



Telford & Wrekin  
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

## PLANNING COMMITTEE

Date	Wednesday, 25 <sup>th</sup> January 2017	Time	6.00pm
Venue	Meeting Room G3/G4 Addenbrooke House, Ironmasters Way, Telford TF3 4NT		

### Enquiries Regarding this Agenda:

Democratic Services	Jayne Clarke	(01952) 383205
Media Enquiries	Corporate Communications	(01952) 382406
Lead Officers	David Fletcher – Development Management Service Delivery Manager	(01952) 384133
	Katherine Kynaston – Assistant Director: Business, Development & Employment	(01952) 384012

Committee Membership: Councillors J C Minor (**Chairman**), C R Turley (**Vice Chairman**), N A Dugmore, I T W Fletcher, J Loveridge, L A Murray, N C Lowery and P Scott

Substitutes: Councillors W L Tomlinson, G H Cook, J A Francis, E J Greenaway, R T Kiernan, S J Reynolds, C F Smith and M J Smith

## AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Deferred/Withdrawn Applications**
4. **Site Visits**
5. **Planning Applications for Determination** Appendix A  
Please note that the order in which applications are heard may be changed at the meeting. If Members have queries about any of the applications, they are requested to raise them with the relevant Planning Officer prior to the Committee meeting.
6. **Management of Section 106 Affordable Housing Contributions** Appendix B  
To receive the report of the Development Management Service Delivery Manager. **TO FOLLOW**

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TELFORD & WREKIN COUNCIL

PLANNING COMMITTEE

25 January 2017

Schedule 1 - Planning applications for determination by Planning Committee

**TWC/2016/1162 Telecommunications Mast, Sutton Way, Sutton Hill, Telford, Shropshire** Determination under part 16 of the GPDO for the erection of a 17.5m high steel monopole and 2no. equipment cabinets ..... 0

**PLANNING COMMITTEE**  
**LIST OF BACKGROUND PAPERS**

The Background Papers taken into account when considering planning applications on this list include all or some of the following items. Items 1 to 4 are included on the file for each individual application.

1. Application: includes the application form, certificate under Section 65 of the Town and Country Planning Act, 1990, plans, and any further supporting information submitted with the application.
2. Further correspondence with applicant: includes any amendments to the application – including any letters to the applicant/agent with respect to the application and any further correspondence submitted by the applicant/agent, together with any revised details and/or plans.
3. Letters from Statutory Bodies: includes any relevant letters to and from the Parish Councils, Departments of Telford & Wrekin Council, Water Authorities and other public bodies and societies.
4. Letters from Private Individuals: includes any relevant letters to and from members of the public with respect to the application, unless the writers have asked that their views are not reported publicly.
5. Statutory Plans and Informal Policy Documents: some or all of the following documents will comprise general background papers taken into account in considering planning applications in the administrative area of Telford and Wrekin (“Telford and Wrekin”)
  - (a) The Telford and Wrekin LDF Core Strategy (adopted December 2007)
  - (b) Saved policies of Wrekin Local Plan (adopted February 2000)
  - (c) Saved policies of Shropshire and Telford and Wrekin Joint Structure Plan (adopted November 2002)
  - (d) Saved policies of Shropshire, Telford and Wrekin Minerals Local Plan (adopted April 2000)
  - (e) Government Planning Guidance – National Planning Policy Framework and Circulars
  - (f) Town and Country Planning legislation, case law and other planning decisions and articles
  - (g) Telford and Wrekin Supplementary Planning Documents: Design for Community Safety SPD (adopted June 2008) and Telecommunications Development SPD (adopted May 2009)
  - (h) LDF Central Telford Area Action Plan (adopted March 2011 )
6. Past decision notices and reports referred to in specific reports.
7. The following additional documents (if appropriate):-

TWC/2016/1162

Telecommunications Mast, Sutton Way, Sutton Hill, Telford, Shropshire  
Determination under part 16 of the GPDO for the erection of a 17.5m high steel  
monopole and 2no. equipment cabinets

