

## **PLANS BOARD**

### **Minutes of a meeting of the Plans Board held on Wednesday, 13 July 2011 at 6.00pm in the Reception Suite, Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors J C Minor (Chairman), N A Dugmore, K R Guy, A S Jhavar, R T Kiernan, J Loveridge, A A Meredith, S A W Reynolds and C R Turley.

**ALSO PRESENT:** Councillor I T W Fletcher (for planning application TWC/2011/0069) and Councillor M J Smith (for planning application TWC/2011/0430).

#### **PB-016 MINUTES**

**RESOLVED** – that the minutes of the meeting of the Plans Board held on 22 June 2011 be confirmed and signed by the Chairman.

#### **PB-017 APOLOGIES FOR ABSENCE**

None.

#### **PB-018 DECLARATIONS OF INTEREST**

Councillor R T Kiernan declared a personal interest in planning application TWC/2011/0085.

Councillor A A Meredith declared a predetermination in relation to planning application TWC/2011/0179 and indicated that he would leave the room during determination thereof.

#### **PB-019 DEFERRED/WITHDRAWN APPLICATIONS**

None.

#### **PB-020 SITE VISITS**

**RESOLVED** – that the following Site Visits take place on Wednesday, 3 August 2011:  
TWC/2011/0179 - 3.00pm - Land at Broomfield Road, Newport, Shropshire; and  
TWC/2011/0430 - 4.00pm - 2 Pool Meadow, Hadley, Telford, Shropshire, TF1 5RJ

#### **PB-021 PLANNING APPLICATIONS FOR DETERMINATION**

Members had received a schedule of planning applications to be determined by the Board and fully considered each report and the supplementary information tabled at the meeting regarding planning applications TWC/2011/0179 and TWC/2011/0069.

(a) TWC/2010/0085 Leaton Quarry, Leaton, Telford, Shropshire, TF6 5HB

This was an application for the construction of a new site access road, to include a new junction with the B5061 and the closure of the existing access onto Leaton Lane; an increase in the average output from the site from 400,000 tonnes per annum to 750,000, extension to the extraction area of the quarry and placement of soils and overburden to create landscaped screen mound.

Members welcomed the applicant's approach to mitigating the impact of the proposal and addressing of local concerns.

**RESOLVED** – that with respect to planning application TWC/2010/0085 planning permission be granted subject to the owners entering into a S106 agreement in respect of contributions towards required highway works and a biodiversity project and to the conditions as set out in the report.

(b) TWC/2011/0069 North Lynn Manor, Lynn, Newport, Shropshire, TF10 9BB

This application related to the erection of two 20kw wind turbines on 20 metre high towers on land at North Lynn Manor, Woodcote, Newport. The two turbines would stand alongside an existing 18 metre high wind turbine. This application had been deferred to enable Members to undertake a site visit.

Borough Councillor I T W Fletcher spoke on behalf of the Ward Councillor who was unable to attend due to prior commitments. Councillor Fletcher spoke in opposition to the application focussing on the requirements of Saved Wrekin Local Plan Policy NR2.

Chetwynd Aston and Woodcote Parish Councillor M Roberts spoke in opposition to the application due to the close proximity to neighbouring properties.

Mr M Norton a local resident spoke against the application on the grounds of visual impact, noise and ecological concerns and this was echoed by Mr R Parsons who also expressed concern about the suitability of the site and fears that the applicant was creating a wind farm.

The Applicant, Mr M Davies, then spoke in favour of the application.

Members welcomed the generation of power from a renewable energy source and, referring to the site visit undertaken that afternoon, considered that the proposed turbines would not dominate local views and noise levels would be unlikely to cause a nuisance.

**RESOLVED** – that with respect to planning application TWC/2010/0069 planning permission be granted subject to the conditions as set out in the report.

*(In accordance with his declared predetermination Councillor A A Meredith left the room during determination of the following application.)*

(c) TWC/2011/0179 Land at Broomfield Road, Newport, Shropshire

This was an outline application relating to residential development for 30 dwellings, and associated engineering and road improvement works, on land at the end of Broomfield Road, Newport, and backing onto the canal. Approval was sought for matters relating to access, layout and scale, whilst appearance and landscaping were reserved for subsequent approval.

Newport Town Councillor R Pitt spoke in opposition to the application particularly on the grounds of highway safety, affect on SSSI, unsuitable ground conditions, loss of amenity and the suitability of the development in the rural area.

Master D Brown, Mr R Arkinstall and Mrs A Astley then all spoke against the application respectively on the grounds of loss of green space and reduction of play area, the impact on nearby properties and the suitability of the development with particular reference to environmental concerns.

Borough Councillor A A Meredith spoke against the application on behalf of the Borough Ward Councillor highlighting that the application was contrary to Policy H24 of the Local Plan. Councillor Meredith then left the room during determination of this application.

Mr J Jowlett, on behalf of the applicant, then spoke in support of the application.

**RESOLVED – that determination of planning application TWC/2011/0179 be deferred to allow the Board Members to make a Site Visit.**

(d) TWC/2011/0385 14 Limes Walk, Oakengates, Telford, Shropshire, TF2 6EP

This was a retrospective application for the change of use of a retail unit (Use Class A1) to an Employment Agency business (Use Class A2) within the pedestrianised part of Oakengates District Centre and its primary retail zone.

Members were of the opinion that, due to the current economic climate, this application would have a positive impact on the primary retail zone in Oakengates Town Centre.

**RESOLVED – that with respect to planning application TWC/2011/0385 planning permission be granted subject to the conditions as set out in the report.**

(e) TWC/2011/0421 41 Ford Road, Newport, Shropshire, TF10 7TU

Newport Town Council had requested that this application for the change of use from open space land to private garden land and the erection of a 1.8m high timber panel fence be determined by the Plans Board.

Newport Town Councillor R Pitt spoke in opposition to the application particularly focussing on loss of open space and the setting of a precedent for neighbouring property owners to make similar applications.

The majority of Members considered that the application would not adversely impact the character of the area and that the public footpath would be unaffected.

**RESOLVED – that with respect to planning application TWC/2011/0421 planning permission be granted subject to the conditions as set out in the report.**

(f) TWC/2011/0430 2 Pool Meadow, Hadley, Telford, Shropshire, TF1 5RJ

This application related to the erection of a two storey extension to side and rear of a semi detached property.

Councillor M J Smith, Ward Councillor, spoke on behalf of the Applicant and suggested that Members undertake a site visit to consider the application in context.

**RESOLVED – that determination of planning application TWC/2011/0430 be deferred to allow the Board Members to make a Site Visit.**

(g) W2003/1238 Muxton C2/C3, Marshbrook Way, Muxton, Telford, Shropshire

This report sought agreement from the Plans Board to a variation of an existing Section 106 agreement linked to outline planning permission W2003/1238 in order to provide flexibility in the current economic climate.

**RESOLVED – that the Head of Housing & Planning be authorised to vary the existing S106 agreement to delete the requirement for 15% shared ownership dwellings and substitute with a requirement for 15% intermediate tenure dwellings.**

(h) W97/0566 Allscott Storage Depot, Cross Green, Allscott, Shropshire

This was an application to vary the S106 legal agreement on the site which restricted the applicant from letting the site in parts, allowing them to still maintain ownership but find reasonable solutions to letting the vacant site.

Members welcomed the application.

**RESOLVED** – that the Head of Housing & Planning be authorised to vary the S106 legal agreement relating to planning application W97/0566 in the terms set out in the report.

The meeting ended at 7.59pm.

**Chairman:** .....

**Date:** .....

TELFORD & WREKIN COUNCIL

PLANS BOARD

3<sup>RD</sup> AUGUST 2011

Schedule 1 - Planning applications for determination by Board

|   |           |
|---|-----------|
| <b>TWC/2010/0790 Enterprise Garage, Trench Lock, Hadley, Telford,</b><br>Shropshire, TF1 5SZ Erection of 2 blocks for up to 6 units for Use Class A1<br>(retail), A2 (financial & professional), A3 (restaurants and cafes) and A5<br>(hot food takeaways) - outline to include access .....  | <b>3</b>  |
| <b>TWC/2011/0179 Land at Broomfield Road, Newport, Shropshire</b><br>Outline application (to include access, layout and scale) for residential<br>development for 30 dwellings (including 15 affordable dwellings) with<br>balancing pond and associated engineering and road improvements works<br>.....   | <b>23</b> |
| <b>TWC/2011/0255 Sunnycroft, High Ercall, Shropshire, TF6 6AJ</b><br>Erection of detached garage and summer house building and installation of a<br>new hipped roof and dormer window on existing bungalow .....  | <b>34</b> |
| <b>TWC/2011/0323 5 Bilberry Close, The Rock, Telford, Shropshire, TF3</b><br><b>5DF</b> Renewal of planning permission W2008/0671 for the erection of a<br>detached garage .....  | <b>38</b> |
| <b>TWC/2011/0391 Units 11 &amp; 12, Hadley Business Park, Hadley Park Road,</b><br><b>Hadley, Telford, Shropshire, TF1 6AB</b> Modification of conditions No.13 &<br>14 on Planning Permission W2006/0747 to change hours of operation to<br>allow units Nos.11 and 12 to operate from 5.30am - 7.00pm Tuesday to<br>Saturday (further amended description) ..... | <b>44</b> |
| <b>TWC/2011/0430 2 Pool Meadow, Hadley, Telford, Shropshire, TF1 5RJ</b><br>Erection of a two storey extension to side and rear.....  | <b>52</b> |
| <b>TWC/2011/0477 11 Bratton Road, Bratton, Telford, Shropshire, TF5 0BT</b><br>Erection of single storey attached garage to side of existing dwelling and<br>conversion of existing garage to a self contained unit .....   | <b>56</b> |
| <b>TWC/2011/0496 7 Hodge Bower, Ironbridge, Telford, Shropshire, TF8</b><br><b>7QG</b> Demolition of a single storey entrance hall and the erection of a new<br>two-storey extension .....  | <b>61</b> |
| <b>TWC/2011/0505 Land Adjacent To, 15 Woodside, Coalbrookdale,</b><br><b>Telford, Shropshire, TF8 7ED</b> Erection of dwelling house and single<br>garage .....   | <b>67</b> |
| <b>TWC/2011/0534 13 Haybridge Avenue, Hadley, Telford, Shropshire, TF1</b><br><b>5JP</b> Erection of a garage.....  | <b>74</b> |
| <b>TWC/2011/0556 Open Space off, Princes End, Dawley Bank, Shropshire,</b><br><b>TF4 2JW</b> The creation of a new childrens ball court and seating.....  | <b>77</b> |
| <b>W2004/0980 Land at, Lawley, Telford, Shropshire.</b> Residential<br>development comprising 3300 dwellings, employment/mixed-use<br>commercial/leisure development, erection of a primary school and  |           |

community centre, infrastructure works and associated recreational space  
and landscaping .....81

TWC/2010/0790 Enterprise Garage, Trench Lock, Hadley, Telford, Shropshire, TF1 5SZ  
Erection of 2 blocks for up to 6 units for Use Class A1 (retail), A2 (financial & professional), A3 (restaurants and cafes) and A5 (hot food takeaways) - outline to include access

**APPLICANT**

, Enterprise Garages Ltd

**RECEIVED**

16/03/2011

**PARISH**

Hadley and Leegomery

**WARD**

Hadley and Leegomery

THIS APPLICATION IS TO BE DETERMINED BY MEMBERS OF PLANS BOARD AS IT IS A DEPARTURE FROM THE ADOPTED DEVELOPMENT PLAN

OBJECTIONS RECEIVED: Yes.

**MAIN ISSUES:**

Principle of re-development of the site, effect on the vitality and viability of Hadley and the neighbouring District Centres, residential amenity, highway safety, urban design.

**THE PROPOSAL:**

This is an outline application to include access (matters in respect of appearance, landscaping, layout and scale are matters reserved for later consideration) for the erection of 2 buildings (A & B) with a total combined gross floor area of 524sq m (this figure is rounded down to 520 sq m in the Design & Access statement and 516 sq m elsewhere in the document), for a mix of A1 (retail), A2 (financial and professional), A3 (restaurants and cafes) and A5 (hot food takeaways).

Both buildings will have a ridge height of 4.7m; building zone A (Unit 2) will measure 25.9 x 15.2m and have a gross floor area of 394sq m. (395 sq m on the proposed site plan drawing) that could be used for a maximum of 6 units and building zone B (Unit 1) will measure 13.3 x 9.8m have a gross floor area of 130sq m. (125 sq m on the proposed site plan drawing) and could contain a maximum of 3 units. Access will be off Trench Road with associated car parking, servicing and ancillary facilities for the north west of the site.

Members of Plans Board are advised that a planning application (TWC/2010/0755) for the erection of a building for a restaurant (Use Class A3) and drive-through (Use Class A5) unit for KFC with parking following demolition of the existing garage building on the northern side of the former Enterprise Garage site was approved, following a satisfactory response from the Environment Agency, at Plans Board on 9<sup>th</sup> March 2011.

**SITE AND SURROUNDINGS:**

The application site is located on Trench Lock, which is situated in Hadley, just off Trench Lock Interchange. The site is located approximately 2.5 miles

to the north of Telford Town Centre, and approximately 800m from Hadley District Centre.

The site until very recently was a garage for car sales for Enterprise Garages, with workshop and retail parts facility as well as a car valeting kiosk to the rear of the site and a large area of hardstanding, but demolition has now started and the fuel tanks have been removed in relation to the recent approval for a KFC on part of the site. Until recently there had been a small size convenience store and a petrol station with eight filling bays on the site.

There are a range of existing uses which operate within close proximity to the site. To the north of the site there is a 24 hour petrol station which also contains a Nisa Local store. To the south of the site lies a new residential development called 'Sommerfields' which has been built by Bloor Homes and consists of approximately 350 dwellings. Further south of the site, at the former Capewell works, planning consent has been approved for a further 234 dwellings to be built by Redrow Homes. Construction work has already commenced on site, and these dwellings are expected to be completed by 2012.

To the immediate north of the site on the opposite side of Trench Road is an indoor children's play warehouse (Jungle land), to the east lies the A442 interchange and to the west lies a His car repair garage. To the south of the site immediately adjacent the site boundary lie two residential properties.

#### PLANNING HISTORY:

W81/0371 COU from storage to retail FG  
W81/0371 Erection of a petrol filling station FG  
W82/0461 Flat roof over tyre store FG  
W82/0498 Renewal of permission for retail shop FG  
W86/0274 Extension to garage premises FG  
W89/0151 Erection of car wash FG  
W94/0878 COU to car sales and car park FG  
W99/0461 Erection of single storey side extension FG  
W2000/0285 Extension of opening hours to 24hrs FG  
W2001/0089 Demolition of carwash and extension to offices FG  
Various Advertisement Consents granted

TWC/2010/0755 for the erection of a building for restaurant (Use Class A3) and drive-through (Use Class A5) unit for KFC with parking following demolition of existing garage building was approved by Members of Plans Board on 9<sup>th</sup> March 2010 following a satisfactory response from the Environment Agency.

#### PLANNING POLICY CONTEXT:

##### National Planning Guidance

PPS 1 Delivering Sustainable Development

PPS4 Planning for Sustainable Growth

PPG 13 Transport

PPS23 Planning and Pollution Control

PPS24 Planning and Noise  
PPS25 Development and Flood Risk.

Saved Wrekin Local Plan Policies

UD2 Design Criteria  
S1 Service Centre Hierarchy  
S25 Local Centres and Local Shops

LDF Core Strategy

CS5 District and Local Centres in Telford  
CS9 Accessibility and Social Inclusion  
CS15 Urban Design

CONSULTATION RESPONSES:

Hadley and Leegomery Parish Council initially had no objection. However, the Parish Council wishes to withdraw its earlier comments in response to this application and submit these revised comments of objection.

1. It is contrary to the retained policies of the Wrekin Local Plan which relate to Service Centre hierarchy, namely policies S1, S20 and S21 and also Policy CS5 of the Local Development Framework Core Strategy DPD
2. It is contrary to section EC16 of national guidance PPS4 which requires that it is assessed against the impact upon existing, committed and planned public and private investment in a centre in the catchment area of the proposal.
3. The sequential assessment submitted as required by section EC15 of PPS4 is flawed in that it focuses primarily on the proposed A3 drive through restaurant unit which was the subject of a separate application, rather than on the suitability of sites for retail development which is the subject of this application.
4. Concern that vehicles exiting the site wishing to turn right towards Trench Lock Interchange will present a danger on this busy road.
5. Policy S1 of the Wrekin Local Plan defines the hierarchy of service centres in Telford & Wrekin and includes Hadley District Centre in level 2 of that hierarchy. District Centres are intended as the focus for new development and this further endorsed in policy CS5. Policy CS1 states that the Council will only permit new retail development outside of the hierarchy if it conforms to exceptions defined in policies S2-9. Policy S2 states that there should be no adverse impact upon the Town and District Centres demonstrated by a retail impact study. Policy CS5 of the Core Strategy states that District Centres (including Hadley) will be the focus for new development.
6. Telford and Wrekin Council has developed plans for the regeneration of Hadley District Centre to create a modern shopping facility to serve

the growing local community. The plans have been subject to public consultation and the redevelopment has been scheduled to start in spring 2012. The retail offer is planned to include a supermarket of approximately 371 sq m (4000 sq. ft) in size.

