homework clubs and health visitors. Provide a fenced children's play area.

Services to the site are:

- Water
- Electric
- Surface water drainage
- Foul drainage

SITE AND SURROUNDINGS:

The current gypsy and traveller site is located in Donnington which was initially a transient/ 'overnight' site, but in 1978 it was made into a permanent authorised site which was not purpose built. The site is surrounded by wooded areas of vacant land that contain no structures.

The buildings in closest vicinity to the site are a large supermarket to the west and an industrial unit to the south (on Granville Road) – opposite the entrance to the site. Further down the road the Shropshire Golf Centre is located. There is also a right of way that runs along the line of the boundary but does not cross the site. The nearest residential properties are located to the north in Eastwood Drive and to the south west in Kenway Drive.

BACKGROUND:

Telford and Wrekin Council currently own and manage two Gypsy and Traveller Sites:

- Lodge Road Caravan Site, Donnington, Telford TF2 7QD
(Comprising of 13 plots, all of which are fully occupied)
- Ketley Brook Caravan Site, Lawley, Telford TF1 2JX
(Comprising of 20 plots, all of which are fully occupied)

Lodge Road Caravan Site was formerly a transit site but due to a lack of permanent site provision, became a residential site in 1978. In April 1980 planning permission was granted at this site to create 16 plots and associated amenity units. In consequence the facilities, including size of plot and accompanying living accommodation is very limited and falls short of government guidelines. The site has been subject to a number of refurbishment programmes over the past 20 years, the most recent being during 2011/2012 which is now complete. To cater for fire risk assessment findings the site was reduced from 16 to 13 plots.

CONSULTATIONS:

Consultations have been undertaken in accordance with the Development Management Procedure Order 2010, in the form of direct letter notification of adjacent land owners and display of site and press notices.

Summarised standard consultation responses

Lilleshall, Donnington and Muxton Parish Council: No objection

Highways: No objection subject to conditions on road widening and setting out of areas for parking and turning

West Mercia Police: No objections

Shropshire Archaeology: No objection

Arboricultural: No objections

Shropshire Fire Service: No objection subject to fire safety informative

Ecology: No objection the reports have been assessed and the development is considered acceptable with suitable mitigation controlled through conditions and informatives relating to site clearance, badgers and lighting for bats.

The Coal Authority: Objects and raises concerns are currently reviewing documentation on mineshafts updated comments awaited.

Updated comments: The Coal Authority considers that the content and conclusions of the Statement for Planning for Lodge Road Earthworks are broadly sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development, subject to an informative.

Drainage: The drainage design is acceptable in principal however a detailed design of the proposed attenuation basin should be submitted along with simulation files of the micro drainage calculations this can be controlled through conditions.

Planning Policy: In addition to the broader policy of the NPPF, the national policy position regarding gypsies travellers and travelling show people development is set out in the *Planning Policy for Traveller Sites* (March 2012).

Paras 8 and 9 requires that the Council set local targets for traveller accommodation in line with objectively assessed need and to plan for sites to meet these targets over a reasonable time scale. National policy requires that the Council be proactive in meeting local targets and demonstrate that 5 years' worth of new supply against these targets is in place.

The *Shropshire Telford & Wrekin, Herefordshire and Powys Gypsy and Traveller Accommodation Assessment* (2008) shows an identified need. Whilst work on the Shaping Places Local Plan is currently underway, as yet there are no local development plan targets in place, no allocated sites and no defined local criteria.

Para 22 advises considering the following issues when determining applications:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections

Within the site boundaries there is already an existing authorised gypsy and traveller's encampment. The site is also contained within the urban area of Telford. Therefore as the site is within a suitable location, will help meet the local need and aid the 5 year supply; no objections are raised to the application.