**APPLICANT**

Telefonica UK Limited

**RECEIVED**

06/12/2016

**PARISH**

Madeley

**WARD**

Madeley and Sutton Hill

**OFFICER** Matthew Thomas

CLLR PAUL WATLING HAS REQUESTED THAT THIS APPLICATION BE  
DETERMINED BY MEMBERS OF THE PLANNING COMMITTEE

OBJECTIONS RECEIVED: Yes

**1.0 PROPOSAL**

- 1.1 This application seeks prior approval under Part 16 (Communications), Class A of The Town and Country Planning (General Permitted Development Order) 2015 (GPDO) for the installation of a 17.5m high telecommunications monopole and 2no. equipment cabinets off Sutton Way in Madeley. As this application seeks prior approval, the principle of the proposed development is established and this application is to assess the siting and appearance of the development only.
- 1.2 The proposed shrouded monopole and associated equipment will be installed on the grassed highway verge alongside Sutton Way in front of a belt of mature trees. The monopole will be set back approximately 2.8m from the back edge of the road and two cabinets (to be painted green) will be installed either side. It is proposed for the monopole and cabinets to be painted green.
- 1.3 The equipment will have dual user capabilities which will allow for use by both Vodafone and O2 network providers and will be concealed within a cylindrical shroud to the upper most section of the mast. A base station site is required in this location in order to improve existing network coverage and capacity, as well as catering for future networks demands for 'Telefonica' (commonly known as O2 and Vodafone) to this area of Telford.
- 1.4 The application was submitted with:
- Application Form
  - Prior Notification Letter
  - Planning Statement
  - Declaration of Conformity with ICNIRP Public Exposure Guidelines
  - Location, Elevation and Site Plans

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site consists of a highway controlled grass verge to the south-west of the Sutton Way in Madeley. The proposed monopole will be positioned just beyond the Armco barrier and in between two street lampposts which stand at 12m in height. The site is located in front of a bank of mature trees which stand between 15-17m in height and act as a barrier between the Sutton Way to the east and the Blists Hill Victorian Town car park to the east.
- 2.2 The site is situated outside of but within close proximity to the boundaries of the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area. There are residential properties nearby to the development site including Southgate to the east and Reynards Coppice and Reynards Meadow to the south and south-west. The closest neighbouring property is located to the west of Southgate and is positioned approximately 24m away from the development site. A public right of way also runs within close proximity to the site passing underneath Sutton Way.

## **3.0 RELEVANT HISTORY**

- 3.1 There is no relevant planning history available on this site however a similar application was submitted for a piece of land located approximately 200m away on the junction of Sutton Way and Great Hay Drive in 2009:
- W2009/0083 – Determination under part 24 of the GPDO for the erection of a 12.5m monopole with associated equipment cabinets and ancillary development – Telecommunication Determination Refusal

## **4.0 RELEVANT POLICIES**

- 4.1 National Planning Guidance:  
National Planning Policy Framework
- 4.2 Local Development Framework – Core Strategy  
CS9 Accessibility & Social Inclusion
- 4.3 Wrekin Local Plan:  
T21 Telecommunications  
CS7 Enhancing Communication Networks  
CS8 New Telecommunications Development
- 4.4 Supplementary Planning Document:  
Telecommunications (May 2009)

## **5.0 SUMMARISED CONSULTATIONS**

### Standard consultation responses

- 5.1 Madeley Town Council: Object

- Located along a busy perimeter estate road adjoining the Blists Hill pit mound that has been recently declared a Local Nature Reserve – Policy GS2 of the Madeley Neighbourhood Plan indicates that development proposals that would have a direct or indirect impact on a Local Nature Reserve will not be permitted unless the development is of benefit to the wider community and/or appropriate mitigation measures are provided
- Whilst the monopole and cabinets are to be painted green and whilst the pole has been kept to its technical minimum of 17.5m, it will still be the highest man made structure on the street – visually prominent
- Location on the bend of the road at the top of a hill means that unlike existing lamp posts, the proposal will appear isolated/incongruous feature
- P.C acknowledge that ICNIRP declaration submitted – in line with government requirements and satisfactorily addresses the issues of potential or perceived health risks
- Alternative sites – applicant has not confirmed where these are located nor why they were discounted in preference for the chosen location therefore applicant has not provided sufficient justification that a thorough sequential assessment of sites has been undertaken

#### Neighbour consultation responses

5.2 Following neighbour consultation 14 letters of objection were received (3 of which are duplicates from the same address) together with 1 letter of support. The issues raised in the letters of objection are summarised below:

- Health concerns – site in closer proximity to large housing estates, a school, nursery and out of school clubs
- Previous application refused and this land is now a village green – the proposed site is within close proximity to the village green
- There is no problem with Vodafone signal within the area
- Site within close proximity to World Heritage Site/Conservation Area
- More suitable sites to locate the mast – such as Halesfield/Tweedale
- Disturbance to local wildlife – close proximity to Nature Reserve
- No benefit to local community
- Lack of time to provide consultation response – lack of neighbours consulted – concerns that consultation occurred over Christmas period
- Adverse impact for neighbouring properties – views affected
- Height of proposal is not in-keeping with existing street furniture
- Lack of clarity in plans/supporting information submitted
- Mast will not boost signal for all mobile networks
- Concerns regarding maintenance vehicles and potential impact on highway safety
- Health concerns – stress/distress to local residents, Stewart Report states recommends that masts should not be sited near residential properties, impact on local children
- Potential adverse impact on property values
- Mast would be visually intrusive within a prominent location considered locally to be of environmental importance
- Potential restrictive covenants upon the Council owned land

## 6.0 PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policies and other material planning considerations, including comments received during the consultation process, the planning application raises the following main issues:

- Relevant Planning policies
- Consideration of Alternative sites
- Siting and Appearance
- Other Matters/Impact on Health

### Local Planning policies

6.2 Saved Policy T21 (Telecommunications) of the Wrekin Local Plan states the following; 'Subject to balancing the need for telecommunications systems and the need to protect amenity and the environment...the Council will grant planning permission for telecommunication developments provided that applicants have provided evidence that they have made every possible effort to erect the apparatus on existing buildings, masts, or other structures and where possible, shared apparatus with other operators'. The policy continues that 'any development should be designed and sited to minimise its visual impact'.

