

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held on Wednesday, 5 February 2014 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, E J Greenaway, A S Jhavar, J Loveridge, G C W Reynolds, S A W Reynolds and C R Turley.

ALSO PRESENT:

PC-076 MINUTES

RESOLVED – that the minutes of the meeting of the Planning Committee held on 15 January 2014 be confirmed and signed by the Chairman

PC-077 APOLOGIES FOR ABSENCE

None.

PC-078 DECLARATIONS OF INTEREST

Councillors N A Dugmore, I T W Fletcher and C R Turley declared an interest in planning application TWC/2013/0936 as they were all members of Granville Management Committee but, as they had not taken part in any prior discussions relating to the application, in the circumstances they would not be withdrawing from the meeting for that item

PC-079 DEFERRED/WITHDRAWN APPLICATIONS

The Development Management Service Delivery Manager informed the Committee that the applicant had withdrawn planning application TWC/2013/0824 (Land off Shepherds Lane, Red Lake, Telford).

RESOLVED – that planning application TWC/2013/0824 be withdrawn.

PC-080 SITE VISITS

None.

PC-081 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 application TWC/2013/0936.

- (a) TWC/2013/0806 - Wrockwardine Wood Arts College, New Road, Wrockwardine Wood, Telford, TF2 6JZ

This was an outline application submitted by the Council for residential development of up to 53 dwellings with associated open space, landscaping and infrastructure following demolition of existing school buildings. The current school would not be required following the construction and opening of the new Telford Co-Operative Academy to replace both Wrockwardine Wood Arts College and also Sutherland School (subject to a separate application) and, therefore, the application site would be available for redevelopment. All matters were reserved for a further application; however an illustrative layout had been submitted with the application which indicated the possible position of the access points. In addition to access, Members' attention was also drawn to aspects of the report relating to mine shafts, stability, green network and financial contributions.

Some Members expressed concerns regarding the lack of financial contributions and affordable housing, mine shafts, viability, traffic generation, lifting of highways restrictions with regard to parking in the School Zone and the low density of layout in light of the Council's housing land supply needs. Conversely, other Members pointed out that traffic generated by 53 dwellings would be significantly lower than that generated by a 1200 place school, welcomed the alternative access and considered that the site was sustainable.

Following questions by Members, the Development Management Service Delivery Manager advised that the outline application had been submitted by the Council in relation to disposal of the site and that any remedial works to treat mine entries would be the responsibility of the developer. Some Members considered whether the cost of remedial works would further impact upon viability and the Development Management Service Delivery Manager advised that the suggested low density of the housing was a direct result of the presence of the mine shafts and topographical constraints but that as the application was in outline with an indicative layout only, the detail could change at reserved matters stage. The Planning Officer pointed out that the financial contributions towards highways improvements would allow for the implementation of parking restrictions in the vicinity. Clarification was also provided regarding the Home Zone area. The Assistant Director: Planning Specialist elaborated that further financial contributions had not been requested due to a balance being considered with the community benefits brought by the Building Schools for the Future project and he emphasised that there was no difference in the way this application had been presented from a non-Council application. He added that the Highways Officer was satisfied with the proposals and, with regard to density, the application sought to use land effectively within constraints.

Councillor G C W Reynolds noted local understanding regarding the school clock tower and proposed a condition be added to the recommendation to ensure it was preserved.

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

RESOLVED – that with respect to planning application TWC/2013/0806 subject to receiving 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 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 a condition to preserve the clock tower.

(b) TWC/2013/0936 - Land off Lodge Road, Telford, Shropshire

This was a Council proposal for the refurbishment and extension of the existing authorised gypsy and traveller site in Donnington Wood with the aim of tackling issues relating to unauthorised encampments through the improvement of available facilities and increased pitches. An update report was tabled which set out additional comments received since the publication of the main report. It was noted that the number of pitches was larger than recommended by Guidance but as the design was for two distinct areas, it was considered an appropriate context.

Concerns were raised for the safety of the proposed attenuation basin and Members were advised that details of fencing or other safety measures would be sought as part of the proposed conditions. Members were also advised that the services and portable pods were advocated by guidance. Members welcomed the widening of the access and were generally in favour of the proposals for the existing, well managed site.

RESOLVED – that with respect to planning application TWC/2013/0936 planning permission be granted subject to the conditions as set out in the update report tabled at the meeting.

The meeting ended at 6.31pm

Chairman:

Date:

TELFORD & WREKIN COUNCIL

PLANNING COMMITTEE

26th February 2014

Schedule 1 - Planning applications for determination by Planning Committee

TWC/2013/0938 Land off Holyhead Road, Wellington, Telford, Shropshire, TF6 5AB

Erection of an Extra Care facility containing 63no. self-contained apartments and associated communal/public facilities including a restaurant, café, multi-purpose room, and ancillary accommodation and the erection of 77no. dwellings with associated open space ****AMENDED PLANS AND DOCUMENTS**** **2**

TWC/2013/0997 Land at, Lawton Farm Way, Leegomery, Telford, Shropshire

Demolition of existing buildings, and erection of 27 dwellings and garages together with roads, sewers and associated external works and replacement car parking for adjoining Doctors Surgery *****AMENDED PLANS RECEIVED***** **33**

TWC/2014/0006 Hesbrooks HGV Yard, Avenue Road, Newport, Shropshire, TF10 7EA

Erection of 4 two storey houses and 2 two storey apartments **43**

TWC/2014/0084 Unit 12 Telford Forge Retail Park, Colliers Way, Old Park, Telford, Shropshire, TF3 4AG

Installation of mezzanine floor..... **49**

TWC/2013/0938

Land off Holyhead Road, Wellington, Telford, Shropshire, TF6 5AB
Erection of an Extra Care facility containing 63no. self-contained apartments and associated communal/public facilities including a restaurant, café, multi-purpose room, and ancillary accommodation and the erection of 77no. dwellings with associated open space ****AMENDED PLANS AND DOCUMENTS****

APPLICANT

McPhillips Holdings Ltd

RECEIVED

20/11/2013

PARISH

Wellington

WARD

Ercall

OFFICER

Valerie Hulme

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Housing need, need for Extra Care facilities, principle of development in this location, loss of agricultural land, highway and traffic issues, Surface and foul water drainage, other infrastructure issues, open space and play provision, ecology and habitats regulation considerations, impact on historic assets, pollution and amenity issues.

PROPOSAL:

The proposal seeks full planning approval for the erection of a 63 bed extra care facility and the erection of 77 dwellings on approximately 3.5 hectares of agricultural land that abuts the built up boundary of Wellington.

The proposed extra care facility will comprise of 100% affordable housing provided through Wrekin Housing Trust, and comprise the affordable housing element of the entire scheme. The extra care facility will front the existing junctions of Holyhead Road/ Haygate Road/ Oaks Crescent designed in a T shape that is orientated away from Holyhead Road enabling a single storey element to front the main junction stepping to two storey and then three at the centre of the building. The unit will remain on one ground level and thus will cut into the gentle gradient that rises to the south by approximately 4ms, and a retaining wall will sit to the rear of the building separating the Extra Care facility from the open market housing.

In addition to individual units the proposed extra care will provide a restaurant café and a multi purpose room which will also be available to the community. Secure residents access will be provided to the rear of the building which will comprise of 19no one bedroom and 44no two bedroom apartments for rent over three floors. A communal lounge is located at first floor and includes a small roof terrace at the front; facilities including a kitchen, laundry, staff room and buggy store are located in

the centre of the building together with a bins store and boiler house containing a biomass boiler also included.

The proposed extra care facility is a bespoke modern design, having a curved glazed façade, and constructed with red facing brick, cream metal faced cladding panels above and an aluminium curtain wall glazing features; windows and doors are grey powder coated and steel balconies will be installed to some apartments. The facility will be supported by parking and landscaped grounds extending to approximately 1 hectare. A courtyard area is created to the north of the building providing a service drive, turning head and 38 parking spaces, and at least 2 of which are disabled; the remaining area is landscaped adjacent to Holyhead Road. To the south of the building gabion retaining walls are proposed creating an enclosed communal garden to the south that distinctly separates the private housing and the extra care facility.

The proposal also includes the erection of 77no dwelling; these are traditional in form with brick /render elevations and pitched tile roof. The housing mix comprises of 10no two bedroom, 40no three bedroom and 27no four bedroom detached, semi-detached and terrace houses, predominantly two storey but with a small percentage of 2.5 storey units with garages and or parking. An element of open space will be located to the south of the site, around existing mature trees.

The site will be accessed by one vehicle access point to the north of the site from Holyhead Road, in the form of a priority junction that includes a footway along the site frontage to the east of the access linking the site to existing footpaths. The hedgerow to the west of the access will be retained providing a barrier between the highway and private dwellings, and a low sandstone wall will be erected to the east of the access.

Access to Barnfield house is maintained from a private drive that is fed from the estate road; the existing private track along the eastern boundary will be retained in situ providing continued access to Barnfield Farm and Sunkyst Towers.

The applicants had requested that the LPA provide an EIA Screening opinion; this concluded that an Environmental Statement was not required.

SITE AND SURROUNDINGS:

The site is located adjacent to the built up area of Wellington, at the town's south western edge, fronting Holyhead Road at the junction with Haygate Road to the north and Oaks Crescent to the east. The M54 is located circa 100m to the south of the site, and access to the motorway is gained from junction 7 circa 400m to the west from Holyhead Road.

The application site comprises an agricultural field, roughly rectangular in shape covering approximately 3.5 hectares. A number of dilapidated farm buildings are located within the south eastern corner of the site; the land gradually ascends to the south from Holyhead Road. The site is bounded by mature hedgerows with some trees, particularly along the eastern boundary and towards the south east of the site. A private access track to Barnfield House located adjacent to the south west of the site (under applicant's control) crosses the site diagonally from the North East of the site at Oaks Crescent; in addition Sunkyst Towers and Barnfield Farm are located to the south of the site, served off a private track with a double hedgerow, adjoining the eastern boundary of the site and Oaks Crescent.

The Grade II Orleton Park is located to the north of the site separated by Holyhead Road; these grounds includes the formal gardens and park that surround Orleton Hall a Grade II* 18th Century Mansion which is located within the far north of the grounds. The park covers approximately 25ha, and is partially occupied by Wellington Cricket Club at the east. The Old Orleton Inn, a Grade II Listed Building is located to the north east of the development site at the junction of Haygate Road/ Holyhead Road; a late 18th century three storey red brick house .

Residential dwellings overlook the site from the east along Oaks Crescent. These are a mix of mid 20th Century dwellings, including single and two storey dwellings, which are characterised by hipped roofs, bay windows from floor to eave height, chimneys, red brick and tile roofs with some render around feature bays; the properties have low frontages and set back from the highway.

Wellington Town Centre is located to the north east of the development site, with direct access along Haygate Road. The market town offers a wide range of services, facilities and amenities, in addition to bus services and an active railway station connecting the town to the wider Telford Borough and the west coast mainline.

SUMMARISED CONSULTATIONS:

Standard consultation responses

Wellington Town Council: no objection in principle

Comments were made with regard to three issues:

- Extra Care facility there were two issues of concern with regard to overall design and the proposed roof design. The proposed design of the Extra Care home facility was not appropriate for the location and that it was not considered an attractive gateway design into Wellington. The Council had further concerns that the roof should be of a pitched construction and not a flat roof as designed as this would then be more visually appropriate to the location of the area and would not be detrimental to the amenity of the locality.
- Car Parking – it was considered that the amount of car parking for the Extra Care facility was inadequate given the overall size of the accommodation the

number of residents that would reside in the facility together with the associated levels of staff numbers that would be required by way of support. It was also considered that there would be inadequate provision for visitors, professional staff to the facility and insufficient disabled car parking provision to serve the Extra Care facility. It was considered that any overspill parking would result in congestion and safety issues within the overall development with vehicles being forced to park away from the designated Extra Care facility parking area.

- Housing – the Council recognised the good variety of housing types that would be provided within the development. However it was noted that there were no single bed properties and bungalows included within the proposed development. It was felt that the scheme should be varied to take account of the above comments.

Plans & Policy : Comment:

Although this development proposal lies on the outside edge of Telford's development boundary, under the National Planning Policy Framework's 'presumption in favour of sustainable development' the most important consideration will be whether or not the development will constitute *sustainable development*. The most pressing issues that may undermine the sustainability of the scheme are its accessibility for modes of transport other than the car and its visual impact on this key entrance to Telford and the wider area – especially the Wrekin and Ercall hills. The applicants will need to demonstrate that they have adequately addressed these issues in order to ensure that the development can be defined as sustainable and therefore in conformity with planning policy. Detailed comments will be required from specialist officers in order to confirm that the applicants have adequately addressed these matters

Conservation: Objected originally

Sensitive location forming a principle view from Wellington to the iconic Wrekin, a Shropshire landmark, an AONB containing a SSI and a Scheduled Ancient Monument grouping.; considers this is arguably one of the best views of The Wrekin from a public viewpoint and is enhanced by the open feel of the countryside in this area. The principle objection relates to the Extra Care facility: very large and the scale and massing of it make it an extremely dominant element of the proposed development; resulting in a stand out development in a location where development should be anything but that. Development here should be subtle enough to ensure that the view to The Wrekin remains the dominant feature and should not compete for attention. The Extra Care facility is a full 3 storey development of large scale and with a flat roof and modern architectural/design features it stands out by its contrast in both design, materials scale and massing to both the existing buildings in the vicinity and to the housing types proposed. This facility would be better sighted elsewhere in the town than this sensitive site. Questions the need for such a large facility been clearly justified in respect of need/demand and if have alternative sites been reviewed?

Housing in this gateway site into the town itself, should ensure that design standards are appropriate. Whilst there is a mixture of housing types in the vicinity the most common factor is of reasonably sized interwar or early/mid 20thC housing. Of the housing types proposed some of these relate reasonably to this brief but some of them do not, considering that there is an element of pick and mix over some of these architectural features and not all the designs hang together as a complete package, and in all cases there is an absence of chimneys which is critical in respect of the sensitive setting. These houses will be exposed against a back drop of the Wrekin/Ercall. Their roof lines therefore will be clearly visible and the necessity for this development to “fit” in in such a gateway site we need it to reflect the prevailing form, requiring a traditional feel to give the visual impression of this site belonging in that locality as an extension of the existing rather than a standalone group.

Highways: No objection subject to conditions:

Requests conditions relating to the construction and design of all roads, footways, retaining wall details that abut highways, indicated pedestrian footway, pedestrian crossing link, the extension of the 40mph zone to Holyhead Road, measures to prevent the regular vehicular use of the existing access road off Oaks Crescent; in addition to the provision of visibility splays and parking /loading/ turning to be delivered. A request for S106 contributions has also been made towards signal junction highway improvement schemes in the vicinity of the site. These junctions are Roman Road/Holyhead Road, Haygate Road/Holyhead Road/Oaks Crescent and Bridge Road/Haybridge Road. All of these junction will be operating above their existing design capacity in 10 years and therefore require mitigating works. This development site and others planned in the area will generate vehicular trips onto the network which will route through these junctions and therefore they must contribute towards the cost of the required mitigation.

As a result the Highway Authority requests that each new development affecting the above junctions contributes financially to the schemes costs but only based on the % of their development trips, at an AM peak, which form part of all 10 year background growth plus all trips from all expected new development flowing through each junction. The Local Authority will be funding the % costs of the 10 year background growth trips through its capital programme. Based on the figures in the applicants Transport Assessment and considering other future developments in the area the proposal should provide the following:

Roman Road/Holyhead Road Junction – £22,850

Haygate Road/Holyhead Road/Oaks Crescent – £42,350

Haybridge Road/Bridge Road – £14,820

This totals £80,020

Drainage: Support subject to conditions.

The FRA identified that the site is not at risk of flooding and that development is unlikely to cause an impact on surrounding properties. Surface water drainage details have been submitted for the Extra Care and are acceptable; details of foul however are required. Limited details have been submitted with regard to the

housing and suggest conditions relating to foul and surface water drainage, and confirmation of STW ownership for the existing 375mm pipe which crosses the site in addition to the approved diversion.

Sustainability: Comment

Statement is required to demonstrate how a valid and sustainable design solution has been achieved. One of the most effective ways is by achieving BREEAM, and request the development meets BREEAM 'Very Good'.

Education: Support subject to contributions

Given the number and type of dwellings, seek a contribution towards educational facilities in the vicinity of the development; calculated on 77 dwellings, taking account of any surplus request a contribution of £174,981 towards primary education facilities, and would equate to a contribution of £94,417 towards secondary facilities.

Ecology: Support subject to conditions:

The site comprises of species of poor semi-improved grassland, hedgerow boundaries, mature trees and agricultural buildings. The grassland has low ecological value, and no hedges qualify as important under the Hedgerow Regulations. The site will not impact any designated sites. A bat was observed roosting in a mature oak tree which must be retained, and not subject to works. No Great Crested Newts, Dormice, Badgers or Reptiles will be impacted by the development. Evidence of nesting birds has been identified and as such compensatory nesting facilities are required. Conditions therefore relate to the provision of 10 bat boxes, 20 artificial nests and lighting plans.

Arboriculture: Support subject to conditions.