7. The proposed development at Trench Lock whilst in outline form at present includes two buildings for retail use. One of the proposed buildings is of similar floor area to the planned unit in Hadley Centre for a supermarket. If a major supermarket operator were able to locate at Trench Lock before the Hadley redevelopment could begin it would threaten the viability of a supermarket in the new District Centre, and that in turn would jeopardise the regeneration project of Hadley District Centre development unviable. The proposals at Trench Lock will therefore have an impact on and threaten the viability of both the existing and the regenerated Hadley District Centre, and are contrary to the principle of directing new retail development to established centres. The sequential tests and impact assessment included in the agent's planning statement are dominated by references to the A3 drive through restaurant use, and do not take in to account the planned public and private investment for Hadley Centre as required by PPS4 and policy S2 of the Local Plan.
8. The proposals for retail development if implemented will generate significantly more traffic which, particularly when turning right from the site, would present a danger to traffic travelling along Trench Lock.

For the reasons detailed above the Parish Council requests that permission for this retail development is refused.

The Council's Estate & Investments department objects to the proposed development and consider that:

The current district centre is outdated, unattractive architecturally, is the subject of anti-social behaviour and in urban design terms does not make use of the available land to the best of its abilities. As a consequence of the construction of Britannia Way the existing district centre suffers from poor accessibility and lack of passing trade. The existing topography, retaining walls and extensive tree screening further exacerbate the lack of identity / visibility of the district centre resulting in poor legibility. Therefore, Telford & Wrekin Council are in the process of developing a modern district centre shopping facility and attractive residential environment that follows the principles of established urban design guidance and strengthens the concept of a local community. The key aims for the redevelopment are summarised as follows:

- Ease of movement – A place that is easy to get to and move through.
- Continuity & Enclosure – A place where public and private spaces are clearly distinguished.
- Quality of Public Realm – A place with attractive and successful outdoor areas.
- Legibility – A place that has a clear image and is easy to understand.

- Character – A place with its own identity.
  - Adaptability – A place that can change easily.
  - Diversity – A place with variety and choice.
- 
- To allow this out of centre retail application to proceed would seriously jeopardise the financial viability of the existing and proposed Hadley District Centre.
  - The proposal is contrary to the fundamental principle of directing new retail development to established centres, as identified in a retail hierarchy in the Local Plan and supported by the policies of PPS4. Material considerations put forward do not dictate otherwise.
  - With reference to Policy EC17.1a (of PPS4), the application has not demonstrated compliance with the requirements of the sequential approach.
  - Whilst a sequential test has been applied, it is not sufficiently robust in its assessment. If applied correctly, the outcome would not be a positive one.
  - With reference to Policy EC17.1b (of PPS4), the application has not demonstrated that there would not be an adverse impact upon the existing Hadley centre.
  - Whilst an impact assessment has been applied, it is not sufficiently robust in its assessment. If applied correctly, the outcome would not be a positive one.
  - The scheme is contrary to adopted Local Plan policy and up to date national planning guidance, principally that of PPS4.

Development Plans (Policy) advised at the pre-application stage that policies in the Local Plan aim to maintain a hierarchy of service centres in Telford. The maintenance of the retail hierarchy is seen as the best way of reinforcing vitality and viability of existing centres. Hence new retail development is expected to locate within existing Town, District and Local Centres, and not in other locations which could adversely affect the livelihood and viability of existing centres. New shops should be of a size and scale that serve and meet the immediate needs of the communities which they serve.

The new policies in the LDF Core Strategy also emphasise the need to sustain and enhance the vitality and viability of District Centres, such as Hadley which is the closest District Centre to Trench Lock, and concentrate new services and facilities within them. Established local centres provide small scale community facilities serving a small catchment area to meet people's day to day needs, and future ones should be located in areas of new residential growth.

With regards to national policy the proposal would need to satisfy the policies contained within PPS4, and clarity over this would be sought through the planning application process. The government approach clearly differentiates between the role of need, impact and sequential site assessment in the decision making process.

The application identifies the desire for a flexibility of use classes, ranging from A1, A2, A3 and A5. However it would be beneficial to ensure that a range of uses is achieved, as an exclusively singular use e.g. A5, would not be considered appropriate for a local centre.

Drainage Engineer has advised that the drainage for the proposal must be installed in accordance with the submitted FRA undertaken by Campbell Reith and dated 4th November 2010, and the drainage system for the site will remain within the ownership of the Agent and any maintenance of the system will be the responsibility of the Agent.

### Highways

Since the application was received (and in association with application TWC/2010/0755 KFC), the Council's Highway Engineers have discussed the access, parking and servicing arrangements for the proposed development with the Agent. As a result of the discussions amended drawings have been received for both on site and off site improvements that include:-

- Moving the proposed access road approx. 9 metres to the north east along the site frontage, and adjusting the kerb line between the access and the roundabout.
- Amending the red line within the agent's overall site to incorporate the turning circle for the delivery HGV's.

The Council's Highway Engineer has confirmed that the revised plans are acceptable and they support the proposal subject to conditions.

The Contaminated Land Officer has confirmed that he after reviewing the submitted site investigation report prepared by Smith Grant Partnership, he agrees with the proposed recommendations in Section 6 and has no objections in principle subject to conditions.

The Environment Agency has no objections subject to conditions.

Shropshire Fire Service has no objections and advises informatives in respect of Access for Emergency Fire Service Vehicles and a Sprinkler System.

British Waterways has no adverse comments to make.

A Site Notice a twenty two direct neighbour letters have publicised the application.

4 representations have been received (in respect of this application and application TWC/2010/0755 KFC) and are summarised below:-

- Natural springs under the site and the site is prone to flooding,
- over-looking due to higher ground levels,
- no mention of the height of the buildings,
- no details of lighting,
- buildings are too close to the boundary and a fire risk,
- the existing conifer trees are a fire risk,
- Rights of access across the site,

- Dust and dirt from demolition will exacerbate existing health problems,
- Objectors advised by the Local Councillor that the application will be determined by Plans Board,
- The occupiers of Sundawn currently benefit from a rights of way across the proposed development site which currently has gated access to the property this should be preserved. It is unclear from the proposal whether this will continue to be the case.
- The proposal will lead to increased evening traffic and therefore a possible invasion of privacy and over-looking.
- The increased number of people around Sundawn (particularly in the evenings) could give rise to an increased risk of vandalism or theft.
- The mower shed belonging to the occupiers of The Bungalow forms part of the existing office building,
- There is a row of Conifers which is home to numerous birds,
- Increased litter and rubbish,
- What type of fencing will be used,
- Existing workshops are excellent and should be re-used,
- Physical boundary should demarcate the forecourt and private drive,
- Loss of visitor parking.

Other family members who all own a share of The Bungalow have objected to the redevelopment of the site on the following grounds:-

- Increased Traffic , Pollution and Noise at all times
- Loss of Privacy
- Light pollution from the car park area
- Loss of Security due the increase of visitors to the developments and possible anti social behaviour
- Fall in the enjoyment and value of the property.

They have also advised that the current occupier of The Bungalow does not own the property and that the tarmac covered land immediately in front of The Bungalow is separately owned.

Bloor Homes (the developers of the adjacent site on behalf of their residents.)

The issues raised are:-

- Potential increase in traffic levels,
- Potential increase in noise.

The agent has met with the occupiers of Sundawn. The agent has also written to and telephoned the occupiers of The Bungalow and the Ward Councillor and has suggested meetings; to date these invitations have not been accepted.

#### PLANNING CONSIDERATIONS:

The site is previously developed 'Brownfield' land and has no designation in the Wrekin Local Plan. The site is not located within a conservation area or contain any listed buildings or buildings of local interest. The site was

previously used by Enterprise Garages, and was until recently used for a range of uses, which included car sales, motor repairs and servicing and a car washing service. The garage business had been struggling for some years given the current challenging economic conditions, and only a small part of the business was currently operating from the site when the application was submitted. The principle of the redevelopment of the front part of the site was approved by Members at Plans Board on 9<sup>th</sup> March 2010. (TWC/2010/0755 KFC). Since submission of the application and grant of the KFC proposal the former business has ceased and site clearance has commenced for the construction of the KFC unit.

This proposal seeks permission for what is essentially the creation of what could be regarded as a new local retail centre to serve the immediate area. As the application is outline the proposal seeks to control the retail development through the use of “Parameter Plans” that provide details on the new access, use, amount, building heights and building zones for the proposals. The landscaping and appearance details of the proposal are reserved, and will be determined during the detailed design stages.

The Parameter Plans which have been submitted by the agent include Parameter Plan 1 (Site Access and Movement), Parameter Plan 2 (Building Zones), Parameter Plan 3 (Building Heights) and Parameter Plan 4 (Parking and Servicing Provision).

Given the outline nature of the proposals, the agent is unable to confirm the final number of retail units that will be developed within this location. However, the agent proposes a minimum of 3 retail units and a maximum of 6 retail units at the site to offer the appropriate level of retail provision for the locality, and would accept conditions to restrict the number of units or degree of amalgamation.

The Council has sought independent retail advice from a retail specialist White Young Green (WYG).

The adopted Development Plan is the starting point for the assessment of any proposed development. However, significant weight should also be given to recent government national guidance in relation to retail development set out in Planning Policy Statement 4: Planning for Sustainable Growth (PPS4) that was published in December 2009.

There are several relevant policies in PPS4 to consider. Policy EC14 states that any planning application for main town centre uses that are not in an existing centre and are not in accordance with an up to date development plan, must satisfy both the sequential test (policy EC15) and assess any potential significant adverse impacts set out in policy EC16. In going on to determine planning applications for main town centre uses that are not in a centre or in accordance with an up to date development plan policy EC17 advises that such applications should be refused where *“a) the agent has not demonstrated compliance with the requirements of the sequential approach (policy EC15); or b) there is clear evidence that the proposal is likely to lead to*

*significant adverse impacts in terms of any one of the impacts set out in policies EC10.2 and 16.1 (the impact assessment)...*

### **The Need for the Development**

PPS4 advises that applications for retail development no longer have to satisfy a specific test of “need”. However, the need for the proposed development and the manner in which it operates will still influence the application of the sequential approach and any impact test.

In the supporting documentation, the agent suggests that a need for a new local centre at the application site has arisen due to two major residential schemes which are currently being constructed in close proximity to the site (the former Capewell Works and adjacent at Trench Lock 1). The agent also suggests there is a lack of retail provision within the immediate area, thereby forcing local residents to take longer trips to access retail facilities elsewhere. In this regard WYG have concerns about the agent’s case.

With regards to claims of lack of retail provision, officers and WYG dispute this. There are various local food stores nearby, namely a Nisa local store 70m from the site, a Lidl supermarket store 500m from the site, and the established Hadley District Centre less than a 1km from the site, and officers and WYG would contend that the presence of these nearby retail outlets does not demonstrate a lack of retail facilities that is forcing people to travel significant distances. It is accepted that people may have to travel further distances for main food shopping but this proposal of between 3-6 small retail units ranging in size from 130 sq m to 394 sq m will not address those trips. WYG advise that the proposed development will solely be focused on meeting top-up shopping trips for which there are already facilities in the local area as mentioned above.

Core Strategy policy CS5 deals with District and Local centres in Telford and that they “*will be the focus of new development serving the needs of their respective communities*”. And at para 9.34 of the supporting policy text goes on to say “*The policy aims to sustain and enhance the vitality and viability of district centres by concentrating new development and facilities in them to support the principle of a hierarchy and range of centres*”. Hence the development plan specifically identifies Hadley District Centre as being one of these centres.

This approach is also set out in Local Plan policy S1 which sets out the hierarchy of service centres across the Borough, with retail development to be primarily focussed on Telford Town Centre at the top of the hierarchy in Level 1, but with recognition of the role played by District Centres in meeting the needs of the local community (Hadley District Centre is Level 2 in the hierarchy) and the supporting policy text advises that “*New retail development will be expected to locate within the Town and District Centres...*”(5.3.4). The agent acknowledges this.

The agent also highlights the fact that the development plan confirms that new housing developments will be located either within these centres or in

locations that are highly accessible to these centres. This would appear to suggest that the development plan strategy assumes that the needs of the local community will be met by existing centres that will be the focus for future retail development. Therefore, it is considered that a District Centre within 1km of new residential development is clearly accessible and responds positively to the thrust of Policy CS5.

Policy S25 within the Local Plan does permit the creation of new shops of a size and scale related to the needs of immediate communities. Whilst the agent identifies this policy as justification for the proposal, the written text to the policy confirms that this policy actually relates to extensive areas of residential development distant from existing shopping facilities, such as the new Lawley development, rather than the provision of new Local Centres to serve large housing developments after they have been built. Indeed the supporting text of policy CS5 says at para 9.38 that “*During the Plan period new Local Centres will be identified and potentially include Lightmoor, Lawley and East Ketley*”. The Council and WYG would comment that the residents in the local area, including those residents of the new housing developments, already benefit from a Lidl, a Nisa convenience store and Hadley District Centre all within 1km distance and therefore the application site does not represent an area that is distant from existing shopping facilities.

If there was a clear need for another Local Centre in the area due to the scale of residential development and perceived lack of local facilities then this is something that would have been addressed through the development plan process or would have comprised part of the applications for the significant residential development that is currently being implemented. Nowhere in the development plan process or in any document that has been produced by the Council is there any requirement for a new local centre on this site or in this location. Therefore, the suggestion that this development would meet a need that is identified to create a new centre is contrived. The suggestion that the proposed development could function as a Local Centre in the future is not justification in itself for the need for a Local Centre, particularly given the fact that there is an established District Centre close by within 1km of the site. The Council’s retail consultant considers that the agent has significantly overstated the deficiency in local retail provision and appears to have misinterpreted the fact that the established District Centre of Hadley would seek to serve a catchment well beyond 1km.

Therefore, although it is no longer necessary to satisfy a test of “need” under the new guidance set out in PPS4, it is important to consider the evidence that has been submitted on this matter as it clearly informs the conclusions reached by the agent on the need for undertaking a sequential approach and assessment of impact.

The agent’s have submitted additional information (dated 7<sup>th</sup> April 2011) in which they now suggest that the proposal does not intend to create a Local Centre but will provide a parade of shops to serve the immediate catchment. The rationale for the change in the argument appears to be based on the absence of an appropriate definition in PPS4. However, Annex B of PPS4

does provide definitions of various types of centres including town, district and local. The definition of a local centre (as set out in Annex B) *“includes a range of small shops of a local nature serving small catchments. Typically, local centres might include, amongst other shops, a small supermarket, a newsagent, a sub-post office, and a pharmacy. Other facilities could include a hot food takeaway and laundrette”*. Whilst the development would constitute out-of-centre development, once implemented, the development could form the role of a local centre as it could include a row of 6 small shops (or a small supermarket and other small shops) as set out in the parameters. Therefore, it is not clear from the agent’s additional letter whether he is agreeing that the development would not provide a new local centre which has been planned for as part of the development plan, or that once built it would still not function as a local centre. WYG considers that the agent is struggling to define what this development is for.

### **Application of the Sequential Approach**

Policy EC14 of PPS4 requires that for planning applications for main town centre uses (such as those proposed) that are not in an existing centre and are not in accordance with an up to date development plan, that a sequential assessment is undertaken (under Policy EC15). This seeks to determine whether all locations within an existing centre have been thoroughly assessed before less central sites are considered. Policy EC15 of PPS4 then sets out various considerations for doing a sequential assessment such as whether other sites are available, suitable and viable, and expects developers to consider whether the development proposal can be broken down into smaller elements that could be accommodated in more central locations.

The agent considers that the proposal does not have to undergo a sequential assessment because it will be a new local centre (despite later saying it will not be a local centre) and quotes para 6.18 of the Practice Guidance that accompanies PPS4, which deals with the use of the sequential approach where a need has been identified to create a new centre. Paragraph 6.18 actually deals with planned and new centres which have been identified through the development plan process or recorded in other documents where need assessments have been undertaken.