6.3 Policy T8 (New Telecommunications Development) of the Telford & Wrekin Local Plan replicates the requirements of policy T21 but also requiring proposals to have regard to highway safety, ecology, landscape, archaeology and heritage assets. The Publication Version of the Plan has been subject to consultation and is due to be examined in public in 2016 and at this time only limited weight can be given to the policies in the plan.

6.4 The National Planning Policy Framework (NPPF) states that 'advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. The NPPF advises Local Planning Authority's to keep such development to a minimum and where possible use existing masts and to be 'sympathetically designed'. In addition, 'Local Planning Authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure'.

### Consideration of Alternative Sites

6.5 The applicant first engaged with the Council in October 2016 where discussions took place regarding site selection. The Authority encouraged the applicant to consider alternative sites and to engage with the local community and these exercises were duly undertaken. The sequential assessment of sites can be found in Section 5 of the applicant's submitted Planning

Statement and Section 4 of the Application Form. These sites are all located within Madeley including Legges Way, Great Hay Drive, Church Street, Coalport Road, Sutton Hill Roundabout and Halesfield 14.

- 6.6 Explanation is given for why these alternative sites were discounted and the reasons include not being able to achieve the required coverage of a certain target area, excessive ground works, unsuitable locations such as heritage site or buildings or poor relationship with its surroundings. As such it is considered that the applicant has comprehensively considered other potential sites and reasonably discounted these. Accordingly consideration must be given to the impacts on the siting and appearance of a mast in a new location.

#### Siting and Appearance

- 6.7 Development permitted by Class A, Part 16 of Schedule 2 to the GPDO 2015 is conditional on the operator making a Prior Approval Application to the Local Planning Authority (LPA) for its siting and appearance. In determining the application the LPA can only consider the siting and appearance of the proposal. The principle of the development cannot be a consideration as it is classed as Permitted Development by the GPDO 2015.
- 6.8 This is a new site and the LPA is not therefore considering whether a replacement mast is appropriate but whether the location is suitable to accommodate a new telecommunications mast. It is acknowledged that the site does occupy a fairly prominent position in the skyline, in particular when approached from the Sutton Way nevertheless it will be situated amongst existing street furniture including street lamp posts which stand 12m in height as well as in front of a bank of mature trees which range between 15-17m in height and will therefore offer natural screening. The proposed monopole will be visible from several neighbouring properties, including those opposite at Southgate however given the generous separation distances involved, officers are satisfied that the proposal will not be overbearing or significantly visually intrusive.
- 6.9 The mast will be visible from the Sutton Way however it will be set back from the road by approximately 2.7m. On approach from the Telford Golf & Spa Hotel, the mast will be positioned where the road bends and this will therefore limit its prominence within the street scene. When approached from the other direction it will be viewed in and amongst existing street furniture as well as the backdrop of the mature trees. The proposed green finish would minimise the mast's appearance and it is therefore not considered that this or the green coloured cabinets would have a significant visual impact on the street scene. Furthermore, the existing tree belt will continue to serve to screen the site from residential properties to the south/south-east.
- 6.10 The identified site is located close to the boundary of the Ironbridge Gorge World Heritage Site and Conservation Area however the existing tree belt acts as a definitive barrier between these designations and given the height of these established trees, the structure will not be readily visible when viewed from the heritage sites. Given the scale of development and the relationship

with dwellings, officers are satisfied that the development will not be significantly detrimental to the visual appearance of the area and will not be overly intrusive within the street scene.

### Other Matters

- 6.11 Residents raise concerns about how the proposed development may affect their health. Little objective evidence to support these concerns has been received. However the Government advises that 'if a proposed mobile phone base station meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure to radio waves it should not be necessary for a planning authority to consider further the health aspects of the proposal'.
- 6.12 An ICNIRP Declaration accompanies this planning application and this certifies that the site is designed to be in full compliance with the requirement of the radio frequency guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP) for public exposure as expressed in the EU Council recommendation of July 1999. The declaration takes in to account the cumulative effect of the emissions from the proposed installation and all radio base station present at, or near, the proposed location. Therefore the LPA does not need to further consider health aspects of this application.
- 6.13 The applicant has confirmed the following statement with regards to the conformation of the declaration:

*All operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government, who are responsible for the regulation of the civilian radio spectrum. The remit of Ofcom also includes investigation and remedy of any reported significant interference.*

- 6.14 Other issues include the close proximity of the site to the Village Green/Nature Reserve. Whilst not mandatory as part of the determination of this application, the Council's Ecologist has requested that the applicant prepare a supporting statement. This will be undertaken and members will be updated on its findings at Committee.