Investment Strategy & Partnerships Officer: Comments awaited

Neighbour consultation responses

No comments received

RELEVANT HISTORY:

W80/0347: Improvements To Existing Gypsy Site, Including Hard Standing For Caravans And The Construction Of Sixteen Amenity Units, approved 03/06/1980,

W82/0009: Erection of 11 Kv And Lv Overhead Lines to Afford a Supply of Electricity to Gypsy Caravan Site Granted 28/01/1982

T91/0041, Erection of Workshop Unit (91/T/26), Authorisation under New Towns Act, 27/09/1991

RELEVANT POLICIES:

National Policy:

National Planning Policy Framework (NPPF)

Planning policy for traveller sites

Designing Gypsy and Travellers site: good practice guide

Core Strategy:

CS4 Central Telford

CS12 Natural Environment
CS15 Urban Design

Wrekin Local Plan:
UD2 Design Criteria
OL11 Woodlands and Trees

PLANNING CONSIDERATIONS:

Principle of development:

This application is for the creation of an extension to the existing gypsy and traveller site. Within the development plan (Wrekin Local Plan and Core Strategy) there are no policies which relate specifically to gypsies and travellers, therefore members need to consider national guidance in the NPPF and Planning policy for traveller sites.

NPPF states that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise

The Government's aim in Planning policy for Travellers is to ensure fair and equal treatment for travellers, enabling travellers to maintain their traditional way of life whilst respecting the interests of the settled community this guidance states that planning is to increase the number of traveller sites in appropriate locations to address under provision and maintain an appropriate level of supply. They also have a duty to reduce tensions between settled and traveller communities and enable provision of suitable accommodation from which travellers can access education health, welfare and employment infrastructure and to have due regard to protection of local amenity and environment.

Local Planning Authorities should set pitch targets which address likely permanent and transit site accommodation needs. When producing plans Local Planning Authorities also need to identify a 5 years supply worth of site. A robust evidence base must be used to assess need and to inform planning policy and decisions. The council is currently evidence gathering to produce a new local plan 'shaping places' and the existing evidence for gypsies and traveller site is from 2008, *The Shropshire Telford & Wrekin, Herefordshire and Powys Gypsy and Traveller Accommodation Assessment (2008)* identified a shortfall of provision in Telford & Wrekin and proposed the following local targets to 2017:

- 34 residential pitches,
- a transit site (this could take various forms but could be approx. 10 pitches in size)
- 5 travelling show peoples' plots

Seeking provision of new residential pitches was recommended by the study in order to respond to locally arising need.

Para 22 of the planning policy for traveller sites advises considering the following issues when determining applications:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections

Officers note that there is a national and local shortage of traveller sites; and there is an obligation on the Local Authorities to make adequate provision for travellers in the absence of suitable alternatives. It is noted that without any specific local planning policies, the LPA must consider the application with regard to national policy documents and material considerations.

This is an existing permanent site which is at full occupation; it is close to existing facilities and is considered sustainable. It conforms to national guidance as it is a site which would be suitable for residential development, and there are no conflicts with existing adjoining uses. The site provides the necessary services for this use and these are to be extended to serve the enlarged area.

Officers therefore consider that in principle this site is suitable for the proposed use as a permanent gypsy and traveller site, which conforms to policy.

Design:

UD2 of the Wrekin Local Plan relates to design criteria and development proposals need to be of an appropriate design quality and relates positively to the context. Given the specialist nature of gypsy and traveller sites officers consider it is appropriate to judge the design against national guidance designing gypsy traveller sites a good practice guide, rather than the urban design principles as contained within the Wrekin Local plan which are tailored to traditional housing developments, therefore officer consider more weight is given to national guidance which is specific to this type of development that guidance in the Core strategy, and Wrekin Local Plan.

Designing gypsy traveller sites a good practice guide makes it clear that there is no single, appropriate design for sites, any more than there is for general housing development. It is recognised that it will not be possible to meet all aspects of this guidance in every respect on every site. Local authorities will need to take decisions on design on a case by case basis, taking into account local circumstances such as the size, geographical and other characteristics of the site or prospective site and the particular needs of the prospective residents and their families. The guidance covers a range of different uses, permanent, transit and temporary stopping places.

This site has been assessed against the guidance for permanent sites. The first consideration should be given to the location of the site. Given that it is creating new homes they should not be located adjacent to hazardous uses or refuse sites which would be detrimental to health and safety of residents. Whilst this site is adjacent to other industrial and commercial uses, none of these are hazardous or inappropriate to be adjacent to residential uses.