WYG advise that the agent has failed to quote the second sentence of paragraph 6.18 which states that: *“As required by national policy, new centres should be considered through the RSS/LDF process. This should include considering the appropriateness of new centres, the scale and form of development likely to be appropriate (including the need for floorspace thresholds), and other matters such as the impact on existing hierarchy and networks of centres.”* This means that where a proposal comes forward within an identified new centre (set out in the emerging LDF or in the adopted development plan), then the sequential test will not be appropriate, provided the other policy tests were met when the centre was identified. WYG point out that the problem with the agent applying para 6.18 to this proposed development is that the need for the local centre has never been identified by the LDF process - only by the agent - and the policy tests (such as the sequential approach and impact) have never been met.

Despite all this the agent has done a sequential approach, but suggests that this has only been undertaken at the request of the Council because they believe one is not needed.

There appears therefore to be some contradiction in the agent's Retail Statement. Paragraph 3.12 of the Retail Statement states that the proposed development was within a planned new centre and therefore does not need to satisfy the sequential approach. However, at paragraph 5.55 of the same report the agent accepts that the development is located in an out-of-centre destination and therefore other sites within and on-the-edge of Hadley District Centre are sequentially preferable than the (former) Enterprise Garage site. WYG advise that the agent's interpretation at their para 5.55 is the correct approach.

The agent now accepts that the development is out-of-centre but considers that the sequential approach should still not apply because the proposed development seeks to serve a local need which cannot be met in Hadley. WYG advise that no evidence is provided to support this argument and to this end both the Council and WYG consider that this proposal can only be treated as an out-of-centre development which has to satisfy both the sequential approach and the impact tests set out in Policies EC15, EC16 and EC17 (of PPS4). Therefore WYG advise that a proper sequential assessment is necessary.

In looking at the agent's sequential assessment it is not clear about the approach undertaken to assess whether or not there are any sequentially preferable alternative sites within or on-the-edge of Hadley District Centre. The agent has confirmed that the proposed retail units will range from 60sq to a maximum of 395 sq m Therefore, in applying the sequential approach properly, the application must demonstrate that there are no sequential alternatives which could accommodate a range of units from around 60sq through to around 395sqm The assessment should also consider disaggregation (splitting up) of the units given that there is no evidence provided as to why the units should only be considered as a whole and not be split up.

Both the Council and WYG are therefore unsure why a unit of 79 sq m (850 sq ft) within the Hadley primary retail zone is dismissed for being too small when the smallest unit within the proposed development could be 60 sq This approach also applies to the assessment of the three car parks within Hadley whereby the agent acknowledges that the redevelopment of each car park could accommodate the provision of some retail space, which would inevitably serve to increase the overall retail offer in Hadley District Centre and hence its attraction.

The agent appears to have dismissed these sites because they would not address the identified need for additional retailing facilities (and a fast food takeaway) within the immediate surrounding area of the application site. It must be noted that the scale of development considered by the agent for the

sequential assessment not only comprised the 524 sq m of retail but also included the recently approved KFC restaurant/drive-thru. There does not appear to have been any disaggregation of the overall scheme for the site to consider the separate retail components and separate A3/A5 Use Classes for the KFC element to see if parts of the scheme could be accommodated in different existing units in Hadley District Centre.

It appears that the conclusion as to whether or not the proposed development satisfies the sequential approach turns on whether or not there is a clear need for the scale of development proposed at the Enterprise Garage and that it would be inappropriate to disaggregate the proposed units and target such investment towards the established centre of Hadley. WYG and officers judge that no convincing evidence has been provided which demonstrates that there is a compelling need for a new local centre or parade of shops on the application site or that the proposal cannot be disaggregated which would allow the agent to dismiss sequentially superior sites within and on-the-edge of Hadley District Centre.

WYG and Council officers would contend that there are sequentially preferable sites within and on-the-edge of Hadley District Centre that are suitable, viable and available that have not been fully explored, but have been dismissed by the agent on the basis that smaller scale development will not address the need they have identified (retail with a KFC). WYG advise that the retail and the KFC could be disaggregated. Accordingly, it is considered that the application has not adequately demonstrated that the proposed development satisfies the sequential approach as set out in policy EC15 of PPS4 and hence the application should be refused under policy EC17 of PPS4.

Furthermore, it should be noted that further opportunities for retail development within Hadley District Centre are likely to be available within a reasonable period of time, with plans currently being pursued by Telford & Wrekin Council to secure the redevelopment of the centre, commencing in spring 2012. Whilst a planning application has yet to be submitted to support the redevelopment plans, it is evident that there are potential opportunities for further retail floorspace to be provided in the near future, thereby enabling Hadley District Centre to better meet the needs of the wider community and address any perceived deficiency as a focus for development. Such an approach would be wholly compliant with the Government's approach which seeks to direct investment to established centres for main town centre uses.

### **Retail Impact Assessment**

PPS4 advises in policy EC17 that if there is "*clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of the impacts set out in policies EC10.2 and 16.1 (the impact assessment) then planning permission should be refused*".

The agent correctly identifies that both Policy EC10 and EC16 need to be examined as part of the overall impact test for the development. In dealing

with Policy EC10 impacts the issues of design, traffic impact and regeneration benefits will be considered later on in this report.

The six impact tests identified under paragraph EC16.1 include considerations of prejudice to existing and/or planned public and/or private investment in a centre; the effect on general vitality and viability of a centre and impact on in-centre trade/turnover. WYG have found a significant lack of clear evidence to demonstrate that the proposal would satisfy the impact test set out in Policy EC16.

WYG have found no evidence of any trade draw assessment undertaken by the agent whereby the turnover of the proposed development has been assessed and how much of the trade generated at the development would be drawn from and diverted away from Hadley District Centre.

The agent suggests that given the nature of the proposals to create new retail provision, the proposal will not divert trade away from Hadley District Centre nor capture any of the existing trade or trips currently going to Hadley District Centre, because the retail units will specifically seek to serve the existing and future residents surrounding the application site. The agent does not provide evidence to justify this view. WYG and officers are not convinced of this because trade has to be diverted from somewhere and so consider the agent's conclusion erroneous given that existing residents in the surrounding area would likely use shops and services in Hadley District Centre and if they were diverted to the proposed new development, then this trade would be drawn away from the centre to its detriment. As Hadley District Centre is in close proximity to the proposed development (1km) it is highly likely some element of trade generated at the proposed development (however small) would be drawn from facilities within the District Centre.

With regards assessment of the likely turnover of the development the agent has based this on a number of scenarios and has applied three sales densities to the proposed floorspace. However, it must be remembered that the planning application is outline with no confirmation of the overall size and mix of units and no end operators identified. Therefore, clear judgements cannot be made at this stage about the turnover of the scheme and where the proposed development would draw its trade from, given that it could take a number of different forms.

WYG advise that, for example, the outline parameters of the application allow for a potential larger unit of up to 395 sq m which, when associated with free parking, would appeal to the smaller retail format operated by convenience stores including Tesco Express, Sainsbury's Local, etc. Clearly, such developments would seek to take advantage of the prominent location onto Trench Lock to capture significant passing trade and car-borne trips. The turnover of a Tesco Express could be in the order of £3m to £4m which is significantly more than the £2.3m estimated under the highest scenario presented by the agent. Furthermore, the trading patterns of such a Tesco Express would be significantly different to a row of small units which may include a newsagents and small convenience store and which would be more

akin to a traditional shopping parade. WYG consider that the agent has therefore underestimated the likely turnover of the scheme and hence the impact of the proposal cannot be fully assessed.

Despite estimating the likely turnover of the scheme, the agent still makes no assessment of how much of that trade would be drawn from existing centres and how much would be drawn from other out-of-centre facilities. This evidence would be required to assess any potential trade draw implications arising from the development and hence to fully assess the impact of the proposed development.

The agent also seeks to justify the need for the scheme (and that any impact would be minimal) by multiplying the expenditure per head by the population of the new housing developments. Using this calculation, the agent suggests that the two new residential schemes on Sommerfeld Road would generate approximately £4m which they suggest would support the turnover of the scheme. However the £4m includes all expenditure on comparison goods (clothing & footwear etc) and all convenience goods shopping including the main food shop and WYG observe that not all of these trips will be attracted to a row of small shops. A parade of shops would only function as a top-up destination and it is likely that less than 10% of the expenditure generated by the two developments could be realistically directed there. This would suggest that there is more likely to generate £0.4m and not £4m or the £2.3m under the agent's highest scenario.

Therefore WYG advise that that there is a significant lack of any clear evidence to demonstrate that the proposal would satisfy the impact test as set out in Policy EC16 of PPS4.

Furthermore, it should be noted that the Borough Council's Estates & Investments Department suggest that redevelopment proposals for Hadley District Centre are in advanced stages whereby land assembly is currently being undertaken by the Council with a view to the submission of a planning application soon. In assessing whether or not the impact of the proposed development would affect committed and planned public and private investment in Hadley District Centre, the agent suggests that the Estates & Investments' objection is based on no quantitative or qualitative analysis and therefore can be given little weight. In response, it could be argued that the proposed development the subject of this application is also based on no detailed quantitative and qualitative assessment and that any evidence provided to support the application is extremely limited.

Whilst the detail to be provided within any impact assessment must be commensurate with the scale of development proposed, the onus lies with the applicant to demonstrate that development proposals can satisfy Policy EC17 of PPS4, and that sufficient evidence is made available to allow the LPA to reach clear and robust conclusions on such matters.

### **Other impacts**

Policy EC10 of PPS4 requires all planning applications to be assessed against a series of impacts relating to economic development that are listed a) to e) below. If some of these impacts are negative they may be balanced against other more positive impacts.

*a) Climate Change and Related Sustainability Issues*

The development is on a brownfield site and therefore does contribute to opportunities to recycle urban land. Issues relating to the energy efficiency and design of the building can be addressed through any reserved matters submission.

*b) Accessibility by a Choice of Travel and Addressing Congestion*

Shopping for food is an essential and frequent activity and a relatively high degree of accessibility should apply to locations likely to be used if social exclusion issues are to be avoided. The site benefits from a 15 minute (1 hourly in the evenings) urban bus service (service no.55) with the nearest bus stop (when travelling north easterly- towards Donnington being directly opposite the site and approximately 150m to the south west of the site when travelling towards Hadley Centre. The site is also relatively accessible on foot and cycle although crossing the busy Trench Lock road close to the junction with the Trench Lock Interchange is not attractive, but there is a pedestrian refuge at the traffic light controlled junction at the Interchange which is approx 50m from the entrance to the site.

*c) Design Quality and Improving Function of the Area*

The Design & Access (D&A) statement and the parameter plans accompanying the application advises that the two buildings will be two single storey rectangular shaped contemporary styled units. Both buildings would have a ridge height of 4.7 metres. Building A will have a gross floor area of 394 sq m. for a maximum of 6 units and building B will measure 130 sq m. and contain a maximum of 3 units. Parking will be provided to the front of the units with landscaped amenity areas between and around the buildings. The buildings will be finished with grey composite panels with over hanging eaves, a flat roof and full height glazed entrances.

The buildings are a typical for this type of use and considered an improvement to the now demolished buildings which appeared tired. The buildings will not appear out of character or out of keeping given the context of the site and the existing mixed semi industrial, commercial and retail uses in the area and mix of building styles and designs, and would serve to improve the visual appearance of the site on this prominent corner location.

*d) Economic and Physical Regeneration*

The proposal would achieve some local regeneration, i.e. in terms of redevelopment or recycling of urban land. However, the proposed development would have adverse economic effects on Hadley District Centre.

*e) Local employment*

PPS4 recognises that job creation is economic development. The application form does not state the number of proposed new jobs that the development

would create. However, the Design & Access statement states that: *“This proposal would provide a range of opportunities for investment and job creation and is highly accessible to the local workforce and the town as a whole. The site has potential to accommodate a range of retail and restaurant uses. This should create a considerable amount of job opportunities for the local people”*.

Whilst the creation of new job opportunities is welcomed, the overall provision is not material as to outweigh issues of the proposal being contrary to policy and advice in PPS4.

## **Other Matters**

### Residential amenity

There are two residential dwellings (The Bungalow and Sundawn) immediately adjacent the site, owned by the previous owners of the application site. Numerous letters have been received from members of the family who are the joint owners of the properties; the occupiers of the properties have also made representations. The concerns raised include noise, traffic and disturbance amongst other things.

The proposed hours of use are not known at this moment in time and will be dealt with at a later date via the reserved matters applications, as will any odour issues associated with the proposed A3 and A5 uses. Nonetheless, the application site is located within a prominent and busy location, and the area already benefits from a range of facilities and services. Sundawn is the closest residential property to Building Zone B and the proposed site plan shows that the proposed building and car parking area is screened from the property by soft landscaping. The ambient noise associated with the existing commercial uses and the proximity to the existing busy main roads Trench Lock Interchange and the A442 (Queensway) is already greater than what would be experienced by occupiers of properties in wholly residential areas. Although the noise source will differ it is considered that it would not be to such a significant amount in which the impact upon the residential amenity of the neighbouring dwellings that could lead to the refusal of this application which could then be successfully substantiated at appeal.

The KFC application adjacent has been granted and has opening hours of 06:00 and 24:00 hours. Moreover, it should be noted that the planning permission to allow the previous petrol filling station and kiosk to open 24 hours a day was granted in 2000 (W2000/0285).

There is an on-going residential development to the rear of the site however these new dwellings are three storeys in height and located on higher ground than the development site and therefore the proposed single storey retail development would not result in any significant adverse impact upon the residential amenity of these properties. Furthermore, the houses are screened from the proposed units by a substantial Leylandii hedge.

### Highway safety.

The access, servicing and parking for the site and the previously approved application for the KFC restaurant (TWC/2010/0755) were amended as a result of the discussions with the Council's Highway Engineers. These included both on-site and off-site improvements such as moving the proposed access road approximately 9 metres to the north east along the site frontage, and adjusting the kerb line between the access and the roundabout. Other changes include alterations to the parking layout; amendment to the existing junction for KFC drive-thru further into the site by approx 1 metre to avoid a pinch point between the bottom right car parking space and grill bays and maintaining an adequate pedestrian footpath width. In addition the red line site boundary has been increased to incorporate the turning circle for HGV's.

The Highway Engineers have confirmed that the revised plans are acceptable subject to conditions. There are no adverse traffic generation implications to warrant refusal. Therefore, the proposal is compliant with policy UD2 of the WLP, policy CS15 of the Core Strategy and national guidance contained in policy EC10 of PPS4 and PPG13.

#### Contaminated land

The proposed development was until recently a petrol filling station and garage, and the underground tanks and associated infrastructure have been fully decommissioned and removed in accordance with the provisions of the site's petroleum licence. The Council's Contaminated Land Officer has overseen their removal to a satisfactory standard.

The report submitted with the application has highlighted elevated hydrocarbon contamination as a direct result of the past use of the site, particularly around the former filling area. Up to 100mm of free-product (petrol/diesel) was noted to be floating on the groundwater surface. Nevertheless, the underlying geology is that of impermeable clays, and as such it is likely that any migration of fuels will be limited in extent.

However, the site is close to a Primary Aquifer (providing drinking water) and therefore the Smith Grant LLP report dated November 2010 ref. R1509-R01-V2. was forwarded to the Environment Agency for comments. The report however indicated that the hydrocarbons from the forecourt area may migrate towards the local glacial sand and gravel aquifer. This aquifer may in turn be in hydraulic continuity with the major aquifer off site and therefore requires protection by way of conditions.

In addition, the site may be potentially contaminated from the sites' former uses. As such, it is deemed necessary to impose a condition in respect of contaminated land to ensure compliance with national guidance contained in PPS23.

#### Design.

This has been considered in part earlier in the report. Officers are satisfied that the contemporary design of the buildings, as indicated in the D&A Statement and Parameter Plans, will be an improvement to the existing buildings and will enhance this prominent site. The buildings will not appear out of character or out of keeping given the context of the site and the existing mixed semi industrial, commercial and retail uses in the area and mix of

building styles and designs. The proposal is considered compliant with policy UD2 of the WLP, policy CS15 of the Core Strategy and national guidance contained within PPS1 national guidance contained in policy EC10 of PPS4.

### Other issues

Issues in respect of access have been forwarded to the agent's agent/solicitor who has confirmed that there is no right of way across the site but they are private easements and therefore are not material planning consideration in respect of determining this application.

In accordance with guidance contained within PPS25 a preliminary flood risk and drainage appraisal has also been prepared in support of the application proposal. This identified that the site is located within Flood Zone 1, which is classified as having a low probability of flooding, and the proposals represent an acceptable form of development.