## **7.0 CONCLUSIONS**

- 7.1 The proposal for the erection of a 17.5m high monopole and cabinets mast has been made following a detailed consideration of opportunities to share existing masts and other buildings in the local area as advocated by the NPPF, saved policy T21 of the Wrekin Local Plan and policy T8 of the Telford and Wrekin Local Plan. Whilst the proposed mast will protrude into the skyline when viewed from selected locations, it is generally well screened

against a backdrop of mature trees and vegetation and will not have an unduly detrimental visual impact on the area or the nearby World Heritage Site or Gorge Conservation Area. The Local Planning Authority considers on balance that the siting and appearance of the proposal will not have a significant adverse impact on the character of the area or on the immediate street scene.

## **8.0 RECOMMENDATION**

- 8.1 Based on the conclusions above, the recommendation is that **PRIOR APPROVAL IS REQUIRED AND GRANTED**

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 369808 N: 303556

CONCESSION REQUIRED NO

DIRECTIONS TO SITE:  
KEEP LEFT AT THE FORK TO CONTINUE ON M54,  
FOLLOW SIGNS FOR  
WALES/TELFORD/WOLVERHAMPTON/SHREWSBURY/A5.  
AT JUNCTION 4, TAKE THE A464 EXIT TO TELFORD  
(EAST)/BRIDGNORTH/ROUNDBRIDGE/A442. AT THE  
ROUNDBABOUT, TAKE THE 2ND EXIT ONTO A464. AT  
ON A464. AT THE ROUNDBABOUT, TAKE THE 1ST  
EXIT ONTO THE A442 SLIP ROAD TO BRIDGNORTH.  
MERGE ONTO QUEENSWAY/A442. USE THE LEFT  
LANE TO TAKE THE A442 SLIP ROAD TO  
BRIDGNORTH/MADELEY. CONTINUE ONTO BROCKTON  
WAY/A442. AT THE ROUNDBABOUT, TAKE THE 3RD  
EXIT ONTO SUTTON HILL. AT THE ROUNDBABOUT,  
TAKE THE 1ST EXIT ONTO SUTTON WAY. SITE IS  
ON THE LEFT.

NOTES:

REV	MODIFICATION	BY	CH	DATE
B	Address Revised	DW	LB	23.09.16
A	Issued for Approval	DW	LB	23.09.16

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WOLVERHAMPTON  
Tel: +44 (0) 1905 22 33 33