A Tree Preservation Order has been made to protect T1, T4, T5 & T6. Concerns raised to the Tree Protection Plan which appears to be unworkable: The fencing shown around T5 & T6 over runs into the proposed road. Additionally, the continuous line of fencing proposed to protect T1 – T4 is shown across the gabion retaining wall, and as such a new tree protection plan is required. Within the Arb Impact Assessment there are three types of tree protection offered Type A, B & C, if consent is afforded to the application type A will be required. The indicative drainage design provided by Mouchel only shows the proposed drainage around the Care Home and no drainage for the housing estate. A plan for the proposed drainage for the housing will be required. The proposed drainage to the west of the care home encroaches into the RPA of T1, unless this can be amended and placed outside of the RPA an Arboricultural method statement for its installation will be required. Therefore requests conditions relating to landscape design, management plan, tree protection plan, service plan and restrictions to soil levels around trees.

With regard to the soft landscaping details submitted states there is additional room for further tree planting adjacent to the single oak to be planted in the north eastern

corner. Two silver maples are proposed on the frontage which is not native and should be replaced by British species such as English or Sessile Oak of which there are already a number of mature specimens growing within the site. Of the 71 trees proposed to be planted within the scheme 21 are within back gardens of plots. These contribute little to the amenity of the street scene. Malus 'Red Sentinel' has been chosen to be planted adjacent to Plots 12, 14 & 49. These planting positions are either adjacent to paths, roads or car parking spaces. Malus 'Red Sentinel' is described in the Barcham trees catalogue as 'profusely fruiting' so much so that a good fruiting year can see the branches weighed down so heavily that they fail due to the shear weight of fruit. Subsequently these trees should be replaced with an alternative species.

Affordable Housing: Support

Extra care housing is a successful model of living which enables older people and others with a housing and care need to live independently for as long as possible. It also provides a resource for the wider community. The Council's Housing, Care and Support Strategy (2006) identifies the long term need to increase the supply of Extra care housing in the borough. There is a large and growing older population in Wellington and the north of the borough, and an under supply of this form of housing in this area. The proposed scheme will increase the choice of specialist housing for local people and complement other existing and planned Extra care housing provision in the borough. Having been involved in initial discussions with the applicant and agents prior to the submission of these proposals support this scheme. The Wrekin Housing Trust (WHT) has already developed and operates a successful Extra care housing scheme in Woodside. Part funding (grant) has been secured from the Homes & Communities Agency, with the remainder of the cost of this scheme to be financed from WHT's own resources. The Council will work with WHT to agree a Local Lettings Plan that gives priority to residents of the borough or those with a strong local connection.

Urban Design: Originally Objected

Extra Care – Raises concerns to the design and access statement submitted with regard to roof detailing need to reduce the thickness of the eave line so that the roof appears to float; suggests some articulation to first floor with additional windows into the stone wall or some full glazing to residents lounge and return planes to the end of the building. Contemporary style should be simple, minimal in detailing with clean lines and junctions. Some questions are also raised on the functions of the bin store, boiler room and stair wells. Amendments have been made to the building that have addressed the urban design comments.

Housing – D&A is extremely poor in regard to the residential and critically doesn't contain any overall character appraisal or a qualitative assessment of what the local vernacular of Wellington might be or how this proposal might actually enhance the richness and attractiveness of the town. Whilst the immediately adjacent residential

may not be architecturally significant, it does have some characteristics worthy of note, e.g. dwellings are mainly set back from the road, continuous building line, streetscape reflects the topography, semi detached units predominant with hipped roofs and chimneys expressed in similar brick with on plot parking. A little further afield, dwellings feature bay windows on both ground and first floor with gables interspersed to create more of a presence to the road. Holyhead Road is characterised by large villas. The proposal has ignored these features and given that this scheme is so prominent on the edge of Wellington and effectively creates a new gateway, this is extremely disappointing and unacceptable as it stands. General character areas should be considered, e.g. one could comprise dwellings along the frontage, to see how they relate to both the immediate; e.g. the extra care and the wider context which is the road, country park and approach to the town along the A5, etc. Once the character areas are formed, then the streetscape (i.e. the massing and how the buildings relate to one another and the road) and building forms need to be considered to complement the key focal points.

The proposed frontage to Holyhead Road is considered poor; there is a need to consider improving the massing and balance of the units by an alternative arrangement of 2 pairs of semidetached houses, or 3 large detached units, either reflecting the prevailing form of Holyhead Road. In terms of general improvement to this frontage (but should be rolled out to the whole scheme) it is advised that the following need to be addressed:

- Raise eaves levels at least to express all first floor lintels along this frontage
- Raise pitch of the roof from 30 to at least 40 or 45 degrees (could be higher on the ends)
- Use simulated slates (Eternits or equivalent) to create cleaner lines at junctions, e.g. verges, ridge etc.
- Add chimneys
- Hipped roofs: either use on more than units which to echo adjacent building forms or just use gables.
- Introduce more gables: here and more generally across the site since gables are a strong feature which are prevalent in the surrounding area. These could be used to punctuate and terminate views rather than relying on a handful of 2.5 storeyed units at key points.
- Harmonise materials: bricks, roofing & front doors so that rather than being three different types of brick two different types of roof tile and two different colours of front door; there is a more limited pallet.
- Limit the use of “white” features to windows and door surrounds only; i.e. limit the use of white on barge boards, fascias, etc, if it has to be used it needs to be as narrow as possible not the depth shown, if necessary they could be split colours or one overlaid on another to reduce the visual impact of the white.
- Feature string courses throughout the frontage or not at all, even if there is a slight colour variation at the end and also limit darker plinth brick to the ends.
- It is considered that the dwelling types selected for this frontage are reconsidered and/or replaced by other units especially the Earlsford which is

considered the “weakest” link in this frontage and is plain with little articulation.

Parks & Open Space: Originally Object subject to conditions;

This proposed number of dwellings will trigger the need for a LEAP AND is likely to trigger the need for a NEAP (Neighbourhood Equipped Area for Play) yet no play facilities are being provided on site nor it appears is there any offsite contributions being made to facilitate the needs arising out of this development for children’s play. P & OS would also look to provide offsite recreational facility improvements at the nearest formal Park at the nearby Bowring Park which is in need of some major refurbishment and would meet recreational needs of all the residents from this development including that of the care home. Improvements could include refurbishment of the tennis courts / bowling greens / car parking / pavilion (currently burnt down). Etc. Confirmation is required for the maintenance of the POS and a long term management plan is required.

Contaminated land: Support subject to conditions:

The site has been a farm, and there is the potential for hydrocarbon contamination. There is also a possibility that fields could have accepted sewerage sludge, and thus may be contaminated with metals. In view of this, and in relation to Paragraphs 109 and 121 of the National Planning Policy Framework, no objection are raised subject to contaminated land condition

Pollution Control: Comment:

A Construction Management Plan is needed to ensure that dust and emission release from the site during the construction phase is suitably controlled.

There are some excellent recommendations listed in Section 6 of this report.

The Biomass Screening Tool on page 34 states that the care home building is 12 meters high, and will require an overall stack height for the biomass boiler of 16 meters. From the plans it appears that the care home building is around 9 meters in height, and the stack has not been illustrated on the submitted plans. Following the submission of amended plans and the amended air quality report no objections are made.

Highways Agency: No Objection:

Originally submitted a holding objection requesting further information relating to trip generation, trip distribution/assignment, traffic growth, committed development, M54 Junction 7 impact, and a Framework Travel Plan. Following the submission of further information the HA concluded that the main issues was the distribution of development traffic and the number of vehicles routing towards the M54 junction. Although this development site is minor when compared to nearby proposals, the number of vehicles (if over 30 two way) would have still created a cumulative impact to Junction 7. Evidence has since been provided in the form of the traffic count, where two way traffic flows have been used to estimate the potential split of traffic at

the site access; this methodology has been considered acceptable. Based on the TA, the proposals result in 24 two way trips during the Am peaks and 28 trips during the PM peak through the M54 junction; as this is below the HA protocol threshold of 30 two way trips there is no requirement to assess the M54 Junction 7, and have no objection to the proposals.

English Heritage: No objection

Shropshire Fire Authority: Comment

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>.

Specifically consideration should be given to Access for Emergency Fire Service and Sprinkler Systems

Heritage Arts & Alive (H2A): Comment

The Haygate Road / Holyhead Road junction is unique in providing an attractive and well-defined approach to Wellington (and Telford) from open fields. Leaving the town at this point, it also presents one of the few uninterrupted views towards The Wrekin from Wellington. Appreciate that this in itself may not be enough to justify protecting this site from development – housing growth is encouraged nationwide and locally there will be increasing expectation to identify development sites in Telford & Wrekin over the decade ahead. As such, are not strongly opposed in principle to any development of this site. This site is a unique green gateway to Wellington and if it is to be lost, it should not be lost lightly. Development here will not just be infill between existing residential areas – it will extend the town's boundaries into open countryside and create a new western gateway to Wellington and Telford as a whole.

Developments on sites such as this MUST, therefore, demand high standards of design, and should reflect the principles of good design in evidence at other local sites such as Lawley and Lightmoor. Appreciate that there is a demand for this sort of facility in Wellington, and support its provision, however consider that it could be of greater benefit to its residents – and the wider regeneration of the town – if it were located at an alternative brownfield site within the centre of Wellington (e.g. Walker Street or the former Arriva site), where residents would be in close proximity to shops and services. Object to this planning application as it stands, and if development is to go ahead, would want to see significant redesign of both the housing and extra care facility so that as a whole, this site:

- creates an attractive and high quality entry point into Wellington and Telford;
- resonates with its setting, having coherence with existing housing in the Holyhead Road / Haygate Road area;
- shows sensitivity to its backdrop of The Wrekin by creating an more varied skyline than will be achieved by the current plans.

Neighbour consultation responses

Following first round of consultation 21 letters of objection have been received, in addition to 1 comment. These raise concerns based on the following:

Character

- Detrimental to the country character of wellington
- Three storey development unsuitable for the area
- Proposal for dwellings are not adequately justified
- Demographics of the area will change as young families and others will move out of the area
- Scale of development is too large and modern to fit with surroundings; resulting in huge scar on the landscape, a hideous blob of glass and concrete
- Proposal will not provide for the existing community, the services are only for the proposed occupants of the extra care
- Density of development
- previous refusals on the site relating to loss of rural fields
- clearly defined western boundary to wellington, transferring land from rural to urban.
- Character of area as existing is mature medium density, well established residential area
- Three storey building will essentially be a commercial in character
- Semi rural character
- Size depth width height and massing unacceptable
- Overlooking loss of privacy
- Visually overbearing

Principle

- Site provides buffer with the motorway and existing properties
- More appropriate land available to development in the area including Bus station, Charlton Arms, The Mount, Former Cottage Hospital, Orleton Park Secondary School
- People need homes but not at the expense of greenfield.
- loss of view
- loss of green fields / green belt
- Development based on ownership rather than rational cohesive development in this area and have a jagged block of land jutting into the countryside
- distance to the Health Centre for medical care and to the Town for more specialised shopping
- access to schools
- Already existing golf facilities; wellington doesn't need any more; Close proximity of Cricket Club Old Orleton Bowring Park, the area is well catered for by other facilities.
- Loss of rural business
- Little need for development taking account of scale of Lawley.
- Pressure on public utility services; already difficulties

- Appreciate use of green field but only when brownfield and empty properties are all utilised.
- T&W Council policy is to give priority to regeneration rather than build on Greenfield.
- Not a small development , that will make a big impact; 77 houses = 130+cars, 200+ people, and therefore too much for this site
- Site not designated for development
- Quality of life
- Prettiest entrance to wellington should be left alone

Highway Safety:

- High traffic accident rate at this location, creating extra burden to the highway
- Substantial traffic jams occur at peak times and drivers exiting from the minor roads frequently collide with oncoming vehicles on the main highway which are speeding toward the motorway junction
- Drivers will seek alternative routes though neighbouring areas (Herbert Avenue and Wrekin Road etc).
- This route is already congested.
- Significant traffic from M54 junction therefore not suitable for elderly. The potential addition of another couple of hundred cars accessing the road would create the problems we encountered when Junction 6 of the M54 was closed a month ago
- An increase in heavy lorries also. This site will put more vehicles on this stretch of road which has a 40mph limit. If the proposed development of 360 houses on Haygate Road near the Cricket Club also goes ahead it will bring a further 500 (approx.) cars into the area
- more traffic results in more pollution
- vehicles exiting Avondale Road and Hampton Hill already have to wait for long periods
- 5 sets of traffic lights (vehicular and pedestrian) between Bucks Head and Ercall Lane. It can already take 15 minutes to travel 1 mile along this road at main commuter times and school start/finish times. Additional traffic from the proposed housing and those working at the planned residential home would create further congestion
- Traffic counts in july are inappropriately timed with school holidays
- Need for sufficient infrastructure.
- Site on the edge of town has poor transport links
- existing the road cannot deal with existing volume of traffic,
- Peak times traffic around the centre is a problem, in addition to parking.
- Pressure for development of the area in connection with Haygate Road site, in addition to large scale development by J6 of M54.
- Cumulative impact with adjacent Haygate Road development, need for public transport, requesting the route for the no 44 is extended and that the 81 service finished 1 hour later meeting public demand,

Other

- Destruction of flora and fauna Hundreds of metres of hedgerows and a series of old farm buildings will be destroyed

- Effect on wildlife corridor
- Unclear trees are to be retained or removed; unclear on ecological impact, consider bats reside in barns
- Visual appearance
- Overbearing & out of character with surroundings
- Ancient farm land located on rural approach to a historic market town
- Visitors to/ from the town from the M54 enjoy views of the Wrekin, Wellington Cricket pitch and rolling fields which slowly give way to the mature housing stock; Wellington is different to Telford
- Tourists and walkers will no longer be enticed to the Wrekin if the fabulous view is lost from the top of Haygate rd. Wellington suffered under the new town plan, it has survived, but this will just urbanise its best part
- Shropshire's country is being eroded by indiscriminate house building and industrial estates; other areas of Shropshire look at Telford in disdain
- Overstretch local facilities – schools, medical practices, hospital
- Where will children be schooled
- Council unlikely to turn down an extra care and therefore a route for approval for more homes; elderly are big business; greed of council and developers
- McPhillips already on site.
- Noise and disturbance especially during development
- Light pollution
- Site used for dog walking
- Already presence of a hotel at this junction
- Layout and siting in relation to adjoining buildings spaces and views is inappropriate and unsympathetic to the appearance and character of the local environment
- Amenity should be concurrent with property; development introduces a diverse element that will create noise and disturbance to the detriment of neighbouring residential amenity.
- Object to the authority considering application
- Devaluation of property/ will have to sell properties
- Press notice / site notice

Following the 2nd round of consultation a further 11 representations have been received. These repeat the above issues and raise the following additional points:

- proposal will have a most damaging visual impact both on the immediate area and The Wrekin and the Area of Outstanding Natural Beauty
- it will damage forever the quality of this approach to Wellington, at the western edge of Telford.
- Witnessed bats, owls and hedgehogs on the site, in addition to swallows nesting on existing barns
- Loss of oak trees
- Amendments do not consider original consultation responses or opposition of the local authority.
- Care home resembles a factory unit
- Location of care home more suited to other end of site
- Precedent of development, urban sprawl.

- Need to reconstruct adjacent junction
- Cost of facility to live in - question need
- Independent pollution tests
- Health and safety of new residents including children

RELEVANT HISTORY:

W87/0394 Erection Of 76 Dwellings With Garages With Construction of New Vehicular And Pedestrian Access, Barnfield Farm, Holyhead Road, Wellington: Full Refused, 16/07/1987,

W94/0932, Outline, Change Of Use Of Vacant Land To Garden Centre With External Sales Area And Construction Of Associated Car Park And Service Road., Barnfield Farm, Off Holyhead Road/Oaks Crescent, Wellington, Telford., Withdrawn 24/05/1995,

W84/0794, Outline, Motorway Public Services, Land At/Barnfield Farm, Wellington, Telford. Outline Refused, 16/04/1985,

W92/0256, Use Of Land For The Storage Of 30 Caravans. Land At/Barnfield Farm, Holyhead Road, Wellington, Telford, Full Refused, 20/05/1992,

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Core Strategy:

CS1 Homes

CS2 Jobs

CS3 Telford

CS5 District and Local Centres in Telford

CS7 Rural Area

CS9 Accessibility and Social Inclusion

CS10 Community Facilities

CS11 Open space

CS12 Natural Environment

CS13 Environmental Resources

CS14 Cultural, Historic and Built Environment

CS15 Urban Design

Wrekin Local Plan:

EH7 Contaminated Land

EH14 Land Stability

UD2 Design Criteria

UD3 Urban Design Assessments

UD4 Landscape Design

UD5 Public Art

UD6 Major transport corridors and gateways into Telford

H6 Windfall development in Telford & Newport
H22 Community Facilities
H23 Affordable Housing
H24 Affordable Housing: Rural Exceptions
T4 Development Principles
T22 Planning Obligations
OL11 Woodlands and Trees
OL12 Open land and landscape contributions from new Development
OL13 Maintenance of Open Space
LR1 Provision of community Facilities
LR4 Outdoor Recreational Open Space
LR6 Developers Contributions to Outdoor Recreational Open Space within New Residential Developments

PLANNING CONSIDERATIONS:

Extra Care Need

The proposed extra care facility will provide a choice to older adults with varying care needs, enabling them to live as independently as possible in their own self-contained accommodation, and is an alternative to residential care. The facilities will also provide access to care and support at all times, tailored to the individual needs, including meals, domestic help, leisure and recreational facilities. The majority of residents will be over 55 years of age; however the proposal is not restricted to this age bracket, providing opportunities to younger occupants with disabilities. The facility also serves the wider community, allowing non-residents to utilise the facilities increasing community cohesion and social interaction.