### Conclusion

Officers do not have objections to the principle of redevelopment of the site nor the intended contemporary design of the buildings. The proposed redevelopment of the site would help to bring an under utilised commercial site back in to use and the current construction of the KFC unit is welcomed. The new buildings would not adversely impact upon the visual amenity of the area or the amenity the adjacent residential properties or highway safety. In addition there will be some positive impacts of the scheme in relation to use of a brownfield site, the potential to design a scheme that addresses climate change and sustainability and some job creation.

WYG have advised the Council that the agent's approach undertaken in respect of the proposed outline planning application for retail development is flawed and that the supposed need for the development (which is not supported by any robust evidence) has influenced the conclusions reached by the agent on both the approach to the sequential approach and the test of impact. WYG and officers consider that the applicant has not adequately demonstrated that the proposal satisfies the key tests set out in PPS4 dealing with retail development in out-of-centre locations. There are two main aspects to warrant a refusal of planning permission.

Firstly, the applicant has failed to demonstrate compliance with the requirements of the sequential approach set out in PPS4. The applicant has not adequately demonstrated that the proposed development (or parts of it) is (are) not capable of being accommodated on other sequentially preferable sites or units.

Secondly, the proposed retail development would be located out of centre and beyond the designated District Centre of Hadley where there is a policy presumption in favour of investment and development taking place within and on the edge of the centre. Council officers have significant concerns in relation to the potential impact on planned investment in the established centre and the fact that Hadley District Centre is a regeneration priority which is currently being pursued by the Council. The strategy established in the

development plan seeks to focus investment within Hadley and the proposed development would be in direct conflict with this.

In applying the appropriate planning balance, officers do not believe that there are any significant material considerations which outweigh the conflicts with the development plan and national guidance. Therefore, it is considered that the proposed development is contrary to PPS4, the adopted Core Strategy policy CS5 (District and Local Centres), and saved Local Plan policy S1 (Service Centre Hierarchy).

**RECOMMENDATION:** to REFUSE GRANT PLANNING PERMISSION for the following reasons:

1. The agent has failed to demonstrate compliance with the requirements of the sequential approach set out in PPS4. The agent has not adequately demonstrated that the proposed development (or parts of it) is (are) not capable of being accommodated on other sequentially preferable sites or units.
2. The proposed retail development would be located out of centre and beyond the designated District Centre of Hadley where there is a policy presumption in favour of investment and development taking place within and on the edge of the centre. The Council has significant concerns in relation to the potential impact on Hadley District Centre and the planned investment in this established centre and the fact that Hadley District Centre is a regeneration priority which is currently being pursued and hence the proposal does not satisfy the impact test as set out in Policy PPS4. The strategy established in the development plan seeks to focus investment within Hadley and the proposed development would be in direct conflict with this. Therefore, the development would be contrary to Wrekin Local Plan policy S1 (Service Centre Hierarchy), Core Strategy policy CS5 (District and Local Centres in Telford) and contrary to PPS4.

TWC/2011/0179 Land at Broomfield Road, Newport, Shropshire  
Outline application (to include access, layout and scale) for residential  
development for 30 dwellings (including 15 affordable dwellings) with  
balancing pond and associated engineering and road improvements works

**APPLICANT**

Link Property Solutions,

**RECEIVED**

15/03/2011

**PARISH**

Edgmond, Newport

**WARD**

Edgmond, Newport North

**THIS APPLICATION WAS DEFERRED AT THE LAST PLANS BOARD  
MEETING PENDING A MEMBERS' SITE VISIT**

Since the preparation of the first report to Plans Board, additional comments  
have been received, which were reported to Members as an update. Those  
comments are reported again here for completeness.

One resident has sent a number of newspaper cuttings that refer to the  
proposed development. These cuttings outline the proposals but, in particular,  
make the following points:-

- Newport Town Council and nearby residents have criticised the proposals
- The Chairman of the Honeysuckle Angling Club states "I think it's so stupid. I can't think of a worse place for houses. Newport Town Council has been completely ignored. You just feel helpless. If your local councillor can't help you, who can?"
- "Residents living around Broomfield Road were dealt a kick in the teeth this week with news that plans for 30 homes have been recommended for approval"
- "The odds now appear stacked against the campaigners"
- "It is a worrying development for those living around the site – but it should raise concerns with other sections of the population"
- "Despite the objections and complaints, the plans appear to be heading towards a green light"
- "We will await until the final verdict is delivered next week – but it would seem the voice of residents and even the Town Council is a mere whisper against the big money of developers"

The Newport Liberal Democrats have made the following comments:-

- Concerns are raised about the proposed Broomfield Road Development because of the danger of flooding, and being in close proximity to the sewerage works.
- Members were also not convinced about its suitability as a site, being at the end of an already busy road and children having to cross that road to access the play area.
- Broomfield Road egresses onto Salters Lane which in itself causes bottlenecks and dangers.
- Rights of Way across and round the site also need to be protected and enhanced.

- The one pleasing aspect members found on this plan was the 50% (15) affordable houses which we know Newport needs.

\*\*\*\*\*

Original Report

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Residential development in the Rural Area, Affordable Housing, Access, Noise, Suitability of development

#### THE PROPOSAL:

This outline application relates to residential development for 30 dwellings, and associated engineering and road improvement works, on land at the end of Broomfield Road, Newport, and backing onto the canal. Approval is sought for matters relating to access, layout and scale, whilst appearance and landscaping are reserved for subsequent approval. The site lies immediately adjacent but outside the built-up area of Newport, in the Rural Area.

The scheme proposes 15 affordable homes to meet the needs of local people, with the remaining properties being for sale on the open market. The development is being promoted as part of the applicant's Affordable Homes Initiative ('AHI'). AHI seeks to deliver affordable housing through the promotion of small sites for development on the edge of towns and larger villages where there is a proven need for subsidised mixed tenure housing on land that would not normally be used for housing because, for example, it is subject to policies of restraint. In the absence of public grant funding AHI uses the principle of cross-subsidy to deliver affordable housing without the need for grant by using the profits from the sale of private open market housing.

The proposed development comprises 7 four-bedroom, 16 three-bedroom, and 7 two-bedroom houses. There would be 6 detached, 18 semi-detached houses, and 6 terraced houses in the development scheme.

The proposed layout of the site shows a road leading off the end of Broomfield Road and through the centre of the site, with dwellings on either side, and a variation in the front building lines to provide variety. The layout provides a square in the centre of the site as a focus. All the dwellings will be restricted to two storey in height because of the ground conditions.

Opportunities will be available for double fronted properties that present a façade to both the canal and the road. Whilst the detailed design is a reserved matter there are opportunities for the design of the housing to provide 'juliette' balconies to upper floors to take advantage of the views, and increase passive surveillance to the canal towpath. In addition, the Design and Access Statement indicates that the design of the housing would be traditional in style, with external materials being principally brick, with some render, and pitched tiled roofs.

The site will be accessed from an extension to Broomfield Road. Improvements will be made to the unadopted stretch of the road, adjacent to and north of the play area, widening this stretch of road to 4.5 metres and providing a 1.8 metre wide pavement. All the dwellings will have two parking spaces, the majority of which will be provided alongside the units. Three parking spaces would also be provided within the site for the use of local anglers. It is envisaged that a bridleway that presently crosses the application site would be incorporated into the new adopted road.

The applicants have agreed to contribute £12,500 as compensation for the loss of a small amount of public open space that is required to widen the road to the application site. This will be used to provide more play equipment on the play area.

The land at the western end of the site, which would include a balancing pond, will be positively managed to encourage wildlife by providing diverse habitats such as scrub and grassland. A long-term management plan would be drawn up for this area. Existing hedgerows around the site are to be retained, where possible, to reinforce existing screening, and to enhance their roles as wildlife corridors.

#### SITE AND SURROUNDINGS:

The application site is located on the western edge of Newport, at the end of Broomfield Road. The proposed development would lie between the canal and the Severn Trent water treatment works. The site lies outside the built-up boundary of Newport, and is effectively in the Council's Rural Area. The site lies adjacent to the Newport Canal which is a Site of Special Scientific Interest.

The site is approximately 1.05 hectares (2.6 acres) in size and is currently used as undeveloped grazing land. The majority of the site is relatively flat, with a gradual change in level down from the north east to the south west.

The immediate boundaries of the site are as follows;- to the north west is the footpath alongside the canal, to the north west is a footpath to the canal, to the south east is the Strine Brook, and to the south west is a field hedgerow.

The existing houses in Broomfield Road are predominantly two storey in height.

#### PLANNING HISTORY:

The site has no planning history.

#### PLANNING POLICY CONTEXT:

National Planning Guidance  
PPS 1 –Delivering Sustainable Development  
PPS3 – Housing  
PPS7 – Sustainable development in Rural Areas

Saved Wrekin Local Plan Policies  
Policy H9 – Location of new housing  
Policy H10 – Scale of development  
Policy H23 – Affordable housing (for Telford and Newport)  
Policy H24 – Affordable Housing Rural Exceptions Policy  
Policy UD2 – Design Criteria

LDF Core Strategy  
Policy CS6 - Newport  
Policy CS7 – Rural Area  
Policy CS11 – Open Space  
Policy CS12 – Natural Environment  
Policy CS15 – Urban Design

#### CONSULTATION RESPONSES:

13 letters of objection have been received from local residents expressing concerns about the proposed development. These can be summarised as follows:-

- The site is outside the town boundary and lies in the Rural Area, as shown on the Wrekin Local Plan
- The site is not designated for development in the Local Development Framework
- There are better sites to build on in Newport
- 'Brown field' sites closer to the town centre should be developed first
- It would set a precedent for more development along the canal
- The affordable houses will be beyond the means of many Newport people
- The houses will go to families who do not live in Newport
- The land should remain agricultural or be used for nature conservation or recreation
- It would destroy a nice quiet part of Newport
- The area's peace and tranquillity would be lost
- There would be an increase in noise and pollution
- Loss of trees and wildlife
- Adverse impact on the canal which is a Site of Special Scientific Interest
- Pile driving on the site could damage the canal
- Increase in traffic on Broomfield Road and other local roads
- Increase in parking problems
- Would endanger the safety of children using the play area or walking to it

- Noise and unpleasant smells emanating from the sewerage works
- Increase in drainage problems
- Extra traffic will cause the private sewers under the road to collapse
- Loss of footpath across the site
- Loss of part of playing field
- More affordable housing would mean more anti-social behaviour problems in the area
- Devaluation of property prices

Newport Town Council objects to the application. While it is appreciative that the application does contain a significant number of affordable houses it considers that there are other, more pressing, issues that lead them to strongly object to it. A list of the more notable comments are summarised below:

- Newport is a rural town that has seen much of its 'greenery' disappear over the course of a number of years.
- The proposed site is currently considered to be a 'green' site – it has not previously been developed.
- The site is adjacent to an SSSI and it is considered that the development is likely to have a detrimental effect upon the SSSI.
- There are concerns that the application will have a major impact on the current rights of way in and around the proposed site. There is currently a lightly used bridleway on part of the site.
- The Town Council has consistently been opposed to any reduction of recreation space, however small. The application is proposing to reduce the area of the play park and is likely to change the preferred dynamics of the site for local residents.
- There are serious concerns about the stability of any development in the area as it is notoriously known as being wet and there is a history of subsidence of the canal bank in that area.
- There are other more 'brown' sites within the boundary of Newport that are considered more suitable for housing development and these should be exhausted before any virgin territory is developed.

One resident has sent a number of newspaper cuttings that refer to the proposed development. These cuttings outline the proposals but, in particular, make the following points:-

- Newport Town Council and nearby residents have criticised the proposals
- The Chairman of the Honeysuckle Angling Club states "I think it's so stupid. I can't think of a worse place for houses. Newport Town Council has been completely ignored. You just feel helpless. If your local councillor can't help you, who can?"
- "Residents living around Broomfield Road were dealt a kick in the teeth this week with news that plans for 30 homes have been recommended for approval"
- "The odds now appear stacked against the campaigners"

- “It is a worrying development for those living around the site – but it should raise concerns with other sections of the population”
- “Despite the objections and complaints, the plans appear to be heading towards a green light”
- “We will await until the final verdict is delivered next week – but it would seem the voice of residents and even the Town Council is a mere whisper against the big money of developers”

The Newport Liberal Democrats have made the following comments:-

“Concerns are raised about the proposed Broomfield Road Development because of the danger of flooding, and being in close proximity to the sewerage works. Members were also not convinced about its suitability as a site, being at the end of an already busy road and children having to cross that road to access the play area. Broomfield Road egresses onto Salters Lane which in itself causes bottlenecks and dangers. Rights of Way across and round the site also need to be protected and enhanced. The one pleasing aspect members found on this plan was the 50% (15) affordable houses which we know Newport needs”.

Edmond Parish Council has no comment on the application

Newport and District Civic Society supports the application.

The Environment Agency has no objections subject to conditions relating to detailed drainage details; ground levels; floor levels; and easement widths.

British Waterways has no comment on the application.

The Council’s Outdoor Recreation Officer has no objections subject to a financial contribution of £12,500 as compensation for the loss of a small amount of public open space that is required to widen the road to the application site. This will be used to provide more play equipment on the play area.

The Council’s Highways Engineer has no objections to the application subject to conditions relating to the submission of full details of:- (a) the access road, including drainage and street lighting, (b) the new culvert crossing the Strine Brook, (c) the reconstruction of the parking/turning area on the water treatment works access road, and (d) the diversion of the public right-of-way that crosses the site

The Council’s Drainage Engineer has no objections subject to conditions relating to the submission of full details of foul and surface water drainage; the proximity of development to the Strine Brook; ‘green field’ run-off rates; and details of the new bridge across the Strine Brook.

The Council’s Geotechnical Engineer has no objections subject to a condition relating to gas mitigation measures.

The Council's Scientific Officer (Environmental Health) has no objections to the application regarding contaminated land.

The Council's Ecologist has no objections subject to conditions relating to the preparation of a management plan for the area of open space; standoff distances from habitat features; the erection of bat, bird, and insect boxes; and site clearance to be undertaken outside of the bird nesting season.

#### PLANNING CONSIDERATIONS:

There is a general presumption in the Wrekin Local Plan and the LDF Core Strategy that most new residential development in the Borough will take place within Telford and Newport. Development within the Rural Area will be limited to that necessary to meet the needs of the area. It will be focussed on the villages of High Ercall, Waters Upton and Tibberton. Outside of these settlements development will be limited and within the open countryside will be strictly controlled.

The applicants consider that this proposed development represents an exceptional opportunity to help address the need for affordable homes in Newport. They state that the latest Strategic Housing Market Assessment (SHMA) identified a net shortfall of 124 affordable dwellings a year for local people in Newport, a figure which has been verified by the Council.

To further illustrate the scale of the problem the applicants understand that almost 500 people with Newport addresses are registered with 'Choose Your Home', the lettings system administered by Wrekin Housing Trust, and are in need of affordable housing in the town, and that each family home that does become available typically attracts over 200 applications. The Council's Strategic Housing Manager believes that these figures are roughly accurate.

Delivering 50% of the scheme as affordable housing, without any requirement for grant funding, is only achievable because (a) the current land value of the site as paddock use is low, and (b) income from the sale of the private housing would be utilised to cross-subsidise the cost of the affordable housing.

The affordable housing would be owned and managed by a Housing Association. The Section 106 Agreement would include a Local Lettings Plan that would ensure that the 15 affordable houses are made available – either for rent or shared equity sale – to local people who cannot otherwise afford to access the private housing market.

The legal agreement would set out the criteria to be met before the affordable homes are occupied by 'local' people. This will include specific requirements for occupiers to have strong and established links with Newport, either by family connection or linked to employment, as a condition of being able to secure the accommodation. This would apply not only to initial occupiers but all subsequent occupiers.

The applicants acknowledge that the site lies outside the existing development boundary of Newport but are claiming that it is a suitable Rural Exception Site (as outlined in PPS3) which enables small sites that would not normally be zoned for housing because, for example, they are subject to policies of restraint, to be for affordable housing.

Policy H24 of the Wrekin Local Plan permits small scale affordable housing schemes within or adjoining villages in the Rural Area as an exception to general rural housing policy provided that:-

- (a) the application is accompanied by a statement demonstrating that the proposal is meeting local affordable housing need
- (b) the scheme falls within, or adjoins a village, preferably one of the bigger villages
- (c) the proposal does not have an adverse impact upon the character and setting of the settlement
- (d) the scheme involves no more than 8 dwelling units
- (e) the proposal accords with other appropriate policies in the plan
- (f) adequate occupancy controls are in place to reserve the housing in question for local needs in perpetuity
- (g) all dwellings are available for rent, shared ownership, or as low cost housing

It is acknowledged that the application does not comply with all the requirements of Policy H24 of the Local Plan. However, it is considered that there are significant material considerations relating to this application to warrant making an exception in this particular case. Firstly, the site adjoins a large market town, not a small village, and therefore a larger scheme can be justified. Secondly, there is an acute and proven need for affordable housing in Newport. Thirdly, the affordable housing can be provided without any requirement for subsidy or grant aid.