**CTIL**  
Grow The Grid

Cell Name	Opt.
TELFORD SOUTH	-
Cell ID No	VF
CTIL	TEF
208075	050836

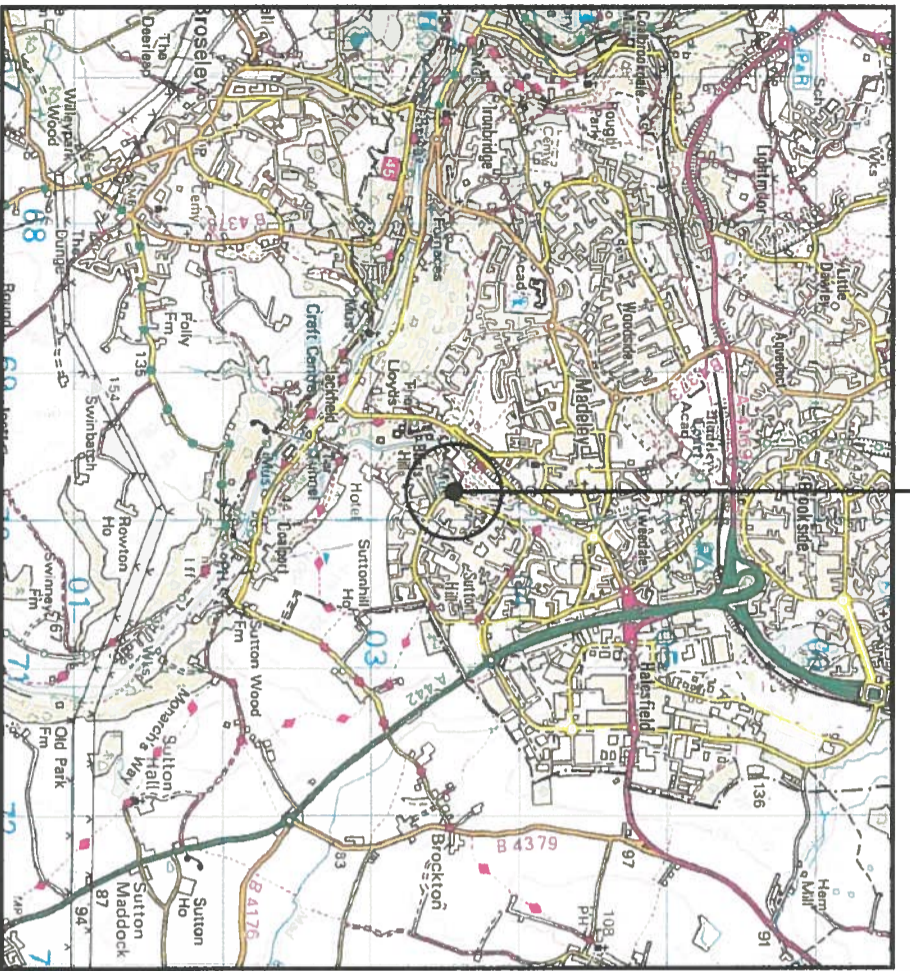
Site Address / Contact Details

SUTTON WAY  
ADJACENT SOUTHGATE  
MADELEY  
STAFFORDSHIRE  
TF7 4ND

Drawing Title:  
SITE LOCATION MAPS  
Purpose of Issue:  
PLANNING

Surveys By:	MS	Original Sheet Size:	A3	Issue:	B
Drawn:	DW	Date:	23.09.16	Checked:	LB
Date:	23.09.16	Date:	23.09.16	Issue:	B

**SITE LOCATION**



**SITE LOCATION**  
(Scale 1:50000)

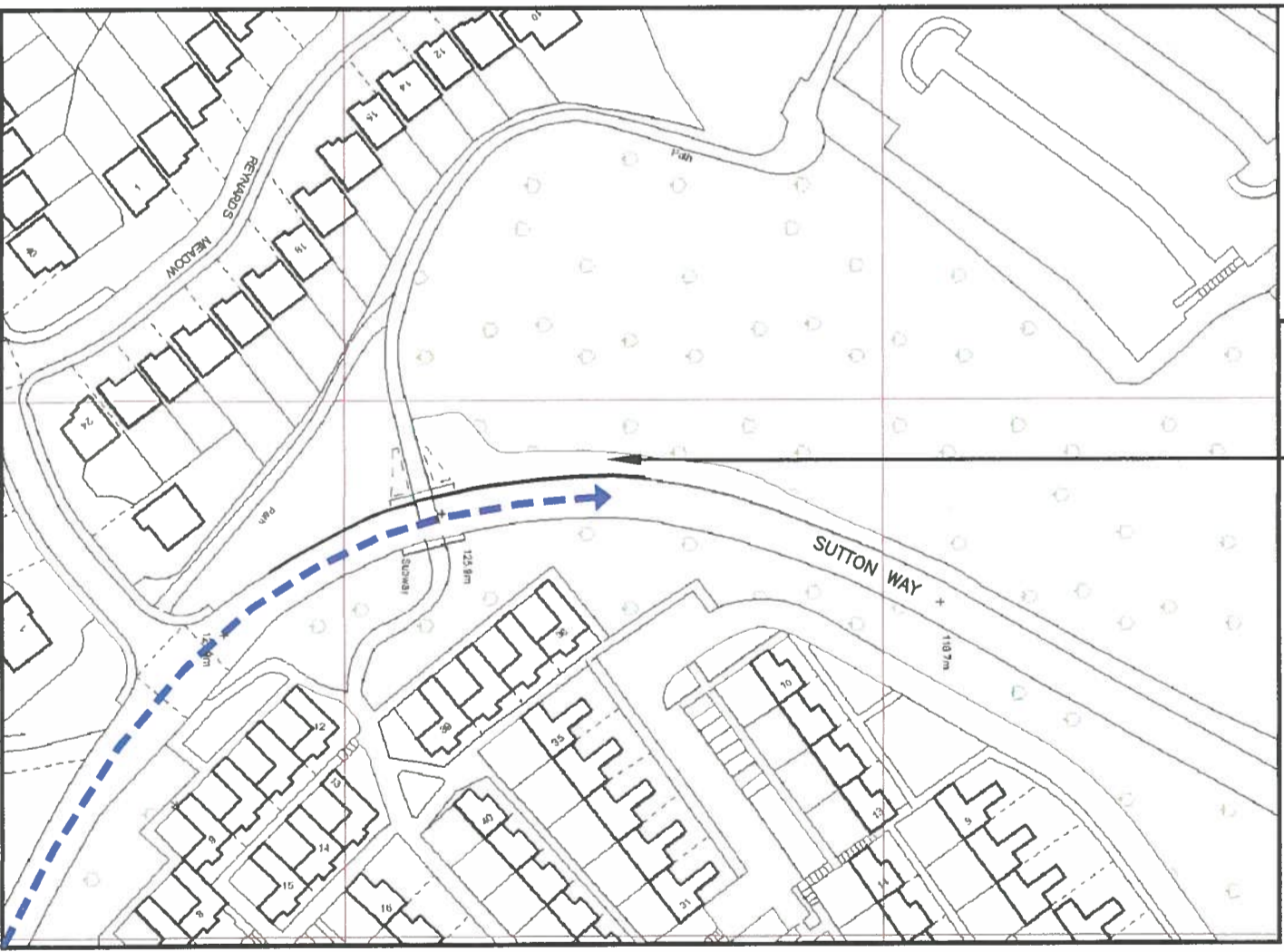
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**SITE PHOTOGRAPH**