The key strategic benefits of Extra Care are:

- Promoting independence, choice and control
- Reducing social isolation and enabling social inclusion and fulfilment
- Early intervention and prevention of avoidable deterioration and use of higher dependency services
- Improving the quality of life, health and wellbeing of people who use the service
- Reducing depression
- Providing an environment for safety and dignity
- Freeing up larger properties in the housing chain
- Reducing the demand on community and acute health services
- Enabling more effective, co-ordinated and integrated service delivery
- Achieving benefits from partnership working across housing, social care and health

Telford & Wrekin Council's Housing Strategy, *People and Places 2010-2013*, identifies the '*delivery of supported and specialist housing including Extra Care*

housing' as a Commissioning Priority. The document continues 'while some older people will live in specialist or purpose built housing, many more will continue to live in their existing homes to a significant age. The housing expectations of the older people of the future are likely to continue to increase. The Borough is underprovided in specialist housing for older people. The Council's Housing, Care & Support Strategy aims to deliver an additional 500 homes in Extra Care housing by 2021, with 113 homes already completed or in the development pipeline.'

The Borough of Telford & Wrekin has approximately 26,000 residents aged 65 years or over, and is projected to rise to over 41,000 by 2030. Within this the number of residents aged 75 and over will increase by 10,300 (an increase of 93%) which includes 1,900 more people aged 90 and over (an increase of 158%). Data held for the north of Telford illustrates a higher proportion of older residents and is identified as a priority area. The census of 2011 illustrated that 25% of the population in the wards surrounding Holyhead Road are 65 years and older. In addition the ward of Haygate has the highest rate of health problems or disability within the Borough, with 24.8% of residents reporting that their day to day activities are limited in some way.

As of August 2013, 821 applicants are registered for Extra Care accommodation on the Borough's choice based letting scheme 'Choose Your Home'. 200 of these are classified as 'Urgent' and a further 622 classed as 'Needing'. Within the last twelve months 170 applicants have applied to Choose Your Home stating that they need Extra Care housing. Currently there are only 200 Extra Care units in the whole Borough. There is zero provision in the North of the Borough and no Extra Care facilities in Wellington. The only existing provision for older people in Wellington is six sheltered housing schemes providing a total of 196 units. The closest existing Extra Care facility is at Lightmoor, seven miles from the Holyhead Road site. There are two Extra Care schemes currently under construction for future delivery, a 60 unit centre at Lawley and 86 units at Ketley. Wrekin Housing Trust identifies that other nearby proposed developments were considered prior to the presentation of the Holyhead Road proposals but were deemed to be unsuitable by Wrekin Housing Trust for reasons of location and the lack of grant funding impacted on the ability to deliver affordable housing. WHT consider that the proposals at Holyhead Road will not impact on the support, viability or delivery of any similar proposed developments in the Borough and indeed, with the predictions for the significant rise in numbers of elderly and those with long term limiting conditions, it is thought that there is a need for a number of similar facilities within the North Telford locale.

During pre-application discussions undertaken during summer 2013 (prior to the 5 year land supply concerns) the LPA requested the applicants demonstrate that the development could not be located in closer proximity to the centre of Wellington, increasing the sustainability of the facilities. The applicants therefore carried out an assessment of other potential sites for the facilities, considering the suitability of sites against the size of the site, location (requiring a visible and accessible frontage),

surrounding areas, availability and cost (both acquisition and remediation), and no alternative sites were found. The key element of this site is the cost of acquisition which is being provided at nil cost to the WHT, coming forward as a tri-party arrangement between McPhilips the landholder and the two developers WHT and Taylor Wimpey; this also then identifies a need for open market housing to come forward to allow the land acquisition of the extra care facility to be purchased at nil cost. Moreover the site has been awarded HCA funding that allows the immediate implementation of the scheme addressing the identified need within the Borough and the commissioning priority; and delivering the scheme prior to March 2017.

Location and Sustainability

The site in its entirety is located on the Urban Fringe of Wellington; it is defined as the Rural Area within the Wrekin Local Plan, abutting the urban boundary that runs along the eastern boundary of the development site. Policy CS1 relates to housing developments in the borough. This states that the number of new homes to be delivered in plan period will be a maximum of 1330 new dwellings per annum up to 2011, and a maximum of 700 new dwellings per annum 2011-2016. The spatial interpretation of the housing targets defined is given focus by directing development to Telford; to Newport in Policy CS6 and to the three identified rural settlements of High Ercall, Tibberton, and Waters Upton in Policy CS7. Outside of these locations, new development will be limited and in the open countryside strictly controlled.

In accordance with the NPPF, Telford & Wrekin Council must identify and update annually a supply of deliverable sites sufficient to provide 5 years' worth of housing against its housing requirements set out in the adopted development plan, which comprises relevant saved policies in the Wrekin Local Plan and the Core Strategy (2006-2016). The Council maintains its position regarding the significant supply of housing land that exists across the borough, comprising committed sites and sites identified in the current Strategic Housing Land Availability Assessment (SHLAA). Nonetheless, a reassessment of the five year land supply position, particularly in terms of the deliverability of committed sites within five years, has produced a lower, but more robust, delivery figure of 2.5 years. This reassessment was carried out in light of updated guidance issued in April 2013 by the Local Government Association on assessing housing requirements, the increasing number of appeal decisions and examinations nationally which were favouring a more stringent approach to assessing the five year supply issue and one the Council needed to respond to pro-actively. Borough wide the authority is dealing with a shortfall in house building and has a 2.5 year supply, which is less than the required 5 years. This has implications for decision-making on planning applications.

Having a 5 year housing land supply shortage indicates that para 49 of the NPPF takes on greater significance which states that 'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot

demonstrate a five-year supply of deliverable housing sites.’ Paragraph 14 states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. This underlines that planning applications should not be considered on the grounds of housing supply alone and that they should be decided against the golden thread of the presumption in favour of sustainable development. Consequently the proposal should not therefore be considered against the housing numbers set within policy CS1, however the sustainability of the scheme should be tested against other local policies and the NPPF.

At a national level sustainable development is promoted through the NPPF, which defines three dimensions: an economic role, a social role and an environmental role which should not be considered in isolation. The proposed development will allow the delivery of new homes in a short time frame, with the commitment from HCA funding the proposal has a delivery programme that will provide construction investment and employment in the short term, and in a long term provide jobs associated with the Extra Care facility directly (on site) and indirectly (through procurement /contractors etc), the proposal will also deliver additional homes across the site that will increase the spending provisions within Wellington and the wider area supporting its local economy. At a social level the proposal will deliver a mix of households across the site, not only a mix of open market family accommodation but the significant extra care provision that has identified need within the north of Telford, and a priority commitment for the council to enable; this element also forms the affordable home provision of the site totalling 45% and accessible through the RSL. This mix of housing promotes the national policy to deliver the right type of homes, within the right place and that the right time to meet the needs of the market, supporting the Councils growth aspirations. Furthermore being an extra care facility the proposal will provide uses and activities that can be shared with the community and promotes social cohesion and integration on site. At an environmental level the proposal recognises the importance of the sites natural assets, retaining mature trees and hedgerows and providing open space for both types of occupancy. Environmental impacts are also considered with regard to the construction of the Extra Care that will be constructed in accordance to BREEAM ‘very good’ standards; however the open market housing is weaker through construction to code 3 alone; whilst it is recognised that at a local level in this locality there is no policy requirement for better than building regulation construction, regard is made to recent appeal decisions where the 5 year supply is the exception to allow development Inspectors have conditioned the construction of dwellings to meet code 4 or its equivalent. In this case it is recognised that approximately 50% of this development goes above the building regulation requirements as the extra care provides 45% of the residential development in addition to the community facilities; and consequently

the environmental construction of the development has gone part way beyond the basic requirements, requesting such construction also has implications to the viability of the scheme which is explored towards the end of this report; consequently the construction of the development is considered environmentally sustainable. The accessibility of the site is to be enhanced through the contributions towards off site highways works to provide pedestrian crossings and improved highway junctions.

Having regard to the Core Strategy, the location of the proposal is evidently related to the built up area of Telford, Wellington in particular; the site is not sat in isolation. Policy CS3 focuses development to Telford, to accommodate the majority of new homes, jobs and services, supporting the role as a sub-regional focus for balanced growth; accordingly the proposal is considered in broad conformity with this policy.

The site is however outside of the defined town boundary and therefore considered as rural area. Policy CS7 focuses development to the three rural settlements of High Ercall, Tibberton and Waters Upton, outside of which development will be limited and in the open countryside strictly controlled. The proposed development is not within the open countryside but outside of those three rural settlements and as such falls under the category of development that is 'limited'. Taking account of the development sites location that relates in its entirety to the urban area, the identified need for the Extra Care Facility, and the need for greater housing numbers in the borough, the proposal is considered acceptable in accordance with the boroughs focus for development.

The Core Strategy endorses the location of development that will promote sustainable forms of transport through policy CS9, this includes the use of public transport, cycling and walking. The development site is circa 900m from the centre of Wellington; this is slightly beyond that considered to be accessible as applied by saved policies H6 and T4 of the WLP which encourages no more than 800m. Public transport connections are also poor, although a bus stop is located within close proximity to the site this does not provide a regular service (no less than 30 minute intervals) nor is it intended to improve this service at the current time due to viability, and as such it is slightly shy of what has previously been deemed as sustainable locations for development. The role of the 800m distance to a district centre is to equate to a 10 minute walk, taking account that the site is only a further 100m beyond this to the district centre of Wellington, the proposal represents just over 1 minute additional walking time, taking this into account in addition to the need for the facility and delivery of housing, the proposed location is considered an acceptable distance to a district centre. Subsequently the principle of the proposed development in this location is considered acceptable in broad compliance with both local and national policies.

Heritage assets

The site itself is not a heritage asset, however it lies in close proximity to two designated assets which are fundamental considerations in the preparation of any scheme; these are the Grade II Registered Park and garden surrounding the Orleton House and Grade II Listed Old Orleton Inn. A heritage statement has therefore accompanied the application, which considers the effects on Orleton Park through views of and from the park; effects upon the Old Orleton Inn, through views of and from the inn.

The submission considers that the effects of upon Orleton Park would be negligible as the views of the park from Holyhead Road /Haygate Road junction are ascribed a “low” value/importance, as this takes account the that view is one of parkland and occasional trees, with no direct views of key elements including the designated gardens, pleasure grounds, approaches or of the house; furthermore this view also contains the 20th century cricket ground and pavilion, and is separated from the park by an arterial road. Views from the park are also ascribed a “low” value/importance, having considered that the park extends across a “borrowed” landscape, providing a view from the house to the Wrekin and the Ercall, consequently none of the key elements of the park or the curtilage of the house would be effected by the development. Whilst views from the south eastern corner of the park would be affected by the development the report acknowledges the break in skyline and partially obscured views of the Wrekin and Ercall, which diminishes when walking through the Park. The magnitude of change however is assessed as “medium adverse” as the development will break views of the Wrekin and the Ercall, however this is not a key view from the park and considered the effects on the view are calculated therefore as “minor adverse”.

In relation to the Inn the view of the inn is ascribed as “low” value/importance, considering the inn can only be seen obliquely and that the Holyhead Road and traffic movement dominate the view from the site. The magnitude of change is assessed as “low adverse”, as the rationale for change is a continuation of the existing urban boundary and would be partially screened by hedges and trees. The views from the inn are ascribed as “low” value/importance, stating the view of the Wrekin was not a fundamental reason for the siting of the building. The magnitude of change is assessed as “low adverse”, having considered the context of the inn has been eroded by the built development around it that now occupies the fields which previously served this farm, and after conversion to an Inn in the 19th century its context related to the road; subsequently the effect of the view is “negligible”. The heritage statement concludes that no mitigation is required in respect of the setting of the cultural heritage assets. This view has not been opposed by English Heritage or the Conservation officer, subsequently the proposed development principles are considered acceptable in this location subject to the preservation of these settings by responding to these key components.

Landscaping

The Telford & Wrekin Landscape Sensitivity and Capacity Study 2009 identified the site having medium sensitivity (and having a low capacity for development. For the purpose of the study sensitivity was defined as “*the sensitivity of the landscape itself, irrespective of the type of change which may be under consideration. It is a combination of the sensitivity of the landscape resource [including its historical and ecological features and elements] and the visual sensitivity of the landscape [such as views and visibility],*” and capacity defined as “*the ability of a landscape to accommodate different amounts of change for a development of a specific type.*”

The study recognises the clear views of the Wrekin and listed building opposite, in addition the sites wider function as wider farmed landscape as the foreground for the Listed Building, the historic parklands, and to Sunkyst Towers that is locally listed. It notes how the site makes the boundary between the settlement edge and the open countryside in addition to containing mature veteran trees that should be conserved. The study recognises that the development of the site would have a detrimental impact on the setting of the historic parkland, and the relationship with the wider countryside. The setting of the listed building would also be influenced in addition to the sensitive rural receptors – the dwellings to the south and southwest of the site in addition to the existing eastern boundary; the report also considers that the “fine mature and/veteran trees” (particularly oaks) could not be easily accommodated within housing development of the site. The report assesses the site as having a low cultural sensitivity but a high ecological sensitivity due to its pasture and veteran trees. Key views are noted over the open countryside from the town and views of the Wrekin from Holyhead Road, the presence of the M54 detracts from the setting and results in a low level of tranquillity for the site.

A landscape assessment has accompanied the application which recognises the sudden change in character from rural parkland to suburban, and a character which is experienced almost entirely by road users. The transition between open countryside and wellington is somewhat diluted by volume of traffic within this area from the Holyhead Road and the adjacent junction with Haygate Road, taking account too of the motorway junction to the west of the site, and translates to a character of urban form. The assessment analyses the proposals and concludes that mitigating factors such as existing boundary hedgerows, local topography and the lack of a clean transition between Wellington and the open countryside, it is considered that the site offers potential for development with low levels of both landscape and visual impact. Receptors to the view are almost entirely road users and therefore have low sensitivity. Development can be effectively screened to contain the site, and simple factors such as retaining a buffer to the northern boundary will increase this. Further mitigation measures include the care home being set within the rising land to the south, minimising its overall scale, a new boundary wall to the care home reflecting that opposite and peripheral hedge and

tree planting to the western and southern boundaries. The report however recognises that the development has a potential visual impact on Oaks Crescent however these are private views and are not ones of public amenity. The report also reflects on guidance within the Telford and Wrekin landscape Sensitivity Capacity Study that states “Some settlement edges, usually consisting of housing estates, present an unsympathetic boundary with the countryside. In these cases, and combined with where the landscape itself has lower intrinsic sensitivity, the opportunity is taken to recommend a higher capacity for development. This is with the proviso that the development itself will present a positive edge in order to integrate and enhance the landscape. This is best achieved by a design or development brief including landscape, nature conservation and urban design/settlement edge objectives.” Accordingly it is considered that the proposal represents such a scenario, and the constraints’ and opportunity for the site have been adequately assessed in accordance with UD4 of the WLP.

Design

The proposal is located on a main transport corridor located at a main highway entrance point to the western edge of Wellington as defined by the Wrekin Local Plan and as such policy UD6 requires development to be of a high visual quality, this is over and above the guidance contained within CS15 of the Core Strategy and UD2 and H6 of the Wrekin Local Plan.

The concept for the site layout was derived through the consideration of the site, its natural topography which retains the mature trees and hedgerows, in addition to consideration of the adjacent properties that overlook the site and the wider landscape setting and heritage assets that overlook the site. The built development site is clearly broken into two subject matters, the extra care home and the open market dwellings.

Extra Care

The Extra Care facility had been designed as the dominant feature of the development site, due to its mass and scale which is unable to be broken down. The preliminary proposals explored an L shaped building parallel with Holyhead Road creating a prominent building that acted as a node to this gateway location, however through pre-application discussions the Council identified that this approach was unacceptable due to the dominance of the building in the street scene, that would compete with the adjacent Listed Building and ignore the views of the Wrekin across the site; this would ultimately change the character of this gateway location. The proposal is now set back from Holyhead road and steps from single storey accommodation to two storey and then to three storey increasing with the topography of the areas the natural view towards the Wrekin ascends. This design has addressed the landscape and heritage asset settings reducing the scale at the front of the site, and whilst it steps back the building cuts into the natural gradient

allowing the building to sit in the land rather than ascend with it reducing the three storey massing. Furthermore its modern design allows the building to reflect the gateway location creating a node but due to the subtlety of its varying heights and form it does not compete with the heritage assets of the Listed Park or the Listed Building.