The guidance states that the number of pitches should not normally exceed 15 and each pitch should accommodate two touring caravans, two car parking spaces and amenity space. Amenities should include toilet wash basin and shower facilities. These could be of a portable nature to ensure not issues of vandalism and easy to remove as necessary once pitches are vacated. For this proposal there are 25 pitches proposed which exceeds national guidance, the layout of the site has two distinct areas and adequate pitch size and orientation to ensure privacy for the families which will occupy the site. The proposal also includes the provision of portable amenities, and facilities as advocated by the guidance. It is therefore considered by officers that the number given the separation into two distinct areas and design of the pitches is broadly in accordance with the national guidance.

Services to the site are water, electric, surface water and foul drainage, which is appropriate for this use and accords with guidance. Waste disposal should be by communal arrangements for the whole site; this proposal complies with this guidance.

The fencing proposed for this site is acceptable. As it provides clear demarcation of the site and given the surrounding dense vegetation screens out any unpleasant characteristics which is in keeping with the character and appearance of the surrounding area. The fencing will also provide safety and protection for children on site. It is considered that the site security is acceptable and accords with national guidance.

Highways:

The proposed increase in pitches on this site required the existing access road to be widened and other improvements. Amended plans have been received to make the necessary alterations to ensure that the scheme will not be detrimental to highway safety and provide adequate access into the site. Conditions are required to ensure the site is laid out with sufficient parking and turning areas for the size of vehicles that will be utilising the site. Officers are therefore satisfied that the development accords with local and national policies and will not adversely impact on highway safety.

Ground conditions:

A ground investigation report has accompanied the planning application due to the mineshafts on site. This has been assessed by the coal authority who have raised no objection to the proposal subject to any approval including and informative regarding mineshafts and mining legacy issues.

Officers have raised no drainage objections to the proposed development but require additional information with regards to the attenuation feature which can be secured and controlled through conditions.

Play Area:

The guidance recommends the inclusion of a communal recreation area for children of all ages is considered where suitable provision is not available within walking distance on a safe route or using easily accessible public transport, and for larger sites. Given, that this is a larger site it has a designated area for children's play, the details of the features have not been agreed yet, but this can be secured through condition.

Lighting :

National guidance requires that sufficient lighting must be provided on the site to enable safe access and movement through the site at night for both pedestrians and vehicles. This proposal includes a lighting scheme which accords with secured by design principle to ensure safety. There was a concern about the conflict of the height of the lighting columns with impacts on bats in the vicinity, however on review of the lighting plan and light spill areas, the ecologist has confirmed that the lighting is acceptable and will not adversely impact on bats as a protected species.

Ecology and trees:

This site has a mix of open grass land and trees. The site is bounded by large areas of green land and trees which will remain unaffected by this development. It is therefore considered by officers that the proposal will not have an adverse impact on trees.

There has been numerous ecology reports undertaken given the green nature of the site, the proposed development will not adversely impact on wildlife including protected species subject to works being undertaken with the recommendations of the ecology reports which can be controlled and mitigated through conditions to comply with local and national policies.

In conclusion, the extension of this existing site in this sustainable location is acceptable in principle, the scale and design of the enlarged site accords with national design guidance for gypsy and traveller sites, the site is well screened from adjacent land uses to ensure no conflict or adverse impact. The new road in to the site will address issues of access and there will be no adverse impact on highway safety. Ground conditions, impacts on trees and ecology can all be mitigated and controlled through appropriate conditions.

RECOMMENDATION

To GRANT PLANNING PERMISSION subject to the following conditions:

1. Time limit
2. Site shall be occupied by gypsies and travellers
3. Development in accordance with plan Nos.
4. No commercial vehicles
5. No commercial or industrial activities
6. Drainage attenuation details
7. Highways – access improvements
8. Highways – parking and turning details
9. Ecology – Site clearance
10. Ecology – Badgers
11. Ecology – external lighting
12. Details of play equipment to be agreed

Informatives

- Conditions
- Highways
- Ecology
- Fire Safety
- Coal Authority