The Transport Statement, which accompanies the application, has estimated that the proposed development will generate in the order of 18 two-way vehicle trips in the morning peak hour and 20 two-way trips in the afternoon peak hour. At present the existing houses served off Broomfield Road generate approximately 175 two-way trips in the morning peak hour and 193 trips in the afternoon peak hour. The Council's Highways Engineer considers that the predicted increase in traffic is unlikely to be noticeable, and that the proposed development would not adversely affect highway safety in this part of Newport or have any appreciable impact on the amenity of the local area.

The access road from Broomfield Road would be widened to 4.5 metres, which allows two cars to pass at low speed, thereby introducing traffic calming through the road design. Both the road and the existing private sewer serving properties in Broomfield Road would be brought up to an adoptable standard, which would remove the on-going liability of residents for the private sewer. A 1.8 metre wide pavement would be provided along the southern side of the

carriageway, which would provide improved and safe pedestrian access to the play area and the canal.

A 2.5 metre wide strip of the existing play area would be needed to enable the access road to be widened but, as compensation, the applicants have agreed to contribute £12,500 which would be used to augment and enhance the equipment on the play area.

The ecological survey of the site found that it is not the habitat of any particular protected species. None of the application site is currently public open space but the proposal incorporates an area of open space of some 0.7 acre which would be managed to encourage wildlife, and to enhance the biodiversity of the area by providing diverse habitats such as scrub and grassland. A management plan for the retained open space will be the subject of a planning condition. The open space would be maintained by a residents' management company, and the private owners and the relevant housing association would pay a yearly service charge.

An Environmental Noise Assessment was undertaken of the noise emitted from the adjacent water treatment plant, with particular reference to the noisiest items, (the grit removal plant and the blower units which aerate the effluent). The report concluded that the predicted sound pressure levels from both the blower and grit removal units would be lower than the prevailing minimum background noise level in the nearest of the proposed garden areas.

An Odour Assessment Survey Report was also undertaken around the boundaries of the water treatment works. The report concluded that the sewerage works do not represent a significant potential for odour nuisance at the proposed development site, but occasional odour incidents in extreme circumstances are possible.

It is recognised that the application site is not an ideal location for new residential development because it lies in a slightly detached position outside the town boundary. If the proposal had been for a totally private housing development it would undoubtedly have been recommended for refusal. However, the fact that 50% of the scheme will provide much needed affordable housing for the residents of Newport is an important and significant material consideration in the assessment of this proposed development.

It is acknowledged that there are potential housing sites nearer to Newport town centre that could be developed, but there is no certainty that these sites will come forward in the next few years, whereas this Broomfield Road site could be up and running in the foreseeable future.

The erection of houses on this site would not set any precedent for more development outside the town boundary, or along other stretches of the canal, as any further applications would be decided on their merits and the policy framework at the time.

The Council's Highways, Drainage, Environmental Health, Outdoor Recreation, and Geotechnical Officers, and the Council's Ecologist, have no objections to the application, albeit with the imposition of appropriate conditions.

It is considered that judgement on this proposal is finely balanced. However, whilst the development is contrary to all the provisions of Policy H24 of the Wrekin Local Plan it is considered that in this instance the material considerations appertaining to this application - namely the provision, without subsidy or grant aid, of 15 much needed affordable houses on the edge of Newport, where there is an acute shortage of affordable housing - more than outweigh the policy presumption against developing this site. Therefore, on balance, it is considered that the application is acceptable and can be recommended for approval.

**RECOMMENDATION:** Subject to the applicants entering into a Section 106 Agreement relating to (a) the provision of 50% affordable housing, and (b) a contribution of £12,500 towards play equipment, then GRANT PLANNING PERMISSION subject to the following conditions:-

1. A01 Time limit Outline
2. A03 Submission of reserved matters
3. B02 Standard outline – some matters reserved
4. B03 General details required
5. B13 Details of boundary treatments
6. B23 On-site construction
7. B24 Mud on road
8. B33 Foul and surface water drainage
9. C19 Provision of car parking
10. C27 Gas mitigation measures
11. D01 Removal of permitted development rights
12. D11 Hours of construction working
13. Easement widths and proximity of development to the Strine Brook
14. 'Green field' run-off rates
15. Details of the new bridge across the Strine Brook
16. Management plan for the area of open space
17. Stand-off distances from habitat features
18. Bat, bird and insect boxes
19. Site clearance outside the bird nesting season
20. Full details of the construction of the access road, including drainage and street lighting
21. Full details of the new culvert crossing the Strine Brook
22. Full details of the reconstruction of the parking/turning area on the water treatment works access road
23. The diversion of the public right-of-way that crosses the site

REASON FOR APPROVAL:

The material considerations appertaining to this application - namely the provision, without subsidy or grant aid, of 15 much needed affordable houses on the edge of Newport, where there is an acute shortage of affordable housing - more than outweigh the policy presumption against developing this site.

TWC/2011/0255 Sunnycroft, High Ercall, Shropshire, TF6 6AJ  
Erection of detached garage and summer house building and installation of a new hipped roof and dormer window on existing bungalow

**APPLICANT**  
, Chris Pullen

**RECEIVED**  
31/03/2011

**PARISH**  
Ercall Magna

**WARD**  
Ercall Magna

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: The main issues are the appearance of the proposed development and the impact of the proposals on the amenities of the adjacent properties and the character of the surrounding area.

**THE PROPOSAL:**

Erection of a detached garage and summerhouse building and new hipped roof and dormer window on existing bungalow.

**SITE AND SURROUNDINGS:**

Sunnycroft is a detached bungalow situated on a large site within the settlement of High Ercall. The existing bungalow is sited in the north-west corner of the site. The plot is generally flat, laid to lawn with no significant features other than some small trees. The entire site is enclosed by 2 metre high close-boarded timber fencing.

The exterior of the bungalow features red brickwork, a tiled, hipped roof and a single lean-to garage at the rear. The property is essentially a 'backland' site accessed from the B5063 via a lane between 'Colinda' and the Methodist Church. There is no street frontage, the site is enclosed on all sides and surrounded by housing.

Although High Ercall is a rural settlement the essential character of the area adjoining the site is suburban with a mix of dwelling types. There are modest semi-detached dwellings on Cleveland Avenue to the west and a mix of larger detached houses on the southern and eastern boundaries of the site.

**PLANNING HISTORY:**

No relevant planning history found for the site.

**PLANNING POLICY CONTEXT:**

LDF Core Strategy:  
CS7 Rural Area  
CS15 Urban design

Wrekin Local Plan:  
UD2 Design Criteria

National planning guidance:

PPS1 Delivering Sustainable Development  
PPS7 Sustainable development in the rural area

#### CONSULTATION RESPONSES:

Ercall Magna Parish Council object to the proposal. A fence has already been erected outside the boundary hedge next to the Methodist Chapel. Concern over close proximity to boundary on large plot, the design, poor quality of plans and future development of site. Request that the application is 'Green Carded'

Highways: No objections

Ecology: Support with informatives

Shropshire Council: Archaeological remains relating to medieval and post-medieval occupation may survive within the application site. In mitigation of any archaeological impact it is therefore recommended that a programme of archaeological work be made a condition of any planning permission that may be granted for the proposed development.

No neighbour representations have been received

#### PLANNING CONSIDERATIONS:

The main issues are the appearance of the proposed building and alterations to the existing bungalow and the impact of the proposals on the amenities of the adjacent properties and the character of the surrounding area.

The proposed detached summer house/garage building would be sited towards the SW corner of the plot. The site is flat, and bordered by close-boarded 2 metre fencing. Amended plans received on the 6<sup>th</sup> June 2011 show a revised siting for the building so that it would be 5 metres from the south boundary of the site and 3 metres from the west boundary.

The proposed building would have a 'footprint' of 15000mm x 6600mm with an overall height of 5800mm. The proposal would be of brick and tile construction and the external materials can be subject to a condition to ensure that the building is in keeping with the existing bungalow. Although a substantial ancillary building, it is considered that in the context of the site and the surrounding area, the size, mass, siting and appearance of the proposal would be acceptable.

The proposal would be sufficiently subservient to the existing bungalow, which it is also proposed to extend, and the large dormer would face east into the garden therefore the building would not have an adverse impact on the amenities of the adjoining properties in terms of overlooking or loss of privacy.

The proposed alterations to the existing bungalow would result in an increase in height from 5200mm to 6300mm. The 'footprint' of the building would not change significantly, although the overall appearance of the bungalow would alter due to the increase in height of the hipped roof with dormer. The

proposed south-facing dormer would be acceptable; it would be set back on the roof slope and would not exceed the height of the new roof. The alterations to the bungalow would not adversely affect the amenities of adjacent properties and would not be out of character. Gables and pitched roofs are evident on dwellings adjoining the site.

Having regard to the Parish Council's objections, the amended plans show the summer house building located further from the boundary and include more detail of the elevations and dormer window; an appropriate condition will control the external materials.

Therefore it is considered that the proposed development of the property would be satisfactory. The principle of domestic outbuildings which are ancillary to the use of the house has been established, and is acceptable provided that the building is of a scale and design which respects the existing dwelling on the site and does not detract from the character and amenity of the locality. An appropriate condition on the planning permission would control any future proposal to convert the building to a separate residential unit.

The proposals therefore accord with the general design and amenity objectives of Policies CS7 and CS15 in the Core Strategy DPD and Policy UD2 in the WLP.

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

1. A04 Time limit
2. B06 Samples of materials
3. B69 Programme of archaeological work
4. C38 Development in accordance with plan Nos.
5. D04 Restriction on use of garage etc (rural)
6. D09 No further windows or dormer windows/openings
7. D21 Restriction on separate use

#### Informatives

- |          |  |
|----------|--|
| I 22     | Protected species                        |
| I 40     | Standard conditions informative          |
| I 41     | Reasons for grant of planning permission |
| RAcustom | Reasons for approval                     |

#### REASONS FOR APPROVAL:

The proposed extension to the bungalow would be an acceptable addition to the dwelling in terms of its design and appearance and the development would not have an adverse impact on the amenities of the adjoining properties. The resultant extended dwelling would not detract from the character of the surrounding area.

The proposed garage building represents an acceptable development in terms of its size, siting and appearance which would relate satisfactorily to the existing dwelling and would be adequately accommodated on the existing plot. Approval of the development is subject to an appropriate condition to control the future use of the building and prevent sub-division of the curtilage. The detached outbuilding would not have an adverse impact on adjoining residential amenities and would not detract from the character of the surrounding area.

TWC/2011/0323 5 Bilberry Close, The Rock, Telford, Shropshire, TF3 5DF  
Renewal of planning permission W2008/0671 for the erection of a detached garage

**APPLICANT**

, Mr Gary Roberts

**RECEIVED**

15/04/2011

**PARISH**

Lawley and Overdale

**WARD**

Lawley and Overdale

CLLR J GREENAWAY HAS REQUESTED THAT THE APPLICATION IS DETERMINED BY THE MEMBERS OF PLANS BOARD.

OBJECTIONS RECEIVED: Yes

**MAIN ISSUES:**

Renewal of extant planning permission W2008/0671 which is valid until 29.08.11; the precedent of previous approval, residential amenity, impact upon the streetscene, highway safety and ground stability.

**THE PROPOSAL:**

This application is for the renewal of extant planning permission W2008/0671 for the erection of a detached garage which remains valid until 29<sup>th</sup> August 2011. The applicant could therefore still erect the previously approved garage without this current application being determined. Renewing the application would effectively give the applicant another 3 years in which to build the garage.

**SITE AND SURROUNDINGS:**

The application property is a late 1980's two-storey detached dwelling finished in red brick and mock Tudor detailing and attached single garage. The property has an interlocking tile gable roof and a canopy running across the front over a bay window. The property occupies the penultimate plot in a small cul-de-sac and the main curtilage of the property is detached from the application site by a shared tarmac drive. The area is predominantly residential.

The application site for the garage is set a distance away from the dwelling across a shared driveway on land in front of the dwelling on partially block paved to match the main driveway in front of the dwelling and partially grassed. This area is adequately screened from Colliers Way by existing fence and trees.

The common boundary between the site and no. 6 is a cedar red timber panel fence with mature trees on the neighbours land, the rear boundary is timber panel fencing with mature trees behind and Colliers Way beyond, the eastern boundary comprises a well established row of trees.

**PLANNING HISTORY:**

W85/977 residential development F.G

W2008/0671 erection of a detached garage FG.

**PLANNING POLICY CONTEXT:**

National Planning Guidance  
PPS 1 –Delivering Sustainable Development  
PPG14 Development on Unstable Land

Saved Wrekin Local Plan Policies  
Policy UD2 – Design Criteria  
Policy EH14 - Land stability

LDF Core Strategy  
CS15 Urban Design

**CONSULTATION RESPONSES:**

The Parish Council have no objections.

The Council's Highway Engineer has no objections.

The Council's Environmental Engineer support subject to conditions in respect of foundation design and an informative regarding the former mineral workings in the area, and advise that the site is within influencing distance of a known mineshaft number: 368309-060 identified in the CA mining report. A stand off position of at least 12m must be observed from this identified position. Any further development should take this into account when considering development layouts.

Neighbour consultation responses

A site notice and 12 direct neighbour letters have advertised the application.

Representations have been received from residents of 5 neighbouring properties. The issues raised are summarised below:-

- The party drive has always been difficult to manoeuvre vehicles, having a garage would only add to the problem.
- Where the garage would be positions it would be in full view from our lounge window instead of greenery.
- The houses were built with integral garages so there should be no need for additional garage space – it could just be used for dumping rubbish – we are all very proud of our homes and gardens and this would spoil the look of the cul-de-sac.
- Potentially the owners of 5 Bilberry Close could sell the property to a mechanic who would use the garage for repairing cars.
- We have been in the property since 1989 and would not like to see an eye-saw of a garage.
- This is not in keeping with other properties in our road - all have attached garages
- The building would spoil the outlook onto the open space
- Would entail felling of further trees to allow for the construction
- Concerns over possible resale value of property in the road

- A garage on this open space is really not in keeping with this road
- Numbers 4, 5 and 6 were built several years later. During construction the builders showed plans for the completed development and said it would be finished creating a pleasant aspect with grass and trees. We have enjoyed the pleasant outlook to the front of our property from this time and have no wish to have to look at a concrete or brick garage, which would be in full view of our living room window. I feel the street should stay as it was planned to accommodate the six houses with garages it was designed and built for.
- Restricting the view from adjacent properties causing unnecessary friction between neighbours in what has always been a quiet and harmonious residential close
- Adding a garage in the proposed area would worsen the already congested access of this drive way.
- Restrict maintenance of fence at No.6
- If the property is leased out again the garage would make property attractive to Motor mechanics, but make life unbearable for surrounding residents.

It should be noted that no representations were received from neighbours in respect of the previous application W2008/0671. Neighbours have stated that they were not aware of the previous application and did not receive notification letters. However, the applicant advises that as a matter of courtesy he had actually consulted his immediate neighbours and advised them of the proposed development. He has also confirmed the occupiers of the neighbouring properties are the same people as three years ago when the application was originally submitted and subsequently approved.

#### PLANNING CONSIDERATIONS:

This is a renewal of a previously approved and extant planning application for the erection of a detached garage. As this is a renewal it is necessary to consider what circumstances or policies have changed since the previous approval. The policy framework is still the same as 3 years ago and officers consider that there are no material changes in circumstances since the previous approval to warrant taking a different decision now.

Previously it was considered that the principle the proposal for a detached garage to the front of the dwelling was acceptable and would not have a significant detrimental impact on the amenities of adjoining properties or the street scene.

Policy UD2 provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively their context. It advises the Council to assess a proposed development in relation to its scale, massing, form, density, orientation and layout, proportions, materials, landscape elements, access, parking and spatial quality.

Policy CS15, amongst other issues, states that development will assist in creating and sustaining safe places, positively influencing the appearance of the local environment. In addition, national guidance contained in PPS1,

asserts that development should be of high quality design, respond to local context and should reinforce local distinctiveness.

The proposed garage would be of a satisfactory design and appearance with brickwork to match the dwelling. The site is adequately screened from Colliers Way by an existing fence and trees; therefore there were no significant street scene issues.