Minor amendments have been made to the building that have addressed the urban design comments, in addition the stack related to the biomass boiler has been added to the drawings which is considered acceptable in scale, design and location.

Housing

The housing element sits to the west of the care home, and will be the immediate development that abuts the adjacent fields. It forms a translation of rural area to urban, with only a handful of properties facing Holyhead Road, giving some subtlety to the Extra Care facility that sits on the west of the access road, allowing the extra care to become a node around the highways junction and reducing the developments dominance.

Four units front Holyhead Road, these are in the form of a central pair of semis and two detached properties that frame the access point and the western rural boundary. The units are set back deliberately inline with the extra care creating an understated building line, retaining a wider landscaped buffer adjacent to Holyhead Road, which will be reinforced by the retained boundary hedge to the west of the access road.

The units in this locality have large gaps between them, reflecting the mid-20th century properties in the vicinity of the site. Housing layout behind reflects this pattern of development and sit perpendicular to the western boundary, allowing the views across the adjacent field from Holyhead Road to be characterised by the gaps rather than rear boundaries backing onto this boundary reducing the appearance of the sites density.

The design of the dwellings is of traditional two storey brick and tile pitch; with a few two and half storey units. The design on submission was relatively bland and failed to respect and reinforce the character of Wellington, and would more be reflective of the 80s and 90s housing stock that is common within the new town developments found within Telford; accordingly the design has since been amended to recognise the surrounding dwelling stock and create its own interpretation for current market. This sees the introduction of cast cills and lintels, feature bay windows, both at single storey and two storey, feature gables to front elevations with cladding above, a mixture of hipped roof dwellings, open eaves reducing the amount of white board details and the introduction of chimney's which is incredibly important across the Wellington skyline, and thus essential on the views to the Wrekin at this particular junction. Feature buildings are at key locations, providing vistas internally throughout the site. Additionally garage roofs have been reoriented to gable ends on front and

rear elevations, reflecting those of the surrounding area, becoming modest single storey structures that have lower ridge heights than the modern garages.

Whilst it is noted that the D&A regarding the housing was weak, the amended plans have taken account of both urban design and conservation comments which slightly contradicted each other, this design is now considered that it respects and reinforces the character of the surrounding area, without causing harm to any heritage assets, and thus does not have to be a mirror of the existing mid 20th century housing that characterises the area.

The general layout provides ample private amenity area for each dwelling, in addition to the creation of informal open amenity area that punctuates the site layout; dwellings have adequate distance separation and thus the layout will not have any adverse impact on the proposed residential amenities created. Furthermore the layout of either the extra care or the proposed dwellings will not adversely affect the amenities of the adjacent residents of Oaks Crescent that overlook the site. The layout is considered to have actively considered safety and secure by design principles followed.

Landscaping

With regard to the wider design of the site, the site is influenced by the natural environment and landscaping details therefore play an important role in the design of the development at this location. The proposal recognises this and ensures the retention of the hedgerow on the western boundary, and partial retention to the north acting as a soft boundary treatment to the properties that front Holyhead Road. This is also retained around the eastern perimeter. The hedge however is removed to the north of the proposed extra care facility and a sandstone wall that reflects the boundary of the historic park that faces the site is required at this location giving some formal stance to the grounds of the extra care facility, reinforcing the node that this being created.

A detailed landscaping scheme has accompanied the application, this aims to ensure that the best of the existing features are retained and enhanced and extensive new planting is undertaken throughout the site to soften the appearance of the development and integrate the development into its setting. The trees within the site are retained to the south east and form an area of public open space, overlooked by a number of dwellings; these trees are now subject to a tree preservation order and have been appropriately considered. The tree planning suggested however requires amendments to introduce English Native species which form part of Wellingtons historic setting, in addition to the alteration of some species of tree which overhang vehicle areas; some softening of the gabion walls and the boundary treatments to rear amenities of dwellings adjacent to this is also required. Boundary walls to private amenities are also required at sensitive locations where they play important functions in the streetscene.

It is therefore considered that the proposed design both dwellings and associated landscaping has been adequately considered respecting the location and the wider setting, reinforcing the character of area, and is therefore acceptable in accordance with design policies at both a local and national level.

Highways

A single access point at the centre of the site facilities the central spine road that runs from the north to the south of the site; development fronts this road and small cul-de-sacs spur from these points, this is also utilised for the access to Barnfield House that adjoins the South West corner of the site. The Extra Care facility is accessed from the north of the estate road and as such traffic associated with this facility does not conflict with that of the wider residential development protecting the amenities of the proposed occupiers. On-site parking is provided of both uses totalling 224 spaces, of which 34 spaces will cater for the extra care occupiers and visitors, and a minimum of 2 spaces (including garaging) is provided for each private dwelling.

Pedestrian facilities are considered, and supported by a footway on the south side of Holyhead Road provided along the frontage of the site to the east of the access, connecting the site with the existing pedestrian facilities. The proposal will also result in the extension of the 40mph zone to the west of the site and the associated visibility splay will allow for the retention of the existing hedge to the west of the site.

A traffic assessment has been submitted with the application; this provides trip generation information that has been completed using the TRICS database and the distribution across the network has been undertaken using the existing vehicles flows. This concludes that the junction at Holyhead Road /Haygate Road is shown to be over capacity in the forecast year of 2023 before the small number of vehicles from this proposal is implemented; subsequently a request has been made by Highways for the provision of a contribution towards single improvements for this junction in addition to other improvements at Roman Road/Holyhead Road, and Bridge Road/ Haybridge Road; all of which will also be operating above their existing design capacity in 10 years and therefore require mitigating works.

Based on the figures in the applicants Transport Assessment and considering other future developments in the area, these are calculated as a % contribution:

- Haygate Road/Holyhead Road/Oaks Crescent – 7% of costs
- Roman Road/Holyhead Road Junction – 5% of costs
- Haybridge Road/Bridge Road – 3% of costs

Following a recent costing exercise this equates to the provision of £80,020.

The Highways Agency has assessed the TA and as the traffic generated from the site during the peak hours when assessed against the TRICS database falls less

than 30 2-way trips during peak hours, the Highways Agency is not required to assess the impact of the development on the adjacent motorway junction, and accordingly raised no objections to the development.

With regard to bus routes the site has just one bus service directly outside the site, which is a 2-hourly service throughout the day; however within 800m of the site is a bus service (route 55) that provides a 15minute service; this route goes via Wellington bus station to Telford Town Centre bus station, and is considered an acceptable 10 minute walk. Furthermore the Railway station is circa 20 minute walk from the site and subsequently both provide sustainable options for travel as an alternative to car travel. Additionally the development does propose to install anew stop on Holyhead Road outside the new development. A suggestion has been made by a local resident that a bus route is diverted to this area, however the council is somewhat at the mercy of Arriva and any new routes or changes to existing have to be achievable within the routing schedule, be financially viable or be heavily subsidised by the council. For the route 44 to be diverted to this location the route would need to generate circa £800 per day to be viable; this site would not generate anywhere near this contribution and as such would require subsidising from the application however due to the size of the development, this would be insignificant to create a viable route and as such not be utilised and therefore not a reasonable request for a planning obligation.

Accordingly it is considered that the development of this site has considered highway safety both within the design features of the site and the wider area, and is considered acceptable subject to contributions to mitigate against the impact of the traffic generated by the proposed development on existing junctions.

Ecology

The site itself is not subject to any statutory designation. There is however a SSSI, a Local Nature Reserve and a County Wildlife Site within 1km of the proposed development at The Wrekin and The Ercall. The submitted ecology assessment concludes that at this distance and separated from the development by the M54 motorway there is not likely to be a significant impact on the ecology of the designated sites as a result of the proposed development. This view is concurred by ecology.

The proposed development site itself comprises species poor semi-improved grassland, hedgerow boundaries, mature trees and agricultural buildings (to be demolished). The species poor semi-improved grassland is of low ecological value.

The roadside hedge does not qualify as 'important' under The Hedgerow Regulations and will be retained to the west of the new access and removed to the east to allow for the visibility splay required. The western hedgerow with an

associated dry ditch does not qualify as 'important' under the Hedgerow Regulations on number of woody species alone but clearly, with the mature oak trees it contains, has historical value. Although the site layout plan does not clearly show this hedge it is confirmed that this western hedge will be retained. The eastern hedgerow also does not qualify as 'important' under the Hedgerow Regulations on number of woody species alone but clearly, with the mature oak trees it contains, has historical value. This hedge will also be retained.

A suite of bat surveys have been carried out on the site including bat activity surveys of trees suitable for bat roosting, 2 dusk transect surveys and 2 five day periods of static bat recorder use on the hedgerows. No significant foraging or commuting activity was recorded during the bat surveys though Common Pipistrelle, Soprano Pipistrelle and occasional Noctule bats do pass over the site and along the hedgerows. There was no evidence of bats roosting in the buildings to be demolished and the buildings had low potential for roosting bats. No bats were seen to emerge from the buildings during the activity surveys. A single Common Pipistrelle bat was recorded roosting in a mature oak tree in the western boundary hedge (T9), and accordingly ecology have requested that the tree is retained on the site, not subject to tree surgery work and protected from impacts of new lighting; this can be adequately controlled through condition. This is further supported by the tree preservation order imposed by arboriculture.

The ecology report concluded that Great Crested Newts would not be affected by the development, nor would Dormouse, Badgers or reptiles. The report identifies there was evidence of wren, tit species, blackbird, songthrush and swallow having nested in the disused agricultural buildings on the site recommend a scheme of bird box provision to compensate for the loss of this nesting habitat and recommend that vegetation and buildings should be removed outside of the bird nesting season. Ecology have agreed with this recommendation and it is therefore concluded that the proposed development can be sufficiently mitigating against through condition, and therefore in accordance with local and national planning policies.

Noise, light and air implications

The Holyhead Road that abuts the northern boundary of the site, in addition to the M54 to the far south of the site are major noise and air considerations for any development of this site, consequently noise and air quality surveys accompany this application.

The noise assessment recognises the majority of noise from the roads is attributable to tyre 'roar' which has a characteristic mid-frequency tonal peak. It considers that the traffic on the motorway determines the daytime and night-time background noise level for the site, given the lack of other significant noise sources in the area. At positions away from the roads, noise levels will fall off significantly due to distance

attenuation and screening by intervening dwellings within the completed development. Following on site assessment, it recommends acoustic glazing to the units that front Holyhead Road (plots 1-4 and the Extra Care) have a minimum manufacturer's rating of Rw 35. All remaining windows throughout the development should have a minimum rating of Rw 33, in addition to acoustic trickle vents. This assessment and recommendation is considered acceptable and therefore considered that the amenities of the proposed occupants can be adequately protected through condition.

The air quality assessment was revised during the course of the application to take account of the actual extra care building height and the necessary stack height for the biomass boiler. The revised assessment considers the potential impacts of existing and future traffic levels associated with a proposed residential development and care home, the developments construction and the implementation of the biomass boiler. This concludes there is a need to control construction through site planning, construction traffic and site activities to ensure there is negligible impact, and makes recommendations accordingly including a Construction Environmental Management Plan, of which this has since been submitted by the applicant; the proposed method is considered acceptable and will be controlled through conditions. The assessment further considers that the proposed development is considered to have an undetectable impact on existing levels of air quality; and as such, no mitigation measures have been proposed. Furthermore the proposed biomass boiler is unlikely to exceed the relevant air quality objectives and therefore considered acceptable without further conditions. Accordingly it is considered that the proposed development will not adversely affect existing air quality subject to conditions throughout construction period.

The proposed use is that which is compatible with the surrounding area, and as such there will be no adverse impact on the amenities of the surrounding area by virtue of noise, air or lighting from the proposed development.

Land contamination and flooding, slope stability

Taking account of the sites previous use as agricultural, it is considered that the site can be adequately developed subject to conditions.

A flood risk assessment has accompanied the application, this indicates existing issues with the surface water sewer in the area and it will be affected by the foundations of the care home; consequently it is necessary to divert this. Surface water from the development site will be discharged into this new diverted sewer, and limited to a rate of 5 l/s/ha in accordance with greenfield run off rates. Attenuation facilities will be provided on site to cater for the 1 in a 100 year return storm with an allowance of 30% for climate change, this is standard and considered acceptable. Accordingly it is considered that the proposed development will not have an adverse

impact on the surrounding drainage infrastructure and will not cause any localised flooding.

The ground levels of the site gently ascent to the south of the site and there are no concerns with regard to the stability of the site as existing. However the proposal includes the setting of the Extra Care Facility into the hillside, and as such requires a retaining wall to the south of the building. Details of this retaining wall have therefore been submitted demonstrating the suitability of this wall and the stability of the proposed site, these details are considered acceptable and consequently the proposal will not be adversely affected by land stability.

Planning Obligations & Viability

Residential development sites are required to provide 38% within the urban area, and 40% within the rural area; this site sits within the rural area however will address the urban need; consequently the council considers that such development should provide somewhere in-between this range.

Education contributions are only required from the private market housing as these will provide child bed spaces this equates to the provision of £174981 towards primary education facilities and £94,417 towards secondary education; however it is considered that the proposed development of both the private market housing and Extra Care facility will utilise the existing recreation facilities within the area as nothing is provided on site. In particular the bowling green within close proximity to the site, and as such requests for contributions have been made for all units across the site for £600 per unit.

Highway mitigation works are also required from the development towards 3 road junctions to enable signalisation works, this equates to £80,020.

On submission of the application the applicant provide the agreement to provide the following :

- A financial contribution of £77,000 for the provision or improvement of local education facilities;
- A contribution of £38,500 towards the provision or improvement of local recreation and leisure facilities in the area, in lieu of on-site open space.
- A stipulation that the Extra-Care facility is operated by a Registered Social Landlord and that future occupants of the apartments are age 55 or over and in need of support and/or a care package.

During the course of the application the applicant has discussed the work required to the bowling green and has agreed a principle to undertake the works which equate to £65,100, representing a sum of £600 per private dwelling and £300 per extra care unit; in addition the principle sum of £174981 towards education was also agreed,

however due to the more later request of £80,020 towards highway infrastructure, the applicant has indicated the scheme is no longer viable, providing less than 14% return and consequently the applicant has requested that these figures are reduced.

The proposed development site will provide 45% affordable housing, this is beyond the requirement as specified by either local urban or rural policies; the reason for this is the exceptional nature of the site, which was proposed prior to the 5 year land supply issues. Regardless of this issue the applicant has continued to pursue the site as an exception providing the land at nil cost to the RSL, and has not sought to reduce the provision of affordable housing. The need for the Extra Care is identified in the borough as discussed above and is consequently a priority for the council to enable its delivery, thus the council is willing to accept an overall reduced contribution package subject to the financial verification that the scheme is unviable. At the time of writing this report the figures are being assessed and a full package will be presented to board.

Conclusion

The proposed development is located outside of the urban boundary, however in accordance with national policy, where the authority cannot demonstrate a deliverable supply of 5 years, developments which are sustainable should be approved. The location of the proposal in addition to the facilities and its construction are considered sustainable, meeting the three sustainable threads required in the NPPF, having a social, economic and environmental role. The proposal will provide an extra care facility totalling more than 45% affordable housing for the entire scheme, this is over and above policy requirements for affordable housing, in addition to the proposed form being this extra care facility meeting a need where this is an identified shortfall of such housing in the borough; this will meet one of the councils priorities.

The proposed location has sensitivities of the wider landscape context, which the proposal has adequately assessed and addressed these and the proposed creating a development that respects and reinforces the character of the surrounding site. Furthermore the proposed Extra Care Facility does not compete with the setting of the adjacent heritage assets but functions as a node at this junction, understanding the sensitive's of the site as a gateway where a high standard of design is required. The private market housing has been amended to address the surrounding character yet creates its own identity at this urban fringe location which does not compete with the Extra Care design.

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

amenity. Whilst it is recognised there are a number of objections the issues raised have been discussed under the various headings of the report that justify the development recognising not only the benefits of the development in the provision of the Extra Care facilities, and additional housing addressing the current need, but also the proposal would not cause significant harm, and where issues have been raised these have been considered and designed out of the proposal, in accordance with national and local planning guidance.

The land will be provided to the RSL at nil cost and thus issues of viability have become a concern, and as such the deliverability of the proposal may not be viable with the current package requested by the authority; the council however recognises the benefits for the scheme in addition to national guidance relating to viability and a reduced package is therefore considered acceptable in principle but will need resolving before members final decision.

RECOMMENDATION

to GRANT DELEGATED AUTHORITY to the Development Management Service Delivery Manager to GRANT PLANNING PERMISSION subject to the signing of a S106 agreement to provide affordable housing in the provision of a 66 bed extra care facility, and appropriate financial contributions towards highway mitigation measures, education facilities and either contributions /works appropriate for offsite leisure and recreation facilities, following conditions:

1. Time limit – 2 years
2. Samples
3. Drainage /Flood Risk Assessment
4. Amended Landscaping scheme and implementation
5. Landscape management plan
6. Arboriculture details
7. Highways details
8. Site management plan
9. Land contamination
10. Ecology report
11. Noise assessment
12. Air quality report
13. Parking
14. Visibility splays
15. Hedge retention / tree retention
16. Bat and bird boxes
17. Lighting plan
18. sustainability construction- including BREAM Very Good - Extra Care
19. Development in accordance with plan Nos.