Legend:  
 = Site Access  
 = Access Route

**SITE LOCATION**



**DETAILED SITE LOCATION**  
(Scale 1:1250)

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ORIGINAL SCALE AT A3 - 1:1250  
ALL DIMENSIONS IN METRES



ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 369808 N: 303556

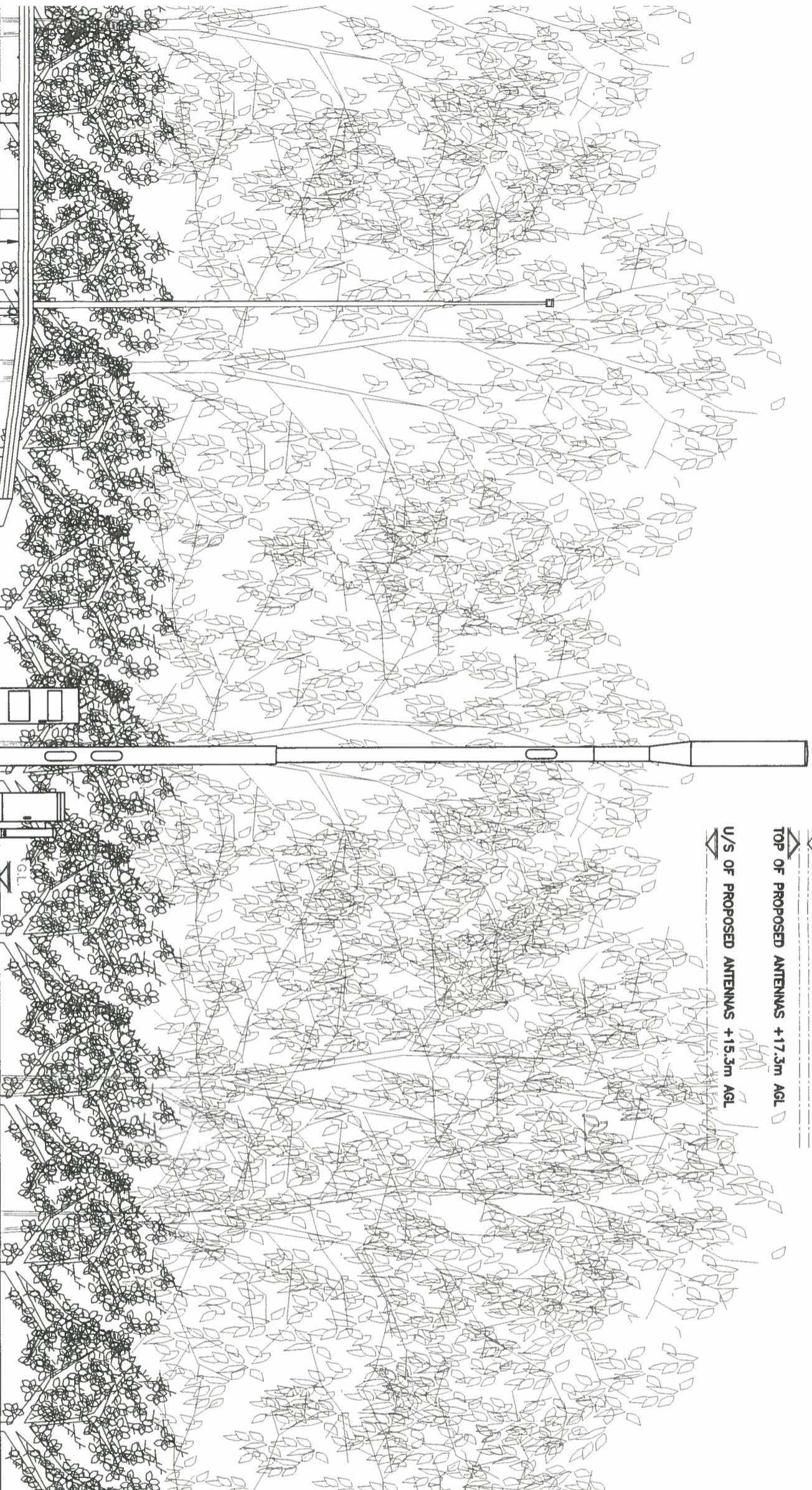
CONCESSION REQUIRED NO

NOTES:

TOP OF PROPOSED POLE +17.5m AGL

TOP OF PROPOSED ANTENNAS +17.5m AGL

U/S OF PROPOSED ANTENNAS +15.5m AGL



**PROPOSED NORTH EAST ELEVATION**

(1:100)