The scale and materials of the proposed garage respect those of the existing property. The garage is well screened by the existing boundary treatment and thus and there will no adverse impact upon the character and appearance of the property or the street scene. In addition the proposed development complies with the Council's 45 degree code and although the garage would be visible from the neighbouring dwellings this it not in itself a reason to refuse the application.

Other issues raised by neighbours are noted however they do not justify a refusal of the application which could then be substantiated at any subsequent appeal if this application is refused. The points are considered in more detail below.

- The proposed garage is wholly on the applicant's land and partially paved to provide additional parking (similar to the situation at no.6). The garage will not impact upon the manoeuvring space and is not on the existing paved area.
- There is no right to a view under planning; the proposed garage will be over 15m away when measured diagonally from no.4, and therefore will not result in any loss of residential amenity.
- The applicant does not have to provide a justification for wanting an additional garage, and it should be noted that the attached garage could be converted to a habitable room without the need to obtain planning permission, which is what no.3 appears to have done. There is no reason to assume that by allowing a new garage 'could just be used for dumping rubbish'. Nevertheless, if the land did ever become untidy this could be dealt with under the relevant legislation.
- The whole area is well maintained and there is no reason why allowing a new garage would change the situation.
- A condition will be imposed prevent the garage being used as anything else than a domestic garage. This will ensure that it is not used in connection with the commercial repair of vehicle, any business use or as living accommodation.
- The proposal is for a modest garage of a design with is sympathetic to the adjacent dwelling houses and a condition will require the materials to match the property. Therefore, the garage will not be an eyesore.
- The other properties in the road do have attached garages but this is not a reason to refuse this application and there would be no reason why the neighbouring dwellings could not apply to erect detached garage on their land too.
- The building will not spoil the outlook onto the open space; the land is private and bounded on three sides and therefore not open space.

- Planning permission is not required to remove any trees.
- Property value is not a material planning consideration and therefore can not influence the decision.
- Neighbour disputes are a private matters and not a material planning consideration.
- Maintenance of the fence at no.6 is a private matter and can not influence the planning decision.

The private amenity space associated with the application site is unaffected by the development and adequate space remains for the size of the property. Sufficient off street parking is retained and sufficient for the size of the dwelling and the proposal is supported by the Council's Highway Engineer.

With regards land stability, guidance contained within PPG14 and policy EH14 state that the matter is a material planning consideration and places the onus on the developer to demonstrate that the site is suitable for the proposed development. It also states that the developer should provide at his own expense such evidence as is required by regulatory authorities to indicate that clearly that the problem has been addressed satisfactorily.

The Coal Authority Report identified a mineshaft which influenced the site and the Council's Engineer required a standoff distance of 12 metres from the shaft. An additional plan was received on the 18.08.2008 which showed the position of the mineshaft with the proposed site of garage outside the 12 metre zone, and therefore it was not necessary to impose a condition in respect of the untreated mineshaft and an informative was adequate. In view of this comments made by the Council's Engineers, a suitable condition was imposed to ensure the structural integrity of the proposed building by restricting foundation design. This situation and advice has not changed and the same condition and informatives would be imposed again. Therefore the proposal accorded with the general design and amenity objectives of Policy UD2 in the WLP.

To conclude, as this is a renewal it is necessary to consider what circumstances or policies have changed since the previous approval, especially as the previous application is still valid and could be implemented. The policy framework is still the same as 3 years ago and officers consider that there are no material changes in circumstances since the previous approval to warrant taking a different decision now. Officers still consider that the proposed development is appropriate in terms of materials, design and scale, and as such there will be no adverse impact upon residential amenity of neighbouring residents or within the locality. Furthermore, private amenity space and off street parking are unaffected by the development and are sufficient for the property. As such the development is considered compliant with policies UD2 of the Wrekin Local Plan 1995 – 2006, policy CS15 of the Core Strategy 2007 and national guidance in PPS1.

Members are advised that if they are minded to refuse this application, their decision would be contrary to the LPA's previous decision of less than 3 years ago and could be considered perverse, and difficult to substantiate and any

subsequent appeal to the Secretary of State via the Planning Inspectorate lodged by the applicant. Moreover, on a practical point even if this current application is refused the garage could still be erected under the existing extant planning permission (W2008/0671) providing the works are started before the previous permission expires on 29<sup>th</sup> August 2011.

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

- A04 Time limit.
- C38 Development in accordance with plan Nos.
- C01 Finishing materials to match existing building.
- C26 Foundation design.
- D03 No business use.
- D04 No living accommodation.

**Informatives**

- I17 Minerals Area
- ICustom Existing mineshafts
- I40 Conditions
- I41 Reasons for grant
- IRACustom Reasons for approval

**REASON FOR APPROVAL:**

The principle of erecting the garage of this design on this site has already been established by the previous grant of planning permission. There has been no change in policy framework or circumstances since that decision in 2008. The proposed garage would be an acceptable development which would not have a significant detrimental impact on the amenities of the adjoining properties. The design and appearance of the garage would be satisfactory and would not detract from the street scene or the character of the surrounding residential area.

TWC/2011/0391 Units 11 & 12, Hadley Business Park, Hadley Park Road, Hadley, Telford, Shropshire, TF1 6AB

Modification of conditions No.13 & 14 on Planning Permission W2006/0747 to change hours of operation to allow units Nos.11 and 12 to operate from 5.30am - 7.00pm Tuesday to Saturday (further amended description

**APPLICANT**

Telford & Wrekin Council,

**RECEIVED**

13/05/2011

**PARISH**

Hadley and Leegomery

**WARD**

Hadley and Leegomery

THE PARISH COUNCIL HAS REQUESTED THAT THIS APPLICATION BE DETERMINED AT PLANS BOARD

OBJECTIONS RECEIVED: Yes

**MAIN ISSUES:**

Impact on residential amenity from noise and disturbance, economic benefits.

**THE PROPOSAL:**

This is a retrospective Council application to vary conditions 13 and 14 of planning permission W2006/0747 to allow the current company (THR Parcel & Pallets Ltd) occupying units 11 & 12 at Hadley Business Park to operate their distribution business and receive deliveries 1½ hours earlier in the mornings between Tuesdays to Saturdays from 5.30am instead of 7.00am.

Condition 13 reads: *The use hereby permitted shall only be conducted between 07.00 and 19.00 hours on Monday - Friday and 08.00 and 16.00 hours on Saturdays with no working or activities on Sundays or Public Holidays.*

*Reason: In order to maintain the amenities of the area.*

Condition 14 reads: *No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: 07.00 and 19.00 hours on Monday to Friday and 08.00 and 16.00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.*

*Reason: To minimize noise disturbance to neighboring residents.*

The application was originally submitted to vary just condition13. However, planning officers noticed that condition 14 needed to be amended accordingly otherwise the company could operate earlier but not receive deliveries, and it is the receipt of earlier deliveries that is key to the applicant's operation and its retention of jobs.

The current occupiers of units 11 & 12 (THR Parcel & Pallets Ltd) need to operate from 5.30am between Tuesdays and Saturdays in order to be able to continue to trade from the unit as they need to ensure that items are

distributed onwards and arrive at various major companies in Telford and Shropshire addresses before 9am, otherwise they incur financial penalties.

The company has been operating from units 11 and 12 since 1<sup>st</sup> August 2010, although has been based in Telford for some 26 years. THR have advised that the earlier operating hours are vital to the continuation of the business and if permission is not granted they would have to relocate to outside the Borough with potential job losses. Units 11 and 12 are served by two large roller shutter doors to the front and rear making them ideally suited for THR's operations. The Council as landowner has advised that there is a shortage of such alternative warehousing space within the Borough and that the company has already invested a considerable amount of money in fitting out the units and installing offices - if permission was refused they would have to relocate and they would seek compensation in the region of £100,000 from the Council for these works. The Council would also lose around £50,000 of revenue each year. Leases granted by the Council are generally 3 years in length and are renewable at the end of the term. The Council, can in its capacity as landlord take enforcement action if the tenant is in breach of the covenants contained in the lease which will ultimately lead to termination of the agreement or a refusal to grant a further lease.

Additional neighbour consultations have been undertaken on the amended description proposal.

#### SITE AND SURROUNDINGS:

Units 11 and 12 are two combined units within the larger Hadley Business Park from which operate a range of businesses in both type and size. The business park has two exit/egress points both of which are onto Hadley Park Road. The site lies adjacent to GKN Sankey site and within a predominantly residential area, which has gradually grown up around the long established business park.

Although Hadley Business Park is not an allocated employment site in the Wrekin Local Plan, it would benefit from an established use and planning permission was granted in 2006 for the refurbishment of the business park with new buildings.

The estate was intended to be redeveloped by the Council in four phases. European Regional Development Funding was secured for phases one and two consisting of 15 units, of which units 11 and 12 form part. The rear part of the site remains subject to redevelopment however this has been placed on hold owing to the withdrawal of European funding for such projects. At the rear of the site long established businesses such as M&B Travel and GGS Automotive have operated a fleet of buses and created regular traffic movements to and from the site during the day, including at similar times to the hours required by the occupiers of Units 11 & 12, although there is not an operating hours' restriction on the old M&B Travel unit.

#### PLANNING HISTORY:

W2006/0747 Demolition of existing industrial units and erection of 39mo new units, formation of new parking space with external works and associated drainage works. Granted 13/9/06

W92/0432 Erection of security fence to increase size of yard (adj Unit 12a) Granted 22/6/92

W83/0279 Use of site for light haulage, parking of and repair of commercial vehicles at Phase 2. Granted 3/8/83

W82/0109 Erection of industrial units/open storage (outline). Granted 28/5/82

W80/0571 Use of land for storage with erection of chain line fence (for Telford DIY supplies ltd). Granted 5/8/80

W77/0169 Change of use from Council stores to retail and wholesale of building materials and discount warehouse (at Unit 28). Granted 20/12/77

W76/0212 Change of use of existing buildings from council works depot to warehouse distribution centre and offices for industrial fastenings, tools, bearings and sundry supply. Granted 24/06/76

W76/0075 Change of use from existing Council/B.R.S. Depot to storage facilities. Granted 24/06/76

W76/0076 Change of use from Council depot to light industrial use. Granted 24/06/76

#### PLANNING POLICY CONTEXT:

National Planning Guidance

PPS 1 –Delivering Sustainable Development

PPS4 Planning for Sustainable Economic Development

LDF Core Strategy

CS2 Jobs

CS3 Telford

Wrekin Local Plan

UD2 Design Criteria

E4 Development on unallocated employments in the urban area

#### CONSULTATION RESPONSES:

Hadley & Leegomery Parish Council – Object and request application is refused.

- The current restricted hours were imposed by the Council to limit the impact on the surrounding residents within reasonable hours and maintain the amenities of the area.

- As the site is owned by the Council it should ensure it applies the highest standards.
- The existing business at units 11 & 12 has been operating for some time outside the permitted hours.
- This causes nuisance to neighbours with large goods vehicle traffic in Hadley Park Road travelling to, accessing and leaving the site and also by its loading and unloading and sorting operations on site, all from a very early hour.
- There are also reports of vehicles arriving before the 5.30 starting time now being applied for.
- Parish Councillors have received many complaints from residents about the disturbance that the occupiers of units 11 & 12 make at unsocial hours.
- If this change is approved it would set a precedent for other units on the estate to apply for extended hours which would make an even greater impact on the local area.
- Approval would also undermine all other enforcement action taken by Telford & Wrekin Council as the authority would be seen as operating double standards for its own operations against those of others.

1 letter of support (from resident at No. 52 immediately in front of first industrial units) and located directly adjacent to the entrance to the estate - whilst the early arrival of the lorries does not cause concern, it is the potholed surface of the entrance road into the estate and ramped entrance that makes a noise when the lorries go over them.

1 letter of objection from resident at 20 Wheatley Crescent summarised below:-

- Property is approx 80 yards (door to door) from unit 11.
- Unit & 12 already operating at 5.30am
- Stacker and engine noise and fork clatter can be heard above everyday noise levels and more so outside normal working hours.
- Wagon noise can also be heard as well as occasional reversing klaxons
- Whilst noises are intermittent at the moment, if they become louder or more regular then they would become a nuisance.
- Note that the numbers of the units are not displayed at the premises, nor the company names, or the list of operators at the estate entrance – what is the company name?

#### PLANNING CONSIDERATIONS:

This application seeks to extend the operating and delivery hours to allow the current business operating from units 11 & 12 to start work earlier at 5.30am between Tuesdays and Saturdays in order to trade effectively and to continue to operate in Telford. THR operate a distribution company and are contracted to distribute on behalf of many major Telford based companies. The Telford based company was established some 26 years ago. The company has been operating out of the Hadley Business Park since August 2010 and currently

employs 20 people at units 11 & 12, about half of which live sustainably within easy walking/cycling distance.

THR require the delivery of items from national distribution centres to the site at 5.30am on 3 articulated lorries. On occasion the number of articulated lorries is less. The articulated lorries are unloaded next to the roller shutter doors, pallets sorted inside and reloaded onto a fleet of smaller vans and lorries (ranging from 7.5 tonne – 17 tonne vehicles and 1 articulated lorry) at the other roller shutter door. Activities outside of the unit are minimal owing to the need to sort and distribute quickly, together with the need to ensure pallets are kept dry. The fleet of smaller vehicles then leaves the site about 8.30am to do their deliveries. Meanwhile during the day the 3 articulated lorries that arrived at dawn stay parked at the rear of the units. By 6-7pm the fleet of vehicles return to site and the articulated lorries are loaded up ready to leave site by 7pm and return to their national distribution centres elsewhere. The other vans and lorries are parked overnight in the units and in the yard to the rear.

The company needs the early morning hours on Saturdays for logistical reasons relating to the national distribution centres themselves. This means that the articulated lorries have to arrive on Saturday morning so that they can be re-loaded to return to the centres and also for the fleet of vehicles to be loaded up ready for distribution out on Monday morning. The national distribution centres would not be loading or dispatching on a Sunday, so they wouldn't arrive on Mondays and the hours' restrictions on units 11 and 12 mean that there can be no work on site on Sundays either.

The main objection is from the Parish Council and is to the noise and disturbance from the articulated lorries arriving at the site at 5.30am. This impact on the amenities of local residents has to be balanced against the operating needs of a local business and employer and the wider economic regeneration objectives of the Council. 1 letter of objection has been received concerned that the currently intermittent noise from vehicles, reversing klaxons will increase in loudness and frequency. 1 letter of support has been received from the bungalow that is situated only metres from the site entrance objecting only to the potholes but not to the early morning deliveries themselves.

Telford is the focus for employment and economic development in the Borough and the Core Strategy recognises that the industrial estates and areas of Hadley are one of the main areas in Telford where jobs are located. One of the provisions of Policy CS2 is to meet the needs of existing businesses. The type of business that THR operates from units 11 & 12 is wholly compatible with the types of uses and businesses one would expect to operate from an industrial/business park and the Council's Estates & Investment service is keen to retain the company in the units as they are good tenants.

The hours' condition currently allows units 11 & 12 and the other new units to start operating and take deliveries at 7.00am. It should be noted that there

are no hours' restrictions on the businesses that occupy the older units to the rear of the site. Indeed THR advised the case officer on a site visit that buses from M&B Travel have been seen leaving the site at around the same time as the articulated lorries arrive. It should therefore be acknowledged that not all dawn vehicle movements can be attributed to the occupiers of units 11 & 12, the subject of this application.

In trying to assess the impact of deliveries and operating an extra 1½ hours earlier in the morning officers have taken note of the fact that it is only the articulated lorries and limited staff cars that arrive at 5.30am to enter the site. Up to three staff arrive at 5.30am in separate cars (and half of staff that arrive later in the day either walk or cycle to work), and so there are no general comings and goings at this time. The main vehicle movements to and from the site occur during normal permitted operating hours after 8am. Officers consider that as these early morning movements are very limited in number and direction that on balance their impact on residential amenity is not significant as to warrant refusal, when balanced against the business needs of the company and the Council's employment and economic development objectives and policies. There has only been 1 letter of objections from nearby residents and the noise they refer to appears to be intermittent and not a significant or constant problem. The resident who lives closest to the site entrance and effectively on the business park has no issue with the early morning arrivals – only the potholes that make the lorries rattle as they cross over the uneven surface. The Council's Estates & Investment service area has now completed resurfacing works to both the entrance and exit roads to the estate and will reassess the need for ramped/speed humps.

The Parish Council is concerned that allowing an extension to the early morning operating hours will set a precedent for other units to want longer operating hours. Officers consider that this can be overcome by varying the permission so that any extension of operating and delivery hours apply to units 11 and 12 only and only to the current operate (THR). This would mean that should the current occupiers vacate the site, the operating and delivery hours for units 11 & 12 would revert back to 7.00am start. This would help serve to lessen concerns from the Parish Council and the objecting resident of the situation worsening.