TWC/2013/0997

Land at, Lawton Farm Way, Leegomery, Telford, Shropshire
Demolition of existing buildings, and erection of 27 dwellings and garages together with roads, sewers and associated external works and replacement car parking for adjoining Doctors Surgery *****AMENDED PLANS RECEIVED*****

APPLICANT

Lioncourt Homes Limited

RECEIVED

12/12/2013

PARISH

Hadley and Leegomery

WARD

Apley Castle

OFFICER

Anna Adams

THIS APPLICATION IS A DEPARTURE FROM PLANNING POLICY

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of Development, Green Network, Scale and design, Character and appearance, Highways impact, Residential amenity, Section 106 Planning Obligations

THE PROPOSAL: This application seeks full planning permission for the erection of 27 dwellings and garages with associated parking, access roads and amenity space, following the demolition of existing buildings. The proposal also includes the creation of replacement car parking for the adjoining doctors surgery.

The development comprises 13 two-bedroomed units and 14 three-bedroomed units. All the dwellings have private amenity space and designated car parking, with a mix of driveways, garages and communal parking areas.

The proposal includes retention of a number of the trees on the site boundary and additional indicative planting, and outward-facing residential units to address the existing highways and footpath routes that surround the site on all four sides.

A previous planning application was granted in 2007 for a development of 13 houses and 58 apartments as well as new retail units on this site and to the south, within the local centre. The retail part of the scheme was constructed; however the residential development was never implemented. The Applicant sought advice prior to submitting the current application to ascertain whether a minor amendment could be submitted; however officers considered that the proposal would constitute a reduction, thus a significant change in the total number of units proposed and the red line site boundary had changed; thus a full application was required.

SITE AND SURROUNDINGS:

The application site comprises an area of 0.73ha and is predominantly a hard surfaced car parking area for public use, with an existing vacant commercial building, along with areas of landscaping and trees. The site is used as car parking for the adjacent local centre, doctor's surgery and by parents dropping off and collecting their children from Apley Wood Primary School opposite on Pool Farm Avenue. The part of the site that currently comprises the car parking area is designated as Green Network in the Wrekin Local Plan.

There is an existing doctor's surgery and electricity sub-station that are located outside the red line site boundary, but are surrounded by the proposed development. To the south of the site, there is a mature wooded area. The Silkin Way footpath runs east-west to the southern boundary of the site, with a further footpath to the east.

The application site is directly north of the local centre and is located in the central part of Leegomery, surrounded by established, but modern residential development. The nearest housing to the site is a sheltered housing development/ elderly persons' bungalows to the north on Lawton Farm Way.

PLANNING HISTORY:

W2005/1303 Replace the Existing Retail Units (Part Destroyed By Fire) with a Mixed Use Development Incorporating a New Retail Facility And Residential Accommodation (Outline) Withdrawn 31/01/2007

W2006/0665 Erection Of 4 Retail Units, 59no. Dwellings, Car Parking And Construction Of New/Alterations To Existing Vehicular/Pedestrian Accesses, Withdrawn 01/12/2006

W2006/1347 Demolition of 2no. Shops, Public House and Listen and Care Centre; Erection of 5no. Retail Units; New Listen and Care Centre; 13 Houses and 58 Apartments; and Associated Car Parking, Street and Sewer Works, Full Granted 31/01/2007

Pre-application enquiry to query whether the changes to the residential development approved in 2007 could be dealt with as a non-material amendment. The Applicant was advised that the principle of the residential development and reduction in the number of units was acceptable; however this would require a fresh planning application.

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

CS12 Natural Environment

CS15 Urban Design

Wrekin Local Plan:

UD2 Design Criteria

H6 Windfall sites in Telford & Newport

H22 Community Facilities

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:

Hadley & Leegomery Parish Council: no objection

Highways: Following receipt of amended plans, there are no objections subject to conditions regarding design and construction of new roads, footways etc.; extension of footways; reduction in length of driveway; refuse collection arrangement and location of bin stores; parking, turning and loading; visibility splays of 2.4m x 43m; and an informative regarding S.184 Highways Licence.

Furthermore, as the development is close to Apley Wood Primary School, there are concerns that Lawton Farm Road and other roads within the vicinity that are not already protected, may become congested at school drop off and pick up times. The Doctors surgery parking provision is low, thus vehicles will overspill on to the local highway network. Accordingly, a financial contribution of £3000 needs to be secured towards Traffic Regulation Order, implementing double yellow lines within the vicinity of the development in the interest of highway safety.

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

Pollution Control (Environmental Health): no comments received

Arboricultural: no objection subject to conditions regarding B121 Landscaping design, B126 Landscape management plan, B130 Tree protective fencing and C71 Trees – soil levels

Ecology: No objection subject to conditions regarding Erection of nest boxes and Lighting plan, and informatives regarding Disposal of Schedule 9 species, Nesting birds, Storage of materials, Trenches and Biodiversity enhancements

Education: No objection, but comments that given the number and type of dwellings, a contribution of £53,066 towards primary education facilities in the vicinity of the development would be required.

Parks & Open Spaces: No objection subject to the Applicant providing a contribution of £500 per 2 bed property (or above), as per the previous planning permission, and in accordance with policies in the Wrekin Local Plan. The contribution would be accepted as part of the environmental and community benefits to provide an exception for development on Green Network land. Confirmation is required as to who and how areas of open space are to be managed. A management plan should be conditioned.

Following reconsultation, Parks & Open Spaces has raised an objection subject to conditions; stating the proposal seeks to be approved without any costs towards the services they will generate arising from the development, which would be in effect a Council subsidy. New public open space (POS) is provided in the design, which requires clarification over management and maintenance. Accordingly, it is considered that the proposal is contrary to policies LR4 and LR6 of the Wrekin Local Plan. Should the Applicant agree to a contribution of £375 per dwelling and an agreed commuted sum for maintenance of the POS, the application would be acceptable.

In regard to the amendments, the design in no way answers the queries as set out in the previous comments upon the original proposal. The open space proposed does not confirm who and how this is to be managed. As such without confirming the ongoing management of the open space proposed, the development is likely to look like an unmanaged area which may lead to further decline. There is no mitigation for the loss of Green Network or provision for children's play. Accordingly, the objection remains.

Affordable Housing/ Viability: The viability assessment has been considered and the values and costs reflect current sales and build rates for the general marketplace and establish a residual land valuation in line with that expected in the locality. However the profit shown as a percentage of costs is below that widely accepted as the market threshold; thereby reinforcing the provision of no affordable housing. The assessment includes a S106 contribution from the previous planning consent, but

this should be discounted as the viability still does not have sufficient scope for this payment given the allowable profit.

Urban Design: Considers the scheme has improved from the initial layout submitted at pre-application, but raises a number of concerns that the streetscape along Silkin Way is plain and functional, and no context appraisal has been undertaken to assess the local vernacular. Amendments could also be made to individual units to enhance the design. Issues raised regarding distance from some of the properties to designated parking spaces, requirement for additional windows on side elevations to provide natural surveillance, landscape maintenance, surgery parking, shared parking court, railings, substation and waste collection.

Following amendments to the plans, it is considered that the majority of the design issues have been addressed, subject to a couple of remaining matters regarding garden gates and design of railings at the end of the parking court being resolved. Materials can be conditioned.

Sustainability: no comment

West Mercia Constabulary: No objection subject to a condition that the Applicant aims to achieve Secured by Design award status for the development.

Shropshire Fire Service: Advice regarding access, water supplies and sprinkler systems

Three neighbour response letters from local residents have been received, with their comments and objections summarised:

- Traffic congestion and parking problems associated with parents dropping off and collecting their children – unrealistic to suggest parents should not drive to school
- Removal of car parking area will exacerbate traffic problems
- Proactive measures are required to minimise traffic problems at the beginning and end of the school day
- Safety of children and parents
- Impact of traffic on access for emergency services
- Impact of development adjacent to sheltered and supported housing occupied by elderly residents
- Safety of elderly residents, many with mobility problems, crossing Lawton Farm Way to go to the surgery and shops
- Highways and Police input required to address parking/congestion
- Understands the Council needs to achieve targets in house building, but there are currently a number of unsold properties
- Fencing backing on to Lawton Farm Way must be of substantial construction to deter vandalism and to reflect the context of the area. No gates should be added in back fences

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 Leegomery – the adjacent local centre, primary school on the opposite side of Pool Farm Avenue, and a regular bus service linking the area to Wellington and Hadley.

Furthermore, the principle of development has been established by previous planning permission W2006/1347, which comprised replacement retail units to the south as well as a higher density residential development of 71 units. The site is highly sustainable in terms of its location and the proposed residential development relates to the prevailing context of the area. The development will be well connected to the local centre and has the potential to make the local centre and retail units more sustainable and benefit the local economy, as well as reinforcing community safety with greater levels of natural surveillance from the outward-facing dwellings facing the local centre and the footpath routes. The development is considered acceptable in principle and accords with national policy in NPPF, and also meets the criteria in policies CS5, CS9 and CS15 of the Core Strategy in terms of accessibility to existing centres and assisting in creating and sustaining safe places.

Green Network

The part of the site comprising the car park, approx. two-thirds of the application site, is designated as Green Network land, 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; however officers consider that the majority of the site is currently a hard surfaced car parking area with limited ecological value. Furthermore, a number of the existing trees bounding the site are indicated to be retained, with additional planting to reinforce the character; therefore the proposal is considered acceptable and complies with policies OL3 to OL5 of the Wrekin Local Plan. Conditions regarding ecology and trees can be imposed, and the retention and planting of trees will ensure the development enhances biodiversity, in line with the criteria in policies CS12 of the Core Strategy and OL11 of the Wrekin Local Plan.

Scale, design, character and appearance

The proposal includes the demolition and removal of the existing commercial building to the south of the site. The building is vacant and of no architectural merit; and its replacement with a pair of semi-detached dwellings located on a similar footprint will enhance the character of the area. The proposal comprises a good mix of housetypes, with two and three bedroomed terraced, semi-detached and detached houses. The properties will front the highways and footpaths, and the corner properties will have dual aspects, with habitable room windows addressing the street. The boundary treatments comprise a mix of metal railings, brick wall and timber fencing, which are considered appropriate to the context of the site and area. The scale and design is in keeping with the prevailing character of the surrounding modern residential developments.

It is considered that the orientation of the development fronting Pool Farm Avenue and Lawton Farm Way and the footpath routes creates a high quality development that relates well to its site and surroundings. Moreover, the development includes pedestrian links and improved legibility between the doctor's surgery and the pharmacy to the south in the existing local centre of shops. It is considered that the density of the proposal and mix of housing is appropriate to the context of the area. Accordingly the proposal will enhance the character and appearance of the site and area, and therefore meets the design criteria in policies CS15 and UD2 and national guidance within NPPF.

Highways impact

The development will be served off a main access and private drives off Lawton Farm Way. The proposal comprises 2 parking spaces per dwellings, with a mix of garages, drive spaces and car parking courts. Furthermore, the application includes a designated car parking area for the doctor's surgery. It is considered that whilst some of the allocated parking spaces are separate from the dwellings, the access and parking arrangement and number of spaces are acceptable subject to a number of conditions regarding the design and construction, requisite visibility splays and extensions to existing footways etc. Pedestrian links through and around the site will be maintained and improved.

The application site is currently used as a car parking area; and given its proximity to the doctor's surgery, local shops and Apley Wood Primary School; it is considered that the proposal will impact on parking provision; particularly at the start and end of the school day. The principle of residential development on the site has been established by the previous planning application; however the Highways Engineer has highlighted that this will need to be mitigated, so car parking does not overspill on to the adjacent highway/ residential streets. Therefore additional yellow lining is required.

The loss of parking is the principle concern raised by local residents, particularly in relation to parking for the school. These issues and safety concerns are noted, and officers consider they can be mitigated by the financial contribution and the additional of yellow lines on the highways. Whilst there will be restricted parking for parents dropping off and collecting their children from the school, parking will remain at the front of the retail units, for the doctor's surgery and at the adjacent community centre. As outlined in the officer's report for the 2006 planning application, the parking area at the front of the retail units was intended not only for the shops, but also to provide parking for parents at the beginning and end of the school day given the direct link to the school along the Silkin Way and through the underpass.

Accordingly, the proposal is considered acceptable in terms of highway safety. Furthermore, drainage/flooding issues and contamination can be sufficiently addressed by planning condition; therefore the proposal complies with policy H6 of the Wrekin Local Plan.

Residential amenity

The proposal provides adequate amenity space for the proposed dwellings. It is also considered that there would be a sufficient separation distance between the proposed dwellings to the north of the site and the bungalows opposite on Lawton Farm Way. The proposal should not lead to an adverse impact on residential amenity in terms of outlook and privacy. Any potential impacts of the site clearance and construction phase of the development on adjoining residential amenity can be mitigated by a Site Environmental Management plan condition.

Section 106 Planning Obligations

The scale and nature of the proposed development would normally see a requirement for contributions towards education and parks & open spaces, as well as provision of a proportion of affordable housing. Furthermore, the Highways Engineer has requested a contribution towards Traffic Regulation Order (TRO). The submitted information regarding the viability of the development has been assessed, and it is considered that the provision of a percentage of affordable housing and contributions towards primary education and recreation would make the scheme unviable. The lack of these facilities and contributions are not sufficient reason to warrant refusal given the issues of viability and the sustainable nature of this site. Therefore, on balance, officers consider the proposal is acceptable without these contributions. However, officers have discussed the Highways' request for £3000 towards a TRO further with the applicant and owner of the site, and the likely highways issues associated with the proposal and loss of the car parking area. The viability of the scheme would be affected by approximately 0.1% for the payment of this contribution, and officers consider this contribution towards a TRO is necessary to mitigate the loss of parking and safeguard highway safety. Accordingly, it is considered necessary for the Applicant to enter into a Section 106 agreement to provide the highways contribution.

Conclusion

In conclusion, the principle of residential development has been established by the previous planning permission in 2007, and the loss of Green Network land is considered acceptable. The site is very sustainable and the design and scale of the development is appropriate to the context of the site and area, with adequate access and parking arrangements. The proposal will provide appropriate levels of residential amenity for the existing and proposed residents. The highway safety issues regarding the replacement of this car parking area can be mitigated through the provision of a contribution towards a Traffic Regulation Order.

RECOMMENDATION: Subject to the Applicant entering into a Section 106 agreement to provide £3000 towards a Traffic Regulation Order to delegate Authority to the Manager of Development Management to GRANT PLANNING PERMISSION subject to the following conditions:

1. A04 Time limit
2. B11 Samples of materials
3. B12 Sample brick panel
4. B32 Details of design and construction of new roads, footways
5. B49 Details of extension of footways and reduction in length of driveway
6. B49 Details of refuse collection arrangement and location of bin stores
7. B57 Contaminated land
8. B61 Details of foul and surface water drainage
9. B74 Surface water runoff rate
10. B121 Landscaping design
11. B126 Landscape management plan
12. B130 Tree protective fencing
13. B145 Lighting plan
14. B150 Site environmental management plan
15. C13 parking, turning and loading
16. C14 visibility splays of 2.4m x 43m
17. C71 Trees - soil levels
18. C100 Erection of nest boxes
19. C38 Development in accordance with plans
20. D01 Removal of all permitted development
21. D03 Garages – restriction on residential use

Informatives:

- | | |
|-----|--------------------------------|
| I11 | S.184 Highways Licence |
| I17 | Coal Authority Standing Advice |
| I22 | Ecology |

I32	Fire Service
I33	Broadband
I35	Secured by Design
I40	Conditions
I41	Reasons for grant of permission

TWC/2014/0006

Hesbrooks HGV Yard, Avenue Road, Newport, Shropshire, TF10 7EA
Erection of 4 two storey houses and 2 two storey apartments

APPLICANT

Shropshire Homes Ltd

RECEIVED

06/01/2014

PARISH

Newport

WARD

Newport West

OFFICER

Anna Adams

OBJECTIONS RECEIVED: No

MAIN ISSUES: Principle of development, Design, Highway issues, Parking provision, Residential amenity

THE PROPOSAL:

The application seeks planning permission for the erection of 6 dwellings on the site of Hesbrooks haulage yard. The proposal comprises 2 pairs of two-storey semi-detached dwellings – two 2-bedroomed units and two 3-bedroomed units, with associated amenity space and communal car parking area to rear, and a two-storey apartment building comprising two 2-bedroom units, one at ground floor and one at first floor.

Parking to the apartments (A & B) will be opposite the development, sharing parking with the adjacent apartment building, which was subject of the previous application TWC/2011/0334, and within the communal parking area to the rear of the proposed dwellings (C to F), with a gated footpath linking the apartment and parking space.

Vehicular access will be from Avenue Road, and the development will be adjacent to the residential development of 61 units that is under construction on the adjacent site (TWC/2011/0334).

SITE AND SURROUNDINGS:

The application site is currently occupied by Hesbrooks HGV Yard, comprising hardstanding and commercial buildings, bounded by timber fencing. The business has been established since the 1970s.