The drawings comply with CTL Beacon Standard ICNIRP guidelines. Designed in accordance with CTL Beacon documents: SDN0008 & SDN0009 'ICNIRP Compliance Summary'

GROW THE GRID		Cell Name		Opt.
TELFORD SOUTH		Cell ID No		-
208075	050836	Site Address / Contact Details		
SUTTON WAY ADJACENT SOUTHGATE MADELEY STAFFORDSHIRE TF7 4NQ				
Drawing Title: PROPOSED SITE ELEVATION				
Purpose of issue: PLANNING				
Drawing Number: 301				
Drawn: DW	Date: 23.09.16	Checked: LB	Date: 23.09.16	Issue: C

**CallifordTry**  
 WOLFEY-HINKLEY 1 QFS 5  
 TEL: +44 0145 22 9 31 91 5 9 8

REV	MODIFICATION	BY	CH	DATE
C	TSC & Pole Heights Amended	JS	LB	07.11.16
B	Address Revised	DW	LB	23.09.16
A	Issued for Approval	DW	LB	23.09.16

## **INFORMATION RECEIVED SINCE PREPARATION OF REPORT**

Application number	TWC/2016/1162
Site address	Telecommunications Mast, Sutton Way, Sutton Hill, Telford, Shropshire
Proposal	Determination under part 16 of the GPDO for the erection of a 17.5m high steel monopole and 2no. equipment cabinets
Recommendation	Telecom Determination Approve

### **1.0 COMMITTEE UPDATE**

- 1.1 Officer's wish to draw members' attention to para 6.14 of the committee report. For the avoidance of doubt the application site falls within close proximity to the Sutton Hill Village Green as well as the Blists Hill Pitmound (one of the five pitmound sites that are designated Nature Reserves) however the application site falls outside the boundaries of these designations. Copies of site maps for these designations have been made available for members (courtesy of Madeley Town Council and the Sutton Hill Village Green group).
- 1.2 It is for this reason the Ecology supporting statement is not required in support of this application. Officers would like to clarify that the principle of the proposed development on this site is already established and therefore this prior approval application should only be considering the siting and appearance of the design.
- 1.3 Taking the above in to consideration, officers remain satisfied that the siting and appearance remains acceptable within the context of the site for the reasons previously explained within the committee report and accordingly the recommendation remains unaffected.

### **2.0 RECOMMENDATION**

- 2.1 Based on the conclusions above, the recommendation is that **PRIOR APPROVAL IS REQUIRED AND GRANTED**

APPROXIMATE LOCATION OF MAST



# Madeley Pit Mounds Local Nature Reserve



# SUTTON HILL VILLAGE GREEN



**TELFORD & WREKIN COUNCIL**

**PLANNING COMMITTEE 25 JANUARY 2017**

**MANAGEMENT OF S106 AFFORDABLE HOUSING CONTRIBUTIONS**

**REPORT OF SERVICE DELIVERY MANAGER DEVELOPMENT  
MANAGEMENT**

**LEAD CABINET MEMBER: COUNCILLOR RICHARD OVERTON**

**PART A – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

To delegate authority to the Assistant Director Governance, Procurement & Commissioning to manage the Payments in Lieu element of the section 106 funds and to allocate these funds subject to stated criteria.

**2. 2.1 That Planning Committee delegate authority to the Assistant Director, Governance, Procurement & Commissioning:-**

- a) In consultation with the Chair of Planning Committee, to exercise the Council's powers to manage and allocate payments received through planning obligations in lieu of on site contributions in accordance with stated criteria;
- b) In consultation with the Chair of Planning Committee, to enter into any required grant agreements, section 106 Town & Country Planning Act 1990 agreements or other agreements to implement the allocation.

**3. SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	Secure the delivery of Affordable Housing through the allocation of financial contributions received in lieu of on site affordable housing provision.
	Will the proposals impact on specific groups of people?	
	No	
<b>TARGET COMPLETION/ DELIVERY DATE</b>	Report to be taken to Planning Committee on the 25th January 2017.	

<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	Section 106 contributions are held separately within the Council's accounts and receipts and usage are closely and regularly monitored. Finance will continue to work closely with the service as they finalise the criteria to be applied to allocate these payments to ensure that Section 106s continue to be used to their full potential.
<b>LEGAL ISSUES</b>	Yes	<p>The Service Delivery Manager Development Management is authorised generally and, in respect of specific applications, by Planning Committee to enter into, sign off and discharge s106 agreements.</p> <p>This report seeks to clarify the position regarding the management of these s106 payments in lieu of on site affordable housing and to clearly delegate the power to the Assistant Director, Governance, Procurement &amp; Commissioning to allocate these payments in conjunction with the Chair of Planning Committee.</p> <p>The arrangements for allocating any payments in lieu will be governed by terms and conditions which will include provisions to ensure that the funds are spent properly on the long term provision of affordable housing or returned</p>
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	No	
<b>IMPACT ON SPECIFIC WARDS</b>	No	Borough-wide impact

## **PART B – ADDITIONAL INFORMATION**

### **4. INFORMATION**

4.1 Section 106 of the 1990 Town and Country Planning Act gives the Local Planning Authority the power to enter into legal agreements with developers to make development proposals acceptable that would otherwise be unacceptable in planning terms. This may include a requirement for the developer to pay financial contributions to compensate for any loss or damage caused by the development, or to mitigate a development's wider impact.