LPA's are able to impose different conditions if they are conditions the Council could have lawfully imposed upon the original permission in that they do not amount to a fundamental alteration of the original proposal. Officers consider this to be the case in this instance –the conditions relate to only 2 small units within a much larger business park and would not apply to the restrictions currently in place on the other existing units. However, future applications to make other variations, if granted, could fundamentally alter the permission and therefore officers would not wish to see other variations on other units coming forward.

In conclusion officers consider that although 5.30am is at a time of the morning when people are most likely to still be asleep, the traffic movements causing any disturbance are limited in number to a maximum of only up to 3

articulated lorries entering the site (not coming and going) and that on balance the impact on the living conditions and amenities to nearby residents is not so significant as to warrant refusal, when balanced against the business needs of the company and the Council's employment and economic development objectives and policies, and that the variation applies to only 2 units within the overall business park. The Council has only received 1 letter of objection from a local resident in the vicinity of the site. Whilst the Council cannot control what traffic or heavy vehicles may travel along Hadley Park Road, the variation of the conditions in the manner described above would seek to allow an existing company to continue trading, with the economic benefits this brings to Telford, whilst at the same time limiting the noise and disturbance to local residents.

Therefore officers recommend granting what would in effect be a personal permission to the current occupiers of units 11 and 12 so that they be allowed to operate their business and take deliveries earlier in the mornings at 5.30am between Tuesdays and Saturdays, and then if this operator vacates the units sometime in the future for whatever reasons, then the operating and delivery hours of units 11 & 12 would revert back to a 7.00am start as set out in conditions 13 and 14. To do this it is considered necessary to keep conditions 13 and 14 as they are, so that they continue to apply to the other units on the estate, but add 2 new conditions to deal with the specific operating and delivery requirements of units 11 & 12 only, and restricting the number of articulated lorries to three.

**RECOMMENDATION:** to GRANT PLANNING PERMISSION to vary the hours and delivery conditions for units 11 & 12 only by imposing 2 new conditions to planning permission W2006/0747 in addition to keeping all of the existing conditions as set out below:

1. AO4 Time limit
2. C38 Approved plans
3. B06 Samples of materials
4. Bcustom Walls & fences
5. B24 Prevent mud on road
6. B30 Ground investigations
7. B33 Details of drainage
8. Bcustom Scheme for each building
9. B42 Building insulation for noise/vibration
10. Bcustom Planting on northern boundary
11. B43 Soundproof plant & machinery
12. B22 Parking, turning areas laid out
13. Bcustom Operating hours
14. Bcustom Delivery & machinery hours
15. D16 No outside storage
16. Dcustom Scheme for waste disposal
17. Dcustom No burning of materials on site
18. NEW Notwithstanding the hours set out in condition 13, no business shall be conducted at Units 11 & 12 whilst they are occupied by THR Parcel & Pallets Ltd outside the following times: 07.00 and 19.00 hours

on Monday, 05.30am and 19.00 hours on Tuesday to Friday, 05.30am and 16.00 hours on Saturday, with no working or activities on Sundays or Public Holidays. When THR Parcel & Pallets Ltd cease trading from units 11 & 12 the operating hours shall revert back to those set out in condition 13.

Reason: In the interests of economic benefit whilst maintaining the amenities of the area.

19. NEW Notwithstanding the hours set out in condition 14, no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from Units 11 & 12 whilst they are occupied by THR Parcel & Pallets Ltd outside the following times: 07.00 and 19.00 hours on Monday, 05.30am and 19.00 hours on Tuesday to Friday, 05.30am and 16.00 hours on Saturday, with no working or activities on Sundays or Public Holidays. Between 05.30 and 07:00 hours no more than three articulated lorries shall arrive and none shall leave. When THR Parcel & Pallets Ltd cease trading from units 11 & 12 the hours shall revert back to those set out in condition 14.

Reason: In the interests of economic benefit whilst maintaining the amenities of the area.

#### Informatives

I40 Conditions

Icustom Submission of any reports

I41 Reason for Grant of planning permission (policies)

RA custom Reason for grant of planning permission (text)

#### REASON FOR APPROVAL:

The units are part of an established and existing industrial/business park and hence are not introducing a new or inappropriate use. The traffic movements associated with the variation of hours are limited in number to up to only 3 articulated lorries entering the site at 5.30am and that on balance the impact on the living conditions and amenities to nearby residents is not so significant as to warrant refusal, when balanced against the business needs of the company and the Council's employment and economic development objectives and policies. Restricting the variation of hours to apply to only units 11 & 12 and to be personal to the existing operating company will limit any wider disturbance and serve to address the Parish Council's concerns of precedence.

TWC/2011/0430 2 Pool Meadow, Hadley, Telford, Shropshire, TF1 5RJ  
Erection of a two storey extension to side and rear

**APPLICANT**

, Mr Ghulham Rasool

**RECEIVED**

17/05/2011

**PARISH**

Hadley and Leegomery

**WARD**

Hadley and Leegomery

THIS APPLICATION WAS DEFERRED AT PLANS BOARD ON 13<sup>TH</sup> JULY 2011 FOR A SITE VISIT.

CLLR MALCOLM SMITH HAD INITIALLY REQUESTED THAT THIS APPLICATION BE DETERMINED BY PLANS BOARD

OBJECTIONS RECEIVED: Yes

**MAIN ISSUES:**

Overlooking, overbearing, out of character.

**THE PROPOSAL:**

This application relates to the erection of a two storey extension to side and rear of a semi detached property.

The proposed extension would provide the property with a larger kitchen and a second lounge area to the ground floor and 2 further bedrooms and larger bathroom to the first floor. All proposed external materials are to match existing.

**SITE AND SURROUNDINGS:**

This is a semi-detached property situated on the entrance to Pool Meadow, Hadley. The property occupies a corner plot between Pool Meadow and Church Street. External materials consist of yellow facing bricks, concrete pan roof tiles and white upvc windows.

There is a small front garden which overlooks a block of 3 storey high flats and a small tarmac driveway providing on site car parking space for 1 vehicle only. There is a small side and rear garden which abuts the boundary of No.60 Church Street, which is situated behind the property.

The property is in close proximity to No.60 Church Street and the distance from the rear elevation to the rear elevation of No.60 is only 10m. This neighbouring property is also a semi-detached house of the same size and design. A 1m high brick wall sits along the boundary, to the rear of both properties.

Other neighbouring properties are of very similar design and proportion – none of the nearby neighbouring properties have had extensions similar to that of the proposed.

PLANNING POLICY CONTEXT:  
National Planning Guidance  
PPS 1 –Delivering Sustainable Development

Saved Wrekin Local Plan Policies  
Policy UD2 – Design Criteria

LDF Core Strategy  
Policy CS15 – Urban Design

CONSULTATION RESPONSES:

A site notice and 13 direct neighbour letters have publicised this application.

Letter of **objection** received from 60, Church Street, Hadley : Loss of light, loss of privacy, concerns regarding foundations being disrupted due to close proximity

Hadley & Leegomery Parish Council: No Objection

Ecology: Support subject to conditions (I25k – Bats & Birds)

PLANNING CONSIDERATIONS:

This application relates to the erection of a two storey extension to side and rear of a semi detached property.

The proposed extension would provide the property with a larger kitchen and a second lounge area to the ground floor and 2 further bedrooms and larger bathroom to the first floor. All proposed external materials are matching.

It is the first floor extension element which is deemed to be unacceptable to neighbouring properties by reason of loss of privacy, being overbearing and loss of light.

The proposed two storey extension would project 4.5m out from the side of the property and would take the extension within 900mm of the boundary with No.60 Church Street, which is located to the side and rear of the house. This neighbouring property has a small 5m long rear garden and is therefore already in close proximity to No.2 Pool Meadow. The proposed extension would bring the two properties even closer together and would leave a distance of only 6.5m.

It is considered that there will be a significant loss of privacy and overlooking for the occupiers of both No.60 and No.58 Church Street from the proposed first floor rear elevation bedroom window over this close distance. The first floor triple pane window would look directly towards the gardens and rear windows of these neighbouring properties resulting in a significant loss in privacy and overlooking. Even if this proposed window was reduced in size, its close proximity and orientation would still cause an unacceptable level of overlooking and loss of privacy.

In addition, a two storey extension in such close proximity to neighbouring properties and with the orientations involved would appear unduly overbearing to occupiers of No.60 Church Street.

The applicant wishes to take the proposed extension out a further 900mm from the rear of the property to maximise potential living space, and thus creating a double gabled roof design to the rear elevation. The gable closest to No.60 Church Street will be 6.3m high and would only leave a 900mm distance to the boundary line making the proposed extension overbearing.

As this property sits on a corner plot between Pool Meadow and Church Street, the proposed double gabled roof will be clearly visible from Church Street. The introduction of a double gabled roof is out of character with the property and surrounding area and will introduce an incongruous feature. The proposed roofing as a whole is out of character and will not reflect the existing styles of the nearby neighbouring properties and will therefore be visually detrimental to the street scene.

It is considered that the proposed two storey extension will lead to a loss of light to the rear rooms of properties No.58 and 60, Church Street. The rear gardens of these neighbouring properties are small in size and No.60 in particular relies on the space where the proposed extension is to be built, to achieve sufficient levels of light to their kitchen, living room and first floor back bedrooms. It is considered that the proposed extension will block out light and will therefore have a significant detrimental impact on living conditions of No.60.

Furthermore, the addition of two extra bedrooms to such property requires the applicant to identify how extra on site parking space will be achieved. Existing parking provisions consist of one on site parking space only and this is considered to be inadequate parking provision for a potential four bedroom house. At least one additional parking space would be required.

In light of the above reasons it is considered that the proposal is unacceptable and would be contrary to the Council's saved policies, in particular Policy UD2 (Design Criteria). The proposed extension would have a significant detrimental impact on neighbouring properties, in particular No.60 Church Street, by reason of loss of privacy, light and overbearing effect and its double rear-gable design would be an incongruous feature that will be detrimental to the street scene.

**RECOMMENDATION: REFUSE PLANNING PERMISSION** for the following reason(s):

1. The Local Planning Authority considers that the rear elevation bedroom window of the extension together with the close proximity and orientation with neighbouring properties will result in overlooking and loss of privacy that would be detrimental to the amenities of

neighbouring properties and contrary to policies UD2 of the Wrekin Local Plan and CS15 of the Core Strategy.

2. The Local Planning Authority considers that due to the position of the extension in relation to the boundary with the adjacent property would have an overbearing effect on that property detrimentally affecting its setting and outlook.
3. The Local Planning Authority considers the proposed extension with its double rear gables introduces an unsympathetic feature that results in the proposal appearing incongruous and detracting from the character and appearance of the street scene and as such would be contrary to policies UD2 of the Wrekin Local Plan and CS15 of the Core Strategy.

TWC/2011/0477 11 Bratton Road, Bratton, Telford, Shropshire, TF5 0BT  
Erection of single storey attached garage to side of existing dwelling and  
conversion of existing garage to a self contained unit

**APPLICANT**

, Mr & Mrs Gavin Wood

**RECEIVED**

08/06/2011

**PARISH**

Wrockwardine

**WARD**

Wrockwardine

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Scale and design, Character and appearance, Impact on  
adjoining residential amenities, Parking provision

**THE PROPOSAL:**

The application seeks planning permission for conversion of the existing  
double garage to form habitable annexe accommodation and a single storey  
side extension to the existing property providing replacement garage  
provision.

**SITE AND SURROUNDINGS:**

The application site comprises a modern detached red brick property set back  
from the highway with driveway extending the length of the site and leading to  
a detached double garage at the rear of the garden area to the western extent  
of the site. The south and west elevations of the garage are blank; there is a  
single window on the north elevation and garage doors to the east (front)  
elevation. The site is bounded by a combination of brick walling to the  
highway and adjacent to the adjoining property, No.13 Bratton Road, with  
timber fencing and hedgerows to the side and rear boundaries.

To the south of the application site is an older semi-detached property, No.13  
Bratton Road which is positioned further forward than the application property.  
A similar modern detached property is located to the north with an attached  
garage to the frontage. To the rear (west) of the site is Highfield Lodge, a  
modern detached property with vehicular access off a narrow track, with the  
rear elevation of the double garage facing the rear of the garage at the  
application site. Opposite the application site to the east is a layby area with  
established semi-detached properties in West View set back from the  
highway.

**PLANNING HISTORY:**

W79/0092 Residential Development and Construction of Vehicular Access,  
Outline granted

W79/0092RM Erection of Four Bedroom House and Detached Double  
Garage, Construction of Vehicular Access, Reserved matters granted

W82/0277 Erection of a Single Residential Dwelling, Construction of Vehicular  
and Pedestrian Access, Outline granted

W92/0887 Erection of a Conservatory to Rear of Existing Building, Full  
granted

#### Relevant History at Adjoining Properties:

Land to rear of 11 Bratton Road –  
W89/0989 Erection Of Dwelling With Double Garage, Outline granted  
W92/0648 Erection of a Four Bedroomed Dwelling and Double Garage with  
Construction of New Vehicular Access, Reserved matters granted

Land to rear of 10 Bratton Road –  
W2006/0421 Erection Of 1no. Retirement Bungalow With Garage (Outline),  
Refused

Land to rear of 9 Bratton Road –  
W91/0539 Erection Of Single Dwelling With Alteration To Existing Vehicular  
Access, Refused  
W2006/0265 Erection Of 1 No. Retirement Home (Outline Application),  
Refused and Appeal Dismissed  
W2009/1030 Erection Of 1no. Retirement Bungalow (Outline), Refused

Land to rear of 8 Bratton Road –  
W2006/0401 Erection Of 1no. 2 Or 3 Bedroom Bungalow (Outline Application),  
Refused

PLANNING POLICY CONTEXT:  
National Planning Guidance  
PPS1 Delivering Sustainable Development

Saved Wrekin Local Plan Policies  
UD2 Design Criteria

LDF Core Strategy  
CS15 Urban Design

#### CONSULTATION RESPONSES:

Wrockwardine Parish Council: No objection subject to condition that the self  
contained unit is only occupied by the family and not let out to third parties.

Highways: No objection to the proposal in principle; however the self  
contained unit should be conditioned to only be used as annexe  
accommodation in connection with the existing property.

Ecology: Support subject to an informative regarding Protected and priority  
species.

Shropshire Fire Service: Support subject to an informative regarding Access  
for Emergency Fire Service Vehicles.

3 neighbour letters have been submitted with the following comments:

- Existing parking problems (onstreet parking, blocking of driveways etc.)  
will be exacerbated

- New garage extension will block light to adjoining kitchen area
- Guttering will overhang neighbouring property
- Removal of fence and erection of scaffolding will be an inconvenience and danger to animals
- Existing problems with landscaping
- Previous planning applications for similar annexe accommodation in vicinity refused
- Noise and disruption during construction of development

#### PLANNING CONSIDERATIONS:

The proposed annexe (converted garage) is intended to be used for visiting family members, and would be a self-contained unit comprising a living room/bedroom space with kitchenette, and a bathroom. The overall form and character of the building will be unchanged, with no openings proposed on the south and west elevations, single window retained on north elevation and garage doors replaced with a window and French doors on the east elevation. The proposed brickwork will match the existing building and the development will be in keeping with the character and appearance of the property. The scale and design of the development with openings limited to the elevations facing into the application site will not have a detrimental impact on adjoining residential amenities.

Whilst there have been a number of recent planning refusals for new dwellings at land to the rear of the adjoining properties, 8, 9 and 10 Bratton Road, these were new dwellings to be accessed off the track to the rear and were refused on character and highways grounds. This current proposal for conversion of the existing garage is not creating a new building, nor subdividing an existing plot, utilising the existing driveway and parking provision of 11 Bratton Road, being ancillary to the main dwelling. Accordingly the conversion of the garage to ancillary residential accommodation will not have an adverse impact on the surrounding character, nor prejudice highway safety, and is therefore considered acceptable in this instance.

Officers propose the imposition of restrictive conditions and a legal agreement to ensure that the Local Planning Authority can control the use of the development and the proposal will not lead to the creation of a separate dwelling, only annexe accommodation to be used in association with the existing dwelling. The Applicants have agreed to this.

The development also includes a single storey side extension to the main dwelling to create new garaging for the property. This would be constructed in brick with a pitched tiled roof, measuring 2.5m to eaves and 3.8m to ridge height. The garage would be located up to the shared boundary with No.13 Bratton Road, and would be positioned in line with the front of the application property and project slightly beyond the rear to accommodate 2 vehicles. As it is a single-storey extension, it would be subservient to the main dwelling and in keeping with the character and appearance of the property and the streetscene. It would enclose the garden area of the property and the garage

conversion further ensuring that the annexe accommodation does not become a separately owned or rented unit.