The site is located on the edge of the Newport Medieval Urban Area and is located within the Newport Secondary Zone. Newport High Street is to the west of the application site and Somerfield and Waitrose supermarkets are to the north; however the prevailing character of development in the area is residential use. There are established properties on Avenue Road, with modern infill development off Audley

Avenue, including the development subject of TWC/2011/0334, also by Shropshire Homes, which was approved in 2012 and is currently under construction.

PLANNING HISTORY:

W83/0615 Continued Use of Premises as Haulage Contractors Yard for Maintenance and Parking, Full Granted 21/10/1983

W87/0684 Change of Use from Offices to Kindergarten/ Early Learning on the First Floor of the Building, Full granted 15/10/1987

W87/0755 Change of Use from Offices to Gymnasium on First Floor of Building, Withdrawn 26/11/1987

W2008/0626 Residential development to include access (Outline application), Withdrawn 12/06/2013

TWC/2011/0334 Erection of 61 houses and apartments with formation and alterations to vehicular accesses following demolition of existing structures, Full granted 16/11/2012

PLANNING POLICY CONTEXT:

National Planning Guidance:

National Planning Policy Framework

Wrekin Local Plan:

UD2 Design Criteria

H6 Windfall Sites in Telford & Newport

S13 Newport Secondary Zone

Core Strategy:

CS1 Homes

CS6 Newport

CS9 Accessibility and Social Inclusion

CS12 Natural Environment

CS13 Environmental Resources

CS14 Cultural, Historic and Built Environment

CS15 Urban Design

CONSULTATION RESPONSES:

Newport Town Council: Members have no objection to this application it is on a brown field site and it is seen as an addition to the current development in progress.

However an enquiry was raised as to the social rental element of the scheme.

Members consider that there should be the same proportion in line with the 35% affordable element on new developments and that this scheme is also taken in

context with the housing development for Newport and added to the anticipated 1000 new homes.

Highways: The amended drawing has mitigated concerns regarding parking provision; however further amendments are required in order that the cul de sac can be put forward for highway adoption. These amendments include the reduction in the width of the access road, the need for adequate visibility splays and the implementation of a traffic calming feature. There would also be a requirement for a S106 contribution of £1500 with indexation towards a Traffic Regulation Order to protect the junction with Audley Road.

Drainage: Support subject to conditions regarding foul and surface water drainage and brownfield runoff rate.

Ecology: Support subject to a condition regarding Erection of nest boxes and an informative regarding Enhancement planting.

Shropshire Council: The proposed development site lies just outside the area of the medieval settlement of Newport. It also lies on the site of a former gas works of late 19th to early 20th century date. The proposed development may impact on archaeological remains of local interest associated with this former industrial site. (Any excavations on former gas works sites may also encounter residual contaminants associated with that industry.) In view of this and in and in relation to Paragraph 141 of the NPPF, it is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development in respect of the proposed development.

Shropshire Fire Service: Support subject to informative regarding fire safety guidance.

Consultation comments from Environmental Health (Contaminated Land and Pollution Control) are awaited, and any comments will be tabled in an update.

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 Newport, and is within the Secondary

Zone of Newport, with access to local services and facilities in the town centre, including adjacent local schools and supermarkets. Thus it is considered highly sustainable.

Furthermore, the site is adjacent to a new housing development of 61 units (TWC/2011/0334) which replaced Newport Business Park and concrete works. The 2008 outline application that was withdrawn included the Hesbrooks HGV Yard within the site area. Therefore, whilst there will be the loss of this established commercial premises; the business is not in a suitable location and the character of the area is already changing, and is now predominantly residential. The proposal would enhance the character and appearance of the area, and would remove this conflicting, potentially 'unneighbourly' use from the residential area. Other industrial and business units remain on the edge of Newport, to the southeast off Audley Avenue; therefore this proposal will not lead to a significant loss of employment use in Newport. The development is considered acceptable in principle and accords with national policy in NPPF, and also meets the criteria in policies CS6 and CS9 of the Core Strategy in terms of the site's sustainability and accessibility to Newport Town Centre and a range of facilities.

Design

The site is arranged in a similar form and design to the approved development TWC/2011/0334, with the same housetypes fronting the main access road in to the site. The dwellings and apartments are considered appropriate in design and form; although the private amenity space to plots C to F appears smaller than the approved development, in order to accommodate the communal car parking area. It is considered that the development would be in keeping with the character and appearance of existing development and that which is under construction and the proposal would accord with policy CS15 of the Core Strategy and UD2 of the Wrekin Local Plan and national guidance in NPPF.

Highway issues & parking provision

The approved plans provided all but one of the units with at least 2 parking spaces. The current proposal includes an approved parking area, with parking limited to one space per unit for the approved and proposed apartments. However, given the proximity of the site to services in Newport, it is considered that this is acceptable.

The plans have been amended following Highways comments, with the addition of a footpath route linking apartment B with the designated parking space. Further amendments have been requested and an update will be tabled if these amendments and any additional highways comments are received. Following discussions with the Highways Engineer, it has been confirmed that if the amendments are not submitted prior to determination, these matters can be dealt with as pre-commencement conditions.

As there is a primary school opposite the site access on to Avenue Road and to ensure the highways issues of the development are mitigated; the Highways Engineer has requested that the Applicant provides a financial contribution of £1500 towards a Traffic Regulation Order at the junction.

It is considered that the access and parking arrangements are acceptable. Furthermore, drainage and contamination can be mitigated by conditions. The proposal meets the criteria in policy H6 of the Wrekin Local Plan

Residential amenity

The proposed dwellings have adequate private amenity space, and there is a sufficient separation distance between the existing and proposed dwellings. To ensure that adequate amenity space and separation between existing and proposed dwellings remains, officers consider permitted development rights should be removed.

The apartments have been designed, so that there are no principle windows on the rear elevation adjacent to No.17 Avenue Road, whose private amenity space is adjacent the west site boundary.

It is considered that the proposed residential use and location of the car park will not adversely impact adjoining residential amenity, as the area was formerly used as a haulage yard, and the proposal will have less of an impact on the adjacent properties.

Other matters

Given the site's location on the edge of the medieval area of Newport, the Shropshire Council Archaeologist has requested that a written scheme of investigation is submitted. Officers consider this can be addressed by appropriate condition.

Newport Town Council's comments regarding affordable housing provision are noted; however, due to the scale of the development being for 6 units in total, it is not considered appropriate to request 35% affordable housing outlined in policy CS6 for this development. Officers would also advise that TWC/2011/0334 was approved with a lower proportion of affordable housing at 15%, due to the remediation required. The Applicant is providing a financial contribution to address highways concerns, with £1500 towards a Traffic Regulation Order.

In conclusion, the application site is highly sustainable, close to the centre of Newport, and the development will relate to the prevailing character of the residential area, and will be of a form and design that reflects the development on Newport Business Park. The proposal can be accommodated without detriment to highway

safety and residential amenity. Officers therefore consider the proposal accords with the relevant national and local planning policies.

RECOMMENDATION: to GRANT PLANNING PERMISSION subject to the Applicant entering into S106 agreement to pay £1500 towards Traffic Regulation Order and the following conditions:

1. A04 Time limit
2. B49 Highways - reduction in width of access road
3. B49 Highways - visibility splays and implementation of traffic calming feature
4. B57 Land contamination
5. B61 Foul and surface water drainage
6. B74 Brownfield runoff rate
7. B119 Written scheme of investigation
8. B121 Landscaping design
9. C01 Materials to match adjoining development
10. C100 Nest boxes
11. C38 Development in accordance with approved plans
12. D01 Remove permitted development rights

Informatives:

- | | |
|-----|-------------------|
| I06 | S106 Agreement |
| I22 | Ecology |
| I32 | Fire Authority |
| I40 | Conditions |
| I41 | Reasons for Grant |

TWC/2014/0084

Unit 12 Telford Forge Retail Park, Colliers Way, Old Park, Telford, Shropshire, TF3 4AG

Installation of mezzanine floor

APPLICANT

Telford Forge Retail Park Trustees No.1 Ltd

RECEIVED

24/01/2014

PARISH

Lawley and Overdale

WARD

Lawley and Overdale

OFFICER

Diane Ferriday

OBJECTIONS RECEIVED: No

MAIN ISSUES: Retail impact on town centre, Access and parking.

PROPOSAL:

Unit 12, Telford Forge Retail Park extends to 947sqm at ground floor; it previously included a mezzanine of 214sqm and in April 2011 it was confirmed that it would be lawful to extend that mezzanine by 199.5sqm. The mezzanine was subsequently removed. This proposal is to replace this with a mezzanine floor comprising 790sqm.

Alongside this application for a mezzanine floor is an application to vary condition 13 of planning permission W95/0969 and condition 21 of W97/0108 to amend the limits of non-food retail floor space and ancillary storage/admin areas on the Telford Forge Retail Park.

BACKGROUND:

The outline planning for the retail park was W95/0969 and condition 13 restricted the gross retail area of the non-food retail space to 18,580sqm; the same condition (no. 21) was on the reserved matters W97/0108. These conditions have been altered on several occasions, most recently W2010/0029 for additional mezzanine floor space at Unit 10.

SITE AND SURROUNDINGS:

Unit 12 is currently vacant, formally occupied by Petshop until August 2013. It is located within the Telford Forge Retail Park, to the North West side of the Telford town centre and accessed via footpaths linking the two. The unit is to the east of the Park and comprises of 947sqm at ground floor. An earlier mezzanine floor was removed from the unit and a previous approval for an extension was never implemented.

The Retail Park comprises of 15 non-food retail units, Sainsbury's supermarket, DW sports and has a large central parking area accessed via a roundabout off Colliers Way. To the east/south are Nuffield Health leisure use, McDonalds and Frank & Benny's restaurants. Residential properties are to the West with mature landscaping.

A number of units on the retail park and the adjacent Bridge retail park have been granted consent for mezzanines floors for additional storage and retail floorspace.

CONSULTATION RESPONSES:

Lawley and Overdale Parish Council: At the time of writing the report comments had not been received from the Council but will be updated.

Shropshire Fire Service: No comment

The Council's Highways Engineer states: No highway objection if a CTAAP highways infrastructure S.106 contribution of £21,219 is made prior to first use of the mezzanine.

A section 106 agreement for highways CTAAP will be required; however with the absence of a transport assessment supporting the application it cannot determine this contribution based on the vehicular trips associated with the new mezzanine. Highways can however use the previous applications for mezzanines on the retail park and their secured contributions to make a robust approach to calculating the contribution required in this instance. The contribution secured for TWC/2013/0679 was £10,422 and this was for a mezzanine of 388sqm. This application is for 790sqm and therefore is 2.036 times bigger than TWC/2013/0679. Accordingly the contribution required in this instance is calculated as £21,219. This is a consistent approach but if the applicant is not willing to accept this reasoning then a transport assessment will need to be submitted indicating trip rates associated with the mezzanine and this exercise to be consistent with the principles submitted in all other TA's for mezzanine extensions on the retail park.

NEIGHBOUR CONSULTATION:

At the time of writing the report comments had not been received following neighbourhood consultation but this will be updated accordingly.

PLANNING HISTORY:

TWC/2013/00935 Variation of condition 13 of W95/0969 and condition 21 of W97/0108 to allow 21,809 sqm non-food retail and 5,675sqm ancillary storage/admin areas on Telford Forge Retail Park FG 14/1/14

TWC/2011/0151 Application for a Lawful Development Certificate for the erection of 199.5sqm mezzanine floor FG 18/4/11

POLICY CONTEXT:

National Planning Policy:
National Planning Policy Framework

Local Development Framework:
CS4 Central Telford
CS15 Urban Design

Wrekin Local Plan
UD2 Urban Design Criteria
S1 Hierarchy of Service Centres

Central Telford Area Action Plan
Policy CT23 Developer Contributions for Delivering Infrastructure
Policy CT8 Box Road
Policy CT9 Other Highway Network Improvements

PLANNING CONSIDERATIONS:

With regard to the principle of the new mezzanine and additional floor space, the following policies are considered most relevant. The proposal accords with the retail hierarchy set out in 'saved' Policy S1 of the Wrekin Local Plan which identifies The Forge Retail Park as Level 1, along with Telford Town Centre, Telford Bridge and Wrekin Retail Park within the hierarchy of centres where retail development will be focussed.

Policy CS4 of the Core Strategy outlines Central Telford for major retail development to meet the needs of the borough and the sub-region, and seeks to secure Central Telford and enhance it as the core of the service centre hierarchy by recognising its role as a place of significant development as well as a strategic town centre. This policy is somewhat general and therefore advises that more detailed policies are contained in the Central Telford Area Action Plan (CTAAP).

Policy CS15 outlines design of development will create and sustain safe places and strengthen local identity, positively influencing the appearance and use of the local environment. 'Saved' policy UD2 asserts that development must respect and respond positively to the context, and enhance the local environment through high quality design, and it will be assessed in relation to its scale, form, proportions, materials and access etc.

The CTAAP Development Plan Document is the Council's development vision for the town centre and provides a detailed planning framework for its future development. It also includes adjacent areas of Telford, including Old Park which comprises the out-of-centre retail parks.

The Area Action Plan considered the retail parks outside of the town centre boundary are considered as out of centre locations in the context of the NPPF. To ensure the vitality of the town centre is maintained with the focus of retail and leisure use in this location, policy OP5 of the document states the Council will not support future expansion of the retail parks for additional retail or leisure uses.

The NPPF states Local Planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre. It states that local authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and if only suitable sites are not available. Should out of centre sites be considered it advises that the proposals need to demonstrate they meet the appropriate test. A sequential test can be satisfied providing all more central options are either developed out or shown not to be suitable, available or viable; and there would be no adverse impact on the vitality and viability of the Town Centre and District and Local centres within the Borough. The applicants have undertaken a full retail impact assessment as required, reviewing existing opportunities and redevelopment opportunities within Telford town centre and other potential sites; the assessment was thorough and concluded that no sites were available, suitable or viable alternatives to the application site.

The LPA accepted an analysis of sequentially preferable sites within and on the edge of the town Centre submitted with two previous planning applications for mezzanines at Next and Hobby Craft; it accepted that there are no sites available, suitable or viable within Telford Shopping Centre and that a small increase in the floor space above the permitted development allowance of 200sqm would not significantly impact on the viability and vitality of the town centre. This was approved by members.

Policy CT8 and CT9 of the CTAPP document asserts that development proposals in Central Telford will support the phased implementation of the Area Action Plan Transport Strategy, including improvements to the 'Box Road' and construction of the Greyhound Link. In this regard, the Highways Engineer has no highway objection if a CTAAP highways infrastructure S.106 contribution of £21,219 is made prior to first use of the mezzanine. The applicant is aware of this contribution.

In light of the above officers consider the proposed is a small increase in the floor space above the permitted development allowance and would not significantly impact on the viability and vitality of the town centre. The proposed mezzanine is similar to those approved at other units including Unit 10, Hobby Craft Unit 6 and at Next on the adjacent Telford Bridge retail park which were subject to Section 106 for highway infrastructure contributions. It is considered that the proposal would not undermine the policy objectives of the Core Strategy by virtue of the scale and nature of development.

The proposed development will deliver positive impacts by sustainably re-using an existing accessible retail building to meet the needs of a business to provide a service and generate local employment. Once reopened it is suggested that it will provide full time and part time employment which is expected to be from local people. Accordingly, the officers consider that the proposed development should be allowed as there will be positive impacts of the application and no material potential negative impacts.

Thus, on balance, and with regard to the financial contributions for improvements to the highway infrastructure, the proposed extension to the existing mezzanine at Unit 12 is considered acceptable subject to condition.

RECOMMENDATION: Subject to the Applicants entering into a Section 106 Agreement relating to financial contributions of £21,219 towards strategic highway infrastructure to be delegated to the Manager of Development Management to **GRANT PLANNING PERMISSION** subject to the following conditions:

A04 Time

C38 In accordance with plans

Town and Country Planning Act 1990
Borough of Telford & Wrekin
(Beech tree within the grounds of; Cappelquin House, Cappelquin
Drive, St Georges, Telford, TF2 7BX)
Tree Preservation Order 2013

Borough of Telford & Wrekin, in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order:-

Citation

1. This Order may be cited as the Borough of Telford & Wrekin (Beech tree within the grounds of; Cappelquin House, Cappelquin Drive, St Georges, Telford, TF2 7BX) Tree Preservation Order 2013

Interpretation

2. In this Order "the authority" means the Borough of Telford & Wrekin and unless context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

Application of section 201

3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on **12th September 2013**.