4.2 The key principles for establishing S106 contributions are defined in the National Planning Policy Framework (NPPF) which states

Planning Obligations should only be used where they meet all of the following tests:

- Necessary to make the proposed development acceptable in planning terms
- Directly related to the proposed development
- Fair and reasonable in scale and kind to the proposed development

4.3As financial contributions to the Council, S106 receipts can only be spent towards the purpose set out in the S106 agreement. The power to enter into a S106 agreement and to make payments out of the section 106 account for the stated purposes is exercised by the Service Delivery Manager for Development Management.

4.4Since 2014 the Local Planning Authority has accepted a number of “Payments in Lieu” of on site provision of affordable housing units to mitigate against the impact of development. these payments have arisen out of s106 planning obligations and these planning obligations continue to require allocations for the provision of off site affordable housing. The existing delegated powers to the Service Delivery Manager do not specifically include authority to sign off and allocate these payments in lieu.

4.5The authorisation sought would enable the Assistant Director, Governance, Procurement & Commissioning on the recommendation of the Service Delivery Manager - Development Management, in consultation with the Chair of Planning Committee to make allocations in respect of all of the various payments in lieu already received as well as those to be received in the future. Authority is also sought to enter into any required grant agreements, s106 or other agreements to implement and control the allocation of these funds.

4.6The main payments in lieu of on site affordable housing provision which the Council has agreed to receive from developments in the Newport area include Land at Wellington Road Newport for a sum of £2.75m, Land between Beech Hill and Blue House Barn, Chetwynd Road, Newport for £350k and Land adjacent The Barns, Church Aston, Newport for £459k. These three payments are ring fenced to be spent within the Newport/Church Aston area.

4.7Within Telford there have been a number of contributions namely from developments at the former Ever Ready Factory Hinkshay Road Dawley for £150k, the former Celestica site off Castle Farm Way for £1,100,000, Land between Castle Farm Way and the A5 at Priorslee for £2,026,113 and for Land to the north of Haygate Road Wellington for £300k.

4.8These sums are all subject to various triggers for payment related to the amount of houses built on site or specific time periods. To date

the only payments that have been received concern the first two instalments towards the £2.75m sum from Wellington Road Newport and the Local Planning Authority is now in a position to allocate these funds to affordable housing provision in Newport.

4.9 All Section 106 planning obligations are recorded on the Council's Section 106 database and there is a specific officer within Development Management responsible for Section 106 monitoring. The officer is responsible for regularly monitoring the implementation of development and on-going monitoring is undertaken throughout the year. The results of the monitoring are checked against the Section 106 database, which has a comprehensive record of signed agreements and unpaid contributions, and the records for payments received. Records will be kept in respect of any allocations of these payments in lieu of on site affordable housing.

## **5. LEGAL COMMENT**

5.1.1 The Service Delivery Manager Development Management is authorised generally and, in respect of specific applications which are reported to Planning Committee, to enter into s106 agreements and he signs off and discharges these agreements.

5.1.2 This report seeks to clarify the position regarding the management of these Payments in Lieu of on site affordable housing and to delegate the power to the Assistant Director, Governance, Procurement & Commissioning on the recommendation of the Service Delivery Manager - Development Management, in consultation with the Chair of Planning Committee.

5.1.3 The arrangements for allocating any payments in lieu will be governed by terms and conditions which will include provisions to ensure that the funds are spent properly on the long term provision of affordable housing or returned

## **6. CRITERIA**

The criteria to be applied to allocate these payments will be worked up, discussed with the Chair of Planning Committee, finalised and made public. However, certain principles may need to be reflected in the criteria including the following:

6.1 recipient will need to enter into binding arrangements to secure that that the funds are spent properly on the long term provision of affordable housing or returned

- 6.2 the allocated funding should be necessary to provide the affordable housing e.g. the viability of the site is such that the recipient would not have otherwise been able to afford to provide it
- 6.3 the proposed allocation should be reasonable in all respects e.g. it represents value for money
- 6.4 the recipient will have to agree to provide information to the Council to demonstrate that any allocated funds are being spent properly on the provision of affordable housing
- 6.5 Affordable housing is needed in the area where the allocated funds are to be spent.

7. **PREVIOUS MINUTES**

None

8. **BACKGROUND PAPERS**

None

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