Prohibited acts in relation to trees

4. Without prejudice to subsection (6) and (7) of section 198 (power to make tree preservation orders) and subject to article 5, no person shall:-

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exemptions

5. (1) Nothing in article 4 shall prevent:-
 - (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree

is situated in operation land of the statutory undertaker and the work is necessary:-

- (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes cables or other apparatus of the statutory undertaker; or
 - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
 - (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
 - (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
 - (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
 - (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
 - (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
 - (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as the Land Drainage Act 1991; or



1228/13
m(0)1974

Ian Ross
IAN ROSS
TEAM LEADER: PLACES

Path

311645

311545

370169

370269

370369

The Old Coach House
Wrockwardine Villa

Def

Cappoquin House

T1

CAPPOQUIN DRIVE CR

Works

The Nabb

Works

Hopper

RED CLOSE



Telford & Wrekin
COUNCIL
Environmental Maintenance
Granville House
St Georges Road
Telford
TF2 7RA

Title: Beech tree within the grounds of;
Cappoquin House
Cappoquin Drive
St Georges
Telford
TF2 7BX

Scale:
1:1,250

Date:
12/9/2013

Drawn By: G. Onions



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction without Crown Copyright and may lead to Prosecution or civil proceedings. Borough of Telford & Wrekin Council. Licence No. 100018964. Dated 2010

(g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

(2) In paragraph (1), "statutory undertaker" means any of the following:-

a person authorised by an enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,

a relevant airport operator (within the meaning of Part V of the Airports Act 1986.

the holder of a licence under section 6 of the Electricity Act 1989,

a public gas transporter.

the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act is applied,

a water or sewerage undertaker,

the Civil Aviation authority or a body acting on behalf of that Authority,

the Post Office.

Application of provisions of the Town and Country Planning Act 1990

6. (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

Directions as to replanting

7. (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

- (3) A direction under paragraph (1) may include requirements as to:
- (a) species;
 - (b) number of trees per hectare;
 - (c) the preparation of the relevant land prior to the replanting, and
 - (d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

8. (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of:-
- (a) the refusal of any consent required under this Order; or
 - (b) the grant of any such consent subject to conditions,
- he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this article:-
- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
 - (b) if the amount in respect of which the claim would otherwise have been made is less than £500
- (3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal
- (4) In any other case, no compensation shall be payable to a person:-
- (a) for loss of development value or other diminution in the value of the land;
 - (b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;

- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
 - (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.
- (5) Subsections (3) and (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article:-

“development value” means an increase in value attributable to the prospect of development; and in relation to any land, the development of it shall include the clearing of it; and

“owner” has the meaning given to it by section 34 of the Forestry Act 1967

Dated this 12th day of September 2013

**THE COMMON SEAL OF BOROUGH)
OF TELFORD & WREKIN was)
hereunto affixed in the presence of:-)**



*1227/13
m(e)1974*

[Handwritten signature]

IAN ROSS
TEAM LEADER: PLACES

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Beech	Within the grounds of; Cappoquin House, Cappoquin Drive, St Georges, Telford, TF2 7BX

TREES SPECIFIED BY REFERENCE TO AN AREA (within a dotted black line on the map)

Reference on map	Description	Situation

PART I

Provisions of the Town and Country Planning Act 1990 applied with adaptations or modifications

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1) -</p> <p>(i) omit ", in such manner as may be prescribed by a development order," "such" in the second place where it appears, and "as may be so prescribed"; and</p> <p>(ii) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission".</p> <p>(b) In subsection (2)</p> <p>(i) after "contain" insert ", as regards each such order"; and</p> <p>(ii) for paragraphs (a) and (b) substitute "(a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it."</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
<p>Section 70 (determination of applications general considerations):</p>	<p>In subsection (1)</p> <p>(i) substitute</p> <p>"Subject to subsections (I A) and (I B), where" for "Where"; "the authority" for "a local planning authority"; "consent under a tree preservation order" for "planning permission" where those words first appear; and "consent under the order" for "planning permission" in both of the other places where those words appear;</p> <p>(ii) after "think fit", insert "(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and</p> <p>(iii) omit "subject to sections 91 and 92,".</p> <p>(b) After subsection (1) insert -</p> <p>"(IA) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(IB) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).".</p> <p>(c) Omit subsections (2) and (3).</p>
<p>Section 75 (effect of planning permission)</p>	<p>(a) In subsection (1) substitute-</p> <p>(i) "Any" for the words from "Without" to "any"; (ii) "consent under a tree preservation order" for "planning permission to develop land"; (iii) "the consent" for "the permission"; and (iv) "the land to which the order relates" for "the land".</p> <p>(b) Omit subsections (2) and (3).</p>

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
<p>Section 78 (right to appeal against planning decisions and failure to take such decisions)</p>	<p>(a) In subsection (1) substitute-</p> <ul style="list-style-type: none"> (i) "the authority" for "a local planning authority"; (ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear; (iii) "consent under such an order" for "planning permission" in the second place where those words appear; (iv) for paragraph (c) substitute – <ul style="list-style-type: none"> "(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority," <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute "in writing addressed to the Secretary of State specifying the grounds on which the appeal is made; and such notice shall be served</p> <ul style="list-style-type: none"> (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow. (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant." <p>(d) For subsection (4), substitute "(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)."</p> <p>(e) For subsection (5), substitute "(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question."</p>

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 79 (determination of appeals)(a)	<p>(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority".</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute (i) "section 70(1), (I A) and (I B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5", (ii) "consent under a tree preservation order" for "planning permission"; and (iii) "the authority." for "the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71."</p> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after "section 78".</p>

PART II

PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

- (1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.
- (2) The register shall contain, as regards each such order
 - (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
 - (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....
- (5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

- (1) Subject to subsections (IA) and (I B), where an application is made to the authority for consent under a tree preservation order

(a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or

(b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....
Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

.....
Section 78

(1) Where the authority

(a) refuse an application for consent under a tree preservation order or grant it subject to conditions;

(b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;

(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or

(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....
(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served

(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;

(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an

appeal has been made, an appeal may only be made against that refusal or grant.

- (4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).
- (5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

Section 79

- (1) On an appeal under section 78 the Secretary of State may
 - (a) allow or dismiss the appeal, or
 - (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to him in the first instance.
- (2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
.....
- (4) Subject to subsection (2), the provisions of section 70(1), (1 A) and (1 B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.
- (5) The decision of the Secretary of State on such an appeal shall be final.
.....
- (7) Schedule 6 applies to appeals under section 78.

Town and Country Planning (Tree Preservation)(England) Regulations 2012

Regulation 6

Objections and representations

6.--(1) Subject to paragraph (2), objections and representations-

(a) shall be made in writing and

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c). or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

Town and Country Planning (Trees) Regulations 1999 (as amended)

“PART 4 APPEALS

Application of Part 4 and interpretation

11.—(1) This Part applies in relation to every appeal—

- (a) under section 78 as applied to applications under orders (“a tree preservation order appeal”); or
- (b) against a notice served under section 207(1) (“a tree replacement notice appeal”),

which is to be disposed of without a hearing or inquiry to which rules under section 9 (procedure in connection with statutory inquiries) of the Tribunals and Inquiries Act 1992(3) apply, where that appeal is made on or after the date on which these Regulations come into force.

(2) In this Part—

“appointed person” means a person appointed by the Secretary of State under Schedule 6 to the Town and Country Planning Act 1990 to determine an appeal;

“parties” in relation to an appeal, means the appellant and the relevant authority;

“preliminary information” means the documents supplied by the relevant authority in accordance with regulation 13;

“questionnaire” means a document in the form supplied by the Secretary of State for the purposes of this Part;

“relevant authority” in relation to an appeal, means the local planning authority that made the decision (including any failure to determine the application) or served the notice which is the subject of the appeal.

Notice of appeal

12. The appellant shall, at the same time as he gives written notice to the Secretary of State of a tree preservation order appeal or a tree replacement notice appeal, send to the relevant authority a copy of the notice of appeal.

Preliminary information

13. The relevant authority shall, as soon as practicable after receiving notification of an appeal, send copies of the following to the Secretary of State—

(a) in the case of a tree preservation order appeal—

- (i) the application for consent, where relevant;
- (ii) the decision of the relevant authority, if any, including any condition, certificate or direction made by the authority in relation to the decision.

(b) in the case of a tree replacement notice appeal—

- (i) the notice issued under section 207(1);
- (ii) where the notice has been issued following a failure to plant replacement trees under a condition of consent, the original application and consent;
- (iii) where the notice has been issued as a result of the breach of an order under section 206(1)(a) (removal, uprooting or destruction of tree in contravention of tree preservation order), the date of that breach, if not included in the notice;
- (iv) where the notice has been issued as a result of a failure to replace a protected tree removed under the exemption in section 206(1)(b) (dying, dead or dangerous trees), the date of the alleged failure, if not included in the notice.

Questionnaire

14.—(1) The Secretary of State shall, as soon as practicable after receipt of the preliminary information, supply a questionnaire to the relevant authority.

(2) The relevant authority shall, within such period as the Secretary of State may specify in writing, being not less than 21 days from the date on which the questionnaire was supplied, submit to her and copy to the appellant a completed questionnaire.

(3) The questionnaire shall state the date on which it is submitted to the Secretary of State.

Further information

15.—(1) The Secretary of State or the appointed person (as the case may be) may in writing require the parties to provide such further information, including any representations, relevant to the appeal as she may specify.

(2) Such information must be provided in writing within such period as the Secretary of State or the appointed person may specify.

Decision

16. Where under regulation 15 information is required to be provided within a specified period, the Secretary of State or the appointed person (as the case may be) may proceed to a decision on an appeal taking into account only such information as has been submitted within the specified period.

Electronic communications

17. Where an appeal is made using electronic communications, the appellant shall be taken to have agreed—

(a) to the use of such communications by the Secretary of State for the purposes of his appeal;

(b) that his address for that purpose is the address incorporated into, or otherwise logically associated with, his appeal; and

(c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing—

(i) withdrawing any address notified to the Secretary of State for that purpose; or

(ii) revoking that deemed agreement,

and such withdrawal or revocation shall be final and shall take effect on the date specified by the person in the notice being not less than seven days after the date on which the notice is given.”.

Deborah Moseley
Telford and Wrekin Council
Addenbrooke House
Ironmasters Way
Telford
TF3 4NT

Joseph Coulter
Cappoquin House
Cappoquin Drive
Wrockwardine Wood
Telford
TF2 7BX

16th October 2013

Your Ref: TPO I09

Dear Deborah Moseley,

I am writing to you in respect to your Formal Notification of the Tree Preservation of the 2 Beech Trees with the grounds Cappoquin House. I contacted the council to find out whether there were TPO's on these trees. The reason for the contact is that I have had my neighbours expressing concerns over the condition and well being of these trees, they had expressed concerns that these trees were becoming dangerous. On that basis I contacted the council and a tree surgeon.

The reasons we are considering felling the trees are as follows:-

1. These trees are extremely large and are in close proximity of a number of properties.
2. 1 of the beech trees is suffering from a large rotting hole in the lower part of the tree trunk. This tree is displaying ill health in its growth and leaf coverage.
3. The 2nd tree has a union join, this join weakens the main trunk and is very likely to fail. This tree is also growing at an angle over 15 degrees, my understanding is that this is another risk factor.
4. Beech trees are shallow rooted, which makes them prone to falling in high winds.
5. In addition the trees are causing the old Victorian wall to collapse, I wish to maintain this wall and restore to it's original look.

Please find enclosed 2 reports/recommendations for the trees. Both reports consider these trees to be dangerous and at risk of failing at any time. I have also canvassed my nearest neighbours for their opinions, please also find copies of these attached.

I would like to make it clear, that I am happy to replace these trees with specimens that I can then suitably maintain. So, on the basis of the 2 reports and no objections from my nearest neighbours I am objecting to the placement of the Tree Preservation Order.

Please find attached the documents supporting my objection.

Yours sincerely



Joseph Coulter

David Morris
Woodpecker Tree Surgeons
01952 273968
07889993000

22 September 2013

Mr. Joseph Coulter

Tree report:

This report is for two Beech Trees at the front of Cappelquin House, Cappelquin Drive, Wrockwardine Wood, Telford TF27BX

Tree one:

On inspection of the first beech tree to the left hand side of the property I found there to be a large cavity in the trunk approximately nine feet above ground level. On looking into the cavity I believe the trunk to be rotting/decaying away. I believe this tree to be unsafe so advise the tree be removed and stump cut as close to ground level as possible.

Tree two:

This is a very large and mature double stemmed tree with the potential of damaging the property if it was to fall. The tree has a V shape Union at the base of the trunk making this its weakest and most likeliest point to break. I believe this tree may not be able to withstand high winds due to its age/structure causing it to split at this union. My advice is to remove both trees as these trees are also likely to cause damage to paths and walls too.

Director David Morris

4th October 2013

To whom it may concern

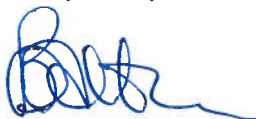
It has come to our attention that a T.P.O. has been issued to protect the two large beech trees sited at the head of Cappelquin Drive as indicated on the attached drawing.

Our Company has carried out various tree surgery to the two trees concerned over the preceding twenty three years. In 1989 we installed the 1" copper drain tubes to both trees (which are still in evidence today,) in an attempt to prevent the pooling of storm water and acceleration of the advanced core decay. Since then liberal treatments of biocidal wash have been applied at intervals in a vain attempt to retard the central inner erosion, particularly on tree No. 1. Both trees 1 and 2 have central core decay but it is so advanced in tree No. 1 that it has rendered the tree quite unstable. Tree No. 2, whilst suffering core decay, is more at risk from its double trunked structure in which its stability is wholly dependent on a single 15" (approx.) diameter natural bough brace acting as a tie between the two trunks. The dependency on this single support, without which both trunks have the potential to dangerously fail, is unpredictable and uncertain, and should not be further relied upon.

Owing to the close proximity of the residential dwellings, and to the size and condition of both trees it is our professional opinion that there is a clear and serious imminent risk arising to the health and safety of the closely residing families.

With adverse seasonal weather approaching we strongly recommend the removal and replacement of both trees without further delay.

Yours faithfully
TAFS (SALOP) LTD



R J Batters
Director

From: Joseph Coulter
Cappoquin House, Cappoquin Drive, Wrockwardine Wood.

I have had several concerns raised over the size and condition of the 2 Large Beech Trees that reside in front of my house. The main concern is that, should these trees fall down, then there is likely to be serious damage to 1 or more properties. There are 5 properties that could be impacted if the trees were to fall uncontrolled. Given the size of these trees they are likely to destroy the buildings and possibly cause serious injury or death to anyone within the buildings at the time.

Based on this, I requested a specialist to come and advise on the tree condition. Please find attached a copy of the email/letter from the Specialist.

At the same time I contacted the Local Council to request whether these trees are subject to a Preservation Order as I was considering removing the trees based on concerns of over the health, size and condition of the 2 trees. As a result of this initial contact with the council, an order has now been placed on the 2 beech trees on the basis of 'The current and/or potential visual amenity'.

I am challenging the order based on the Tree Report received and concerns I have with these trees. I do wish to have them removed on the grounds of safety, but to also allow me to rebuild the old Victorian walls at the front of the house. I would also be prepared to replace the 2 trees with 2 new copper beeches (or another native species of tree), that I can then maintain and keep to a reasonable size.

Based on the above, I would like to request that you answer the below questions:

Name	Address
JASON PRINCE	14, CAPPOQUIN DRIVE WROCKWARDINE WOOD TELFORD TF2-7BX

Do you object to the trees being removed? (Yes/No)
NO

If No, would you like them to be replaced by new Beech Trees or another Native Species?
YES — PREFERABLY OAK OR BEECH

Signature	Date
J.Prince	4/10/13

If you object to the trees being removed, but do not wish to express your concerns through me, then please contact:

Deborah Moseley at the Telford and Wrekin Council
Email: deborah.moseley@telford.gov.uk
Telephone: 01952 383215
The Council Reference is: TPO 109.

Thank you for time and consideration of this matter. If you would like to add any further comments, please do so, on the reverse of this page.

Regards
Joe Coulter

From: Joseph Coulter
Cappoquin House, Cappoquin Drive, Wrockwardine Wood.

I have had several concerns raised over the size and condition of the 2 Large Beech Trees that reside in front of my house. The main concern is that, should these trees fall down, then there is likely to be serious damage to 1 or more properties. There are 5 properties that could be impacted if the trees were to fall uncontrolled. Given the size of these trees they are likely to destroy the buildings and possibly cause serious injury or death to anyone within the buildings at the time.

Based on this, I requested a specialist to come and advise on the tree condition. Please find attached a copy of the email/letter from the Specialist.

At the same time I contacted the Local Council to request whether these trees are subject to a Preservation Order as I was considering removing the trees based on concerns of over the health, size and condition of the 2 trees. As a result of this initial contact with the council, an order has now been placed on the 2 beech trees on the basis of 'The current and/or potential visual amenity'.

I am challenging the order based on the Tree Report received and concerns I have with these trees. I do wish to have them removed on the grounds of safety, but to also allow me to rebuild the old Victorian walls at the front of the house. I would also be prepared to replace the 2 trees with 2 new copper beeches (or another native species of tree), that I can then maintain and keep to a reasonable size.

Based on the above, I would like to request that you answer the below questions:

Name	Address
Mrs. R. A. PRINCE	14A, CAPPOQUIN DRIVE WROCKWARDINE WOOD, TELFORD, TF2-7BX

Do you object to the trees being removed? (Yes/No)
NO

If No, would you like them to be replaced by new Beech Trees or another Native Species?
YES

Signature	Date
R A Prince	3rd. OCT. 2013

If you object to the trees being removed, but do not want wish to express your concerns through me, then please contact:

Deborah Moseley at the Telford and Wrekin Council
Email: deborah.moseley@telford.gov.uk
Telephone: 01952 383215
The Council Reference is: TPO 109.

Thank you for time and consideration of this matter. If you would like to add any further comments, please do so, on the reverse of this page.

Regards
Joe Coulter

From: Joseph Coulter
Cappoquin House, Cappoquin Drive, Wrockwardine Wood.

I have had several concerns raised over the size and condition of the 2 Large Beech Trees that reside in front of my house. The main concern is that, should these trees fall down, then there is likely to be serious damage to 1 or more properties. There are 5 properties that could be impacted if the trees were to fall uncontrolled. Given the size of these trees they are likely to destroy the buildings and possibly cause serious injury or death to anyone within the buildings at the time.

Based on this, I requested a specialist to come and advise on the tree condition. Please find attached a copy of the email/letter from the Specialist.

At the same time I contacted the Local Council to request whether these trees are subject to a Preservation Order as I was considering removing the trees based on concerns of over the health, size and condition of the 2 trees. As a result of this initial contact with the council, an order has now been placed on the 2 beech trees on the basis of 'The current and/or potential visual amenity'.

I am challenging the order based on the Tree Report received and concerns I have with these trees. I do wish to have them removed on the grounds of safety, but to also allow me to rebuild the old Victorian walls at the front of the house. I would also be prepared to replace the 2 trees with 2 new copper beeches (or another native species of tree), that I can then maintain and keep to a reasonable size.

Based on the above, I would like to request that you answer the below questions:

Name	Address
KEITH & WENDY LEWIS	12 CAPPOQUIN DRIVE WROCKWARDINE WOOD TELFORD SHROPSHIRE TF2 7BX

Do you object to the trees being removed? (Yes/No)
NO OBJECTIONS.

If No, would you like them to be replaced by new Beech Trees or another Native Species?
YES.

Signature	Date
K. Lewis, W. Lewis	23/09/2013

If you object to the trees being removed, but do not wish to express your concerns through me, then please contact:

Deborah Moseley at the Telford and Wrekin Council
Email: deborah.moseley@telford.gov.uk
Telephone: 01952 383215
The Council Reference is: TPO 109.

Thank you for time and consideration of this matter. If you would like to add any further comments, please do so, on the reverse of this page.

Regards
Joe Coulter

From: Joseph Coulter
Cappoquin House, Cappoquin Drive, Wrockwardine Wood.

I have had several concerns raised over the size and condition of the 2 Large Beech Trees that reside in front of my house. The main concern is that, should these trees fall down, then there is likely to be serious damage to 1 or more properties. There are 5 properties that could be impacted if the trees were to fall uncontrolled. Given the size of these trees they are likely to destroy the buildings and possibly cause serious injury or death to anyone within the buildings at the time.

Based on this, I requested a specialist to come and advise on the tree condition. Please find attached a copy of the email/letter from the Specialist.

At the same time I contacted the Local Council to request whether these trees are subject to a Preservation Order as I was considering removing the trees based on concerns of over the health, size and condition of the 2 trees. As a result of this initial contact with the council, an order has now been placed on the 2 beech trees on the basis of 'The current and/or potential visual amenity'.


I am challenging the order based on the Tree Report received and concerns I have with these trees. I do wish to have them removed on the grounds of safety, but to also allow me to rebuild the old Victorian walls at the front of the house. I would also be prepared to replace the 2 trees with 2 new copper beeches (or another native species of tree), that I can then maintain and keep to a reasonable size.

Based on the above, I would like to request that you answer the below questions:

Name	Address
MR ALLAN JONES MRS SANDRA JONES	10. CAPPOQUIN DRIVE WROCKWARDINE - WOOD TELFORD TF2 7BX

Do you object to the trees being removed? (Yes /No)

If No, would you like them to be replaced by new Beech Trees or another Native Species?
WHAT EVER YOU THINK IS APPROPRIATE TO FIT IN WITH YOUR GARDEN DESIGN.

Signature	Date
 S. Jones	24/09/13.

If you object to the trees being removed, but do not want wish to express your concerns through me, then please contact:

Deborah Moseley at the Telford and Wrekin Council
Email: deborah.moseley@telford.gov.uk
Telephone: 01952 383215
The Council Reference is: TPO 109.

Thank you for time and consideration of this matter. If you would like to add any further comments, please do so, on the reverse of this page.

Regards
Joe Coulter

Jonathan Rowe Assistant Director of Neighbourhood & Leisure Services

J. Coulter
Cappoquin House
Cappoquin Drive
Wrockwardine Wood
TF2 7BX

Environment and Open Spaces
Granville House
St Georges Road
Donnington Wood
Telford
TF2 7RA
DX: 712121 Telford 5

Contact Name: G. Onions
Your Ref: TPO109

Telephone: 01952 384384
Our Ref: TPO 109

Fax: 01952 384701
Date: 24th October 2013

Dear Mr Coulter,

There is only one Beech tree within the Tree Preservation Order. The comments relating to the other Beech which is 'displaying ill health in its growth and leaf coverage' as referred to your letter dated the 16th of October 2013 are not considered within this letter.

The Beech tree appears on an historic map of the Wrockwardine Wood area dating back to 1882.

It could be said that Cappoquin Drive was been designed around the tree as the tree is central to the road itself and can be clearly seen at the entrance from Moss Road.

The tree does have an included union low on the trunk however, it has affectively braced itself further up the stem where a branch has grown from the westerly stem and fused to the adjacent easterly stem. The union has grafted both of the stems together forming a natural cable brace.

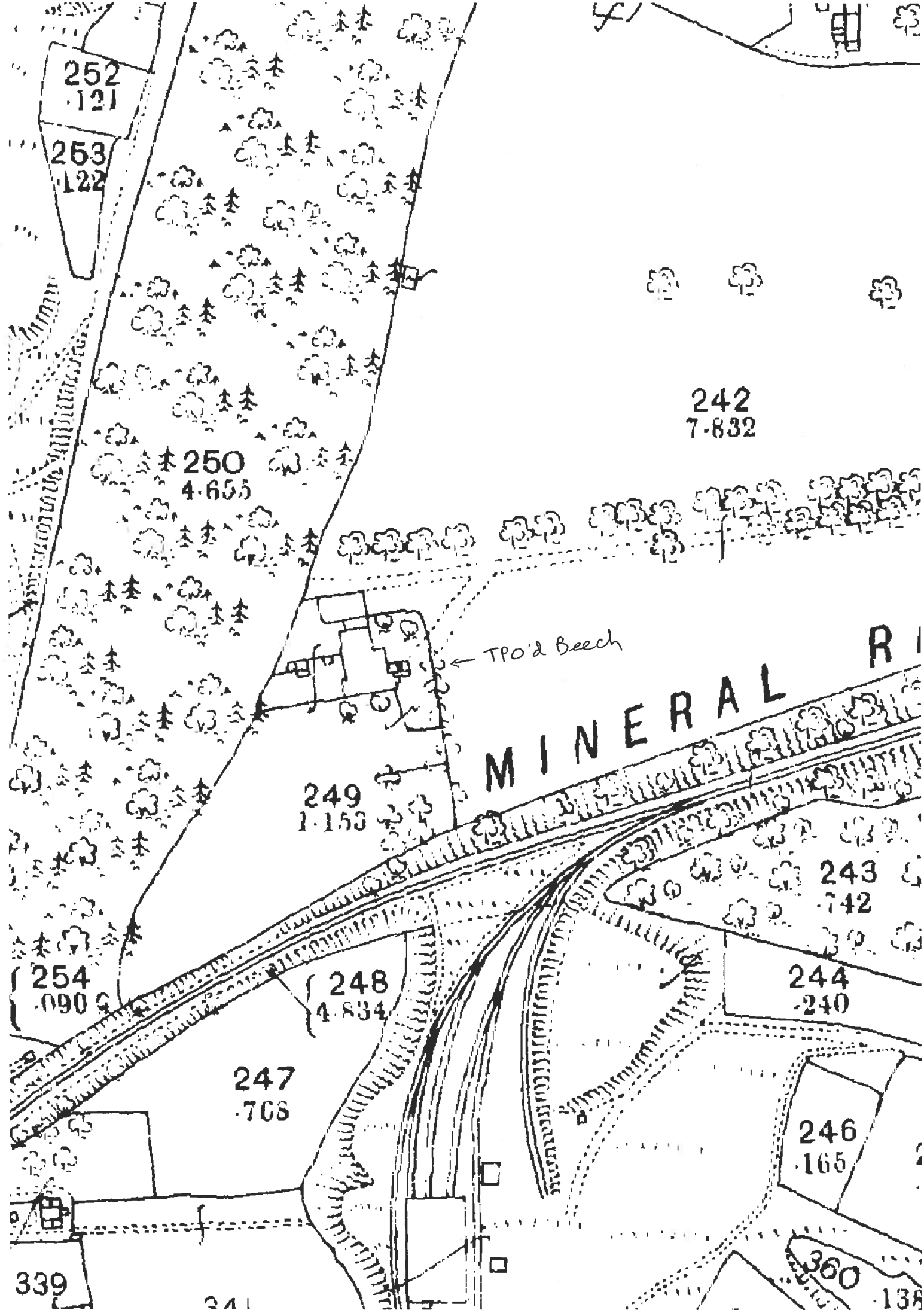
"Trees are self optimising structures that will evenly load stress across their whole surface area." This is the 'Axiom of Uniform Stress' as described by Claus Mattheck in the "Body Language of Trees" (2001). Each growing season the tree puts on a new layer of wood. The Beech has had a number of years to optimise its current structure and form. To accommodate its location within the landscape.

Beech trees are shallow rooted which makes them more susceptible to drought stress not failure.

The wall could be reinstated to its original look whilst retaining the tree in its current situation.

Yours sincerely

Gavin Onions
Tree & Woodland Officer.



252
121

253
122

250
4.655

242
7.832

249
1.153

← TPO'd Beech

MINERAL R

248
4.834

243
742

244
240

247
708

246
165

339

360

138



TELFORD & WREKIN COUNCIL

PLANNING COMMITTEE – 26 FEBRUARY 2014

TREE PRESERVATION ORDER 2013

**REPORT OF THE ASSISTANT DIRECTOR: LAW, DEMOCRACY AND
PEOPLE SERVICES**

1.0 PURPOSE

- 1.1 To inform Members of the making of a provisional Tree Preservation Order (TPO) and to seek its confirmation.

2.0 RECOMMENDATIONS

It is recommended that Members resolve to confirm the following Order without modification:-

Borough of Telford & Wrekin (Beech tree within the grounds of; Cappelquin House, Cappelquin Drive, St Georges, Telford, TF2 7BX) Tree Preservation Order 2013

3.0 SUMMARY

- 3.1 On 12 September 2013 a provisional Tree Preservation Order was made in respect of one beech tree (identified as T1 on the appended map – **Appendix 1**) at within the grounds of Cappelquin House, Cappelquin Drive, St Georges, Telford, TF2 7BX.
- 3.2 On 18 October 2013 an objection to the TPO was received from the owner of the property in respect of the tree (T1).

4.0 PREVIOUS MINUTES

- 4.1 None.

5.0 INFORMATION

- 5.1 Details of Objection

A copy of the letter of objection and supporting documentation is attached to this report as **Appendix 2**.

5.2 Response of Arboricultural Officer

The response of the Arboricultural officer is attached as **Appendix 3**.

Also attached is a copy of an 1882 historic map showing the Beech tree in question (**Appendix 4**) and two photographs showing the tree in full leaf in September (**Appendix 5**).

6.0 EQUALITY & DIVERSITY

6.1 Not applicable.

7.0 ENVIRONMENTAL IMPACT

7.1 The amenity value of the trees outweighs any reasons given for their removal.

8.0 LEGAL COMMENT

8.1 A Tree Preservation Order is made under the powers conferred on the Borough of Telford & Wrekin by Sections 198, 201 and 203 of the Town and Country Planning Act 1990. A Local Planning Authority may preserve trees or woodlands if it thinks it is expedient in the interests of amenity to do so.

8.2 The Tree Preservation Order does not preclude necessary lopping or pruning. However, it would be necessary for the Council to consent before any such work was undertaken.

8.3 Should an application be received for consent to fell any protected tree(s), conditions could be imposed to secure the replanting of suitable replacement trees.

8.4 Before confirming an Order the Council must first consider any objections which have not been withdrawn.

8.5 Should an application be received for consent to fell any protected tree(s), conditions could be imposed to secure the replanting of suitable replacement trees.

9.0 LINKS WITH CORPORATE PRIORITIES

9.1 The making of Tree Preservation Orders is an important element in the Council's priority of ensuring a sustainable environment.

10.0 FINANCIAL IMPLICATIONS

10.1 There are no financial implications for the Council.

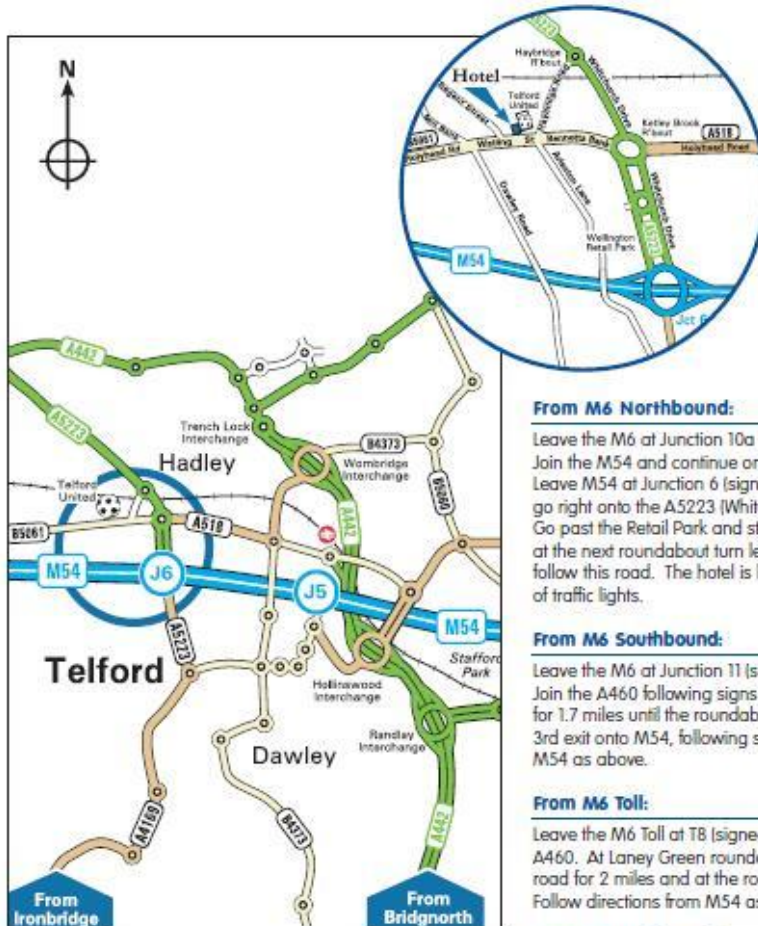
11.0 WARD IMPLICATIONS

St Georges.

12.0 BACKGROUND PAPERS

- 12.1 Borough of Telford & Wrekin (Beech tree within the grounds of; Cappelquin House, Cappelquin Drive, St Georges, Telford, TF2 7BX)
Tree Preservation Order 2013

**For further information, please contact Ian Ross – (Team Leader Places) or Eileen Griffin – (Solicitor) on 01952 383255.
ian.ross@telford.gov.uk or Eileen.griffin@telford.gov.uk**



From M6 Northbound:

Leave the M6 at Junction 10a (signed Telford & M54).
 Join the M54 and continue on it for 19 miles towards Telford.
 Leave M54 at Junction 6 (signed Telford West, A518 & Whitchurch) go right onto the A5223 (Whitchurch Drive).
 Go past the Retail Park and straight on at the roundabout, at the next roundabout turn left into Bennetts Bank (B5061) and follow this road. The hotel is located on the right at the second set of traffic lights.

From M6 Southbound:

Leave the M6 at Junction 11 (signed Cannock & A460)
 Join the A460 following signs for Wolverhampton & M54, continue for 1.7 miles until the roundabout junction under the M54. Take the 3rd exit onto M54, following signs for Telford. Follow directions from M54 as above.

From M6 Toll:

Leave the M6 Toll at T8 (signed Wolverhampton), then merge onto A460. At Laney Green roundabout take 3rd exit onto A460, follow road for 2 miles and at the roundabout take the 3rd exit onto M54. Follow directions from M54 as above.

From M5 Northbound:

Continue north on the M5 to its conclusion at Junction 8 of the M6, then join M6. Follow directions as above from M6 Northbound.

By Rail:

Telford Central is 4 miles

By Air:

Birmingham International Airport is 40 miles



The Telford Whitehouse Hotel

Walling Street | Telford | Shropshire | TF1 2NJ
 Telephone: 01952 250 700 | Fax: 01952 250 701
 email: enquiries@telwhitehouse.com

East Midlands | Telford | Worcester

Visit our website www.whitehousehotels.com

Our Commitment is the difference