With regard to the neighbour objections raised, these mainly relate to the extension and not the garage conversion. Officers do not consider that the proposal would exacerbate parking problems, as the development would include garaging for 2 vehicles with existing parking space on the driveway to the front of the site. In this regard, the Highways Engineer has no objection to the proposal subject to appropriate conditions on the garage conversion. Conditions would also be imposed to ensure the new attached garage is not converted in order to maintain sufficient parking space. Whilst the neighbour concerns of No.13 Bratton Road are noted, due to the position and orientation of the development to the north of the adjoining property, and the existing mass of the dwelling, it is considered that the garage will not have a significant adverse impact on light to the adjoining kitchen. The plans do not show an overhang of the eaves or guttering on to No.13 Bratton Road, but the development will extend up to the shared boundary. In order for the scaffolding to be located on the adjoining property, the neighbour must agree to this; however this is a civil matter, along with issues over landscaping. The relatively small scale of the development should not lead to undue noise and disturbance to neighbours; therefore officers do not propose the imposition of hours conditions etc.

In conclusion, the proposed conversion of the detached double garage to residential use and its occupation ancillary to the main dwelling by a member of the family is considered acceptable and would not result in a significant detrimental impact on the character and amenities of the surrounding residential area, subject to a legal agreement to prevent the garage from being sold or let as a separate unit of accommodation. Furthermore the proposed extension is considered acceptable in terms of the scale, design, form and materials and will not have a detrimental impact on adjoining residential amenities. The development therefore accords with national and local planning policy.

**RECOMMENDATION:** Subject to the Applicants entering into a Section 106 Agreement that the development shall be retained as ancillary accommodation to the main dwelling and not sold as a separate unit or let as a separate unit, to be delegated to the Head of Housing and Planning to **GRANT PLANNING PERMISSION** subject to the following conditions:

1. A04 Time limit
2. C01 Finishing material to match
3. C38 Development in accordance with plans
4. D02 Domestic garages: no business use
5. D04 New garage shall not be converted to residential use
6. DCustom Converted garage/annexe: ancillary accommodation only - restriction on separate residential use

**REASON FOR APPROVAL:**

The conversion of the garage to residential use and its occupation ancillary to

the house by a member of the family is considered acceptable and would not result in a significant detrimental impact on the character and amenities of the surrounding residential area, subject to a legal agreement to prevent the garage from being sold or let as a separate unit of accommodation. Furthermore the proposed extension is considered acceptable in terms of the scale, design, form and materials and will not have a detrimental impact on adjoining residential amenities nor prejudice highway safety.

TWC/2011/0496 7 Hodge Bower, Ironbridge, Telford, Shropshire, TF8 7QG  
Demolition of a single storey entrance hall and the erection of a new two-storey extension

**APPLICANT**

, Mr Mick Helliwell

**RECEIVED**

08/06/2011

**PARISH**

The Gorge

**WARD**

Ironbridge Gorge

THE GORGE PARISH COUNCIL HAS REQUESTED THAT THIS APPLICATION IS CONSIDERED AT PLANS BOARD

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Scale and design, Character and appearance, Impact on the World Heritage Site and Conservation Area, Existing ground conditions, Planning history on the site

THE PROPOSAL: The application seeks planning permission for the erection of a two-storey extension to the front of the dwelling following the demolition of the existing single storey entrance hall. A small single storey element is also proposed allowing entrance to the new hallway. The proposal will cover 5.3sqm in footprint.

**SITE AND SURROUNDINGS:**

The application site comprises a traditional brick and tile property, painted cream, with a single storey element to front with monopitch roof, which is in a poor state of repair; and feature gable detail. There is a modern brick two-storey extension to the rear. It is an end-terrace property and fronts directly on to the highway 'Hodge Bower'. It has a large rear garden area.

The adjoining properties have a variety of single-storey projecting elements. To the side of the property is a substantial tarmaced parking area serving the adjoining Grade II listed Crown Inn. The owners of the application property also have parking provision within this area. It is flanked by a two-storey projecting gable element attached to the main three-storey Public House which is set back from the highway. A further row of cottages are located alongside the Public House, with no extensions to the frontages. There are no dwellings directly opposite the application property, but the gable end of the prominent Lincoln House, a Grade II Listed Building adjoins the highway, with brick garden wall extending along the highway.

The application site is located within the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area.

**PLANNING HISTORY:**

W99/0228 Proposed Two Storey Rear Extension, Full granted (FG)

W2006/1181 Replacement of All Windows, FG

W2008/1296 Erection of a Two Storey Front Extension to Replace Single Storey Existing Extension, Full Refused – It was considered that the scale, mass, design and siting of the development would be inappropriate and detract from the character and appearance of the property and World Heritage Site

W2009/0556 Erection of a Porch and External Alterations, FG – Appropriate to the character and appearance of the dwelling, Conservation Area and World Heritage Site

TWC/2010/0300 Proposed demolition of single storey entrance hall and erection of new two storey extension, Withdrawn – To enable the Applicants to prepare the required information to address geotechnical issues regarding stability and mining.

TWC/2011/0497 Demolition of a single storey entrance hall and the erection of a new two-storey extension, Withdrawn – Conservation Area Consent is not required as extension smaller than 115cu.m

Adjoining properties, No.5 and 6 Hodge Bower:

W2000/1007 & 1008 Removal Of 2 Chimneys (Retrospective), Rebuilding Of Front Elevation, And Erection Of New Chimney, Full Granted and Conservation Area Consent (CAG)

W2001/0852 Partial Demolition Of 2 Dwellings, CAG

W2001/0851 Part Demolition And Rebuild/Renovation Of Existing Dwellings, Erection Of Two Storey Rear Extensions And Change Of Use Of Open Space To Private Garden Land

#### PLANNING POLICY CONTEXT:

National Planning Guidance

PPS1 Delivering Sustainable Development

PPS5 Planning and the Historic Environment

Circular 07/2009 Protection of World Heritage Sites

LDF Core Strategy

CS14 Cultural, Historic and Built Environment

CS15 Urban Design

Saved Wrekin Local Plan Policies

EH14 Land Stability

UD2 Design Criteria

HE3 New Development in Conservation Areas

SG1 World Heritage Site

#### CONSULTATION RESPONSES:

The Gorge Parish Council objects to the application on the following grounds:

- The removal of the wall with the dutch ogee shaped gable detail is unusual in the Conservation area.

- The extension is not in keeping with the street scene of Hodgebower – the rest of the row does not have this type of extension. The extension will have a huge visual impact on the street scene.
- This view is different from previous comments – The Gorge Parish Council is now a new council with a majority of new councillors.

Built Heritage Conservation: objects to the proposal and makes the following comments:

- Some previous guidance was given following an earlier submission but the previous Conservation Officers comments against it were quite robust. A revised scheme was submitted at pre-application but cannot see how those comments have been addressed, despite the rather vague and informal indication that there was no objection.
- The form of the extension is out of keeping, not only in the group but also in the wider area of the World Heritage Site. Not only is the idea of a front two storey extension out of keeping the overall design of the extension is also out of keeping having a hipped roof where traditionally any extensions would have had a gabled end.
- The extension itself also has an extension by the provision of an additional porch area which makes the degree of extension even more excessive and by virtue of its poor design, even more incongruous on the street scene. The overall feel is of a cottage type character and the two storeys plus porch extension here is at odds with this
- Notes the Parish Council's comments regarding the "dutch" gable and surmises this to be part of the boundary to the Crown Inn which is a listed building or at least in some relationship with the two adjoining buildings. Agrees that where possible this feature should survive intact, both for the historic preservation of the character of the buildings but also for the benefit of the historic street scene within the Conservation Area/World Heritage Site. The proposal is for a complete re-build which is not preservation. Does not consider this to be the grounds for refusal alone but is certainly an aggravating factor
- If further extension is required then consideration should be given to such at the rear though this has already had a two storey extension (Ref W99/ 0228) and therefore there may be limited scope for further extension here
- Recommends refusal on the grounds that the development proposed does not enhance the conservation area and in design and massing is at odds with other buildings both in its immediate surroundings and the Conservation Area/World Heritage Site. It therefore also affects the setting of the Conservation Area/World Heritage Site. It is therefore in conflict with Wrekin Local Plan Saved Policy UD2 & HE3, PPS5 HE7.5 & 10.1 and Core Strategy CS14.

Geotechs: All the information has been received in relation to stability and mining; therefore supports the proposal subject to condition C26 (raft foundation) and informatives I17 & I20.

Highways: no objection in principle subject to an informative that the applicants contact Highways Maintenance for the appropriate licence to place

any structure on the public highway which is required to enable the construction of the extension.

Ecology: Support subject to Informative I25k regarding Bats and birds.

Shropshire Council (Archaeology): no comment

#### PLANNING CONSIDERATIONS:

The proposed two storey extension with single storey element would measure a total of 4.4m in length and project 1.9m to the front of the property. It would create a new hall and porch area at ground floor and an extension to the small third bedroom at first floor. The extension will replace the existing single storey element to the front of the property which is in poor condition and has problems with damp.

This scheme is identical to the application that was submitted in 2010 (TWC/2010/0300) which was withdrawn to enable the Applicant to resolve the geotechnical issues.

With regard to the background to this application, planning permission for a two storey front extension was refused in 2009 as officers considered the scheme would be out of keeping and detrimental to the character and appearance of the area (W2008/1296). Following the refusal, the Applicant discussed the scheme with the Conservation Officer and sought to design a scheme that was more appropriate and addressed the reasons for refusal. This was submitted later in 2009 (W2009/0556) and the initial description was 'Erection of a two storey front extension to replace existing single storey front extension'. The scheme was amended to a replacement porch element due to the cost implications to the Applicant in providing the required geotechnical information.

The Applicant submitted a further application for a two storey extension in 2010; however this was withdrawn following discussions with the Council's Geotechnical Engineers, as there were a number of geotechnical issues to resolve prior to determination of the application. These issues have now been resolved and further information has been submitted. This current application (TWC/2011/0496) has taken account of the previous discussions and correspondence with the previous Conservation Officer and the existing Geotechnical Engineers.

The existing structure is in poor condition and needs to be removed and replaced. Due to the size of the existing building being less than 115 cubic metres and that it is not listed, the removal of this feature does not require consent.

The Gorge Parish Council and the Council's current Built Heritage Conservation Officer have raised objections to the proposal and consider that it is out of keeping with the character and appearance of the existing property, row and the wider area of the World Heritage Site. Development in this location must clearly be appropriate to the historic environment. The current

scheme for a two storey extension with attached porch element is a relatively prominent feature, located on the front of the property. It is noted that a rear extension would have less impact on the character and appearance of the property. However, in terms of the position of the extension on the frontage, there is an existing single storey element which is to be replaced by the development; and the adjoining properties in the terraced row have been extended, including by single storey front extensions. In addition, the adjoining building in the streetscene is the projecting gable element of The Crown Inn, thus the projecting elements at the front of buildings in Hodge Bower is an established feature.

The property has been extended at the rear by a two storey extension; however the proposed two storey extension is relatively modest in size and is not disproportionately large for the existing dwelling or row of properties. Whilst the roof is hipped, which is not generally the form of development in this location, this reduces the mass and dominance of the building and the proposal seeks to replicate the ladder casement type windows, cills and lintels on the existing property. The scheme also retains the detailing which is a feature on the gable end of the existing extension, thus maintaining its character.

The location of the extension at the end of the property, not adjacent to the shared boundary of No.6 will ensure that the proposal does not have a detrimental impact on adjoining residential amenities.

In response to Conservation comments, the revised scheme that the previous Conservation Officer had no objection to was not at pre-application stage, but a formal planning application (TWC/2010/0300). This was only withdrawn as there were outstanding geotechnical issues. Therefore the earlier Conservation comment was a formal response to the application; however it is noted that this did not specifically detail how the previous objections had been overcome.

Whilst the Conservation Officer comments in particular raise concerns about the impact of the development on the property and the area, and considers that the proposal would be contrary to national and local planning policies, officers must also have regard to the previous planning history and the reason behind the 2010 application being withdrawn. The Applicants had resolved the Conservation issues in line with the previous Conservation Officer advice and comments, and to overcome the earlier reasons for refusal. The proposal has not been amended from this scheme and is simply supported by additional information regarding the slope stability and mining issues. Accordingly, officers recommend approval of the proposal and consider that the development is acceptable in terms of the siting, scale, mass, design and form, and will enhance the character and appearance of the existing dwelling by removing the existing dilapidated front extension. The proposal will be in keeping with the character and appearance of the row of properties in Hodge Bower, The Crown Inn and the Conservation Area/World Heritage Site. Accordingly, it is considered the proposal complies with the relevant national and local planning policies.

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

1. A04 Time limit
2. B06 Samples of materials
3. B07 Sample panel
4. B11 Details of windows and doors
5. C26 Raft foundation
6. C38 Development in accordance with plans

REASON FOR APPROVAL:

The development is considered acceptable in terms of the siting, scale, mass, design and form, in keeping with the character and appearance of the existing property, the row of properties in Hodge Bower, The Crown Inn and the Conservation Area/World Heritage Site. Furthermore, the proposal will not have a detrimental impact on adjoining residential amenities.

TWC/2011/0505 Land Adjacent To, 15 Woodside, Coalbrookdale, Telford, Shropshire, TF8 7ED  
Erection of dwelling house and single garage

**APPLICANT**  
, Mr Lee Kind

**RECEIVED**  
09/06/2011

**PARISH**  
The Gorge

**WARD**  
Ironbridge Gorge

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Scale and design, Character and appearance, Impact on World Heritage Site, Stability issues, Highways issues

THE PROPOSAL: The application seeks full planning permission for the Erection of a detached dwelling house and single garage on the site adjacent to No.15 Woodside.

The proposal comprises a four-bedroomed detached gable property designed in a Georgian style. It appears as a two-storey dwelling, with fourth bedroom in loft space, with rooflights in rear elevation. There are two-storey and single storey elements to the rear and side of the building, and a feature inglenook chimney. The building would be constructed in brick and plain clay tiles, with central door entrance and timber 12 pane sash windows complete with headers and cills.

**SITE AND SURROUNDINGS:**

The application site comprises an existing area of land covered by trees and shrubs, which is located between established residential properties on Woodside, a narrow one-way street that slopes uphill from the main highway, School Road/ Wellington Road. The site is elevated from the highway and slopes up to the rear.

It is bounded by a variety of fencing and shrubs. Amongst the trees located on the site, there are two trees close to the boundary with the adjoining property, 9 Woodside which are protected by a Tree Preservation Order. There is a wooded area to the rear of the application site.

To the east of the site, there is an existing access serving garaging and parking to the adjoining properties. This includes a single garage at the rear of the driveway. No.9 Woodside has a detached double garage at the front of the property, adjoining the corner of the site.

The properties in the vicinity comprise a mix of types and ages, including a terraced row of red brick properties, including No.15 Woodside, two storey brick cottages, such as 9 Woodside, and large detached properties at a lower ground level. Further downhill, there are 1930s semi-detached properties.

The site lies within the Severn Gorge Conservation Area and Ironbridge World Heritage Site. The Ironbridge Gorge is also an Area of Special Landscape Character.

**PLANNING HISTORY:**

W94/1086 Proposed Dwelling And Garage With Alteration To Existing Vehicular Access, Withdrawn

TWC/2010/0716 Erection of a detached dwelling and detached double garage with loft storage, Withdrawn

TWC/2010/0728 Felling of various trees, Work has deemed consent. Application withdrawn on submission of new proposal

TWC/2011/0499 Felling of 1no. Hazel Tree, 1no. Goat Willow Tree and 1no. Ash Tree, No decision made

**PLANNING POLICY CONTEXT:**

National Planning Guidance

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS5 Planning and the Historic Environment

Circular 07/2009 Protection of World Heritage Sites

LDF Core Strategy

CS1 Homes

CS14 Cultural, Historic and Built Environment

CS15 Urban Design

Saved Wrekin Local Plan Policies

EH14 Land Stability

UD2 Design Criteria

OL2 Designated Areas

HE3 New Development in Conservation Areas

SG1 World Heritage Site

**CONSULTATION RESPONSES:**

The Gorge Parish Council: objects to this application for the following reasons:

- If permitted it will be the first new build within Coalbrookdale since the WHS designation.
- There will have to be significant excavation on the site to ensure the development sits within the roof line as proposed. There are no plans showing the retaining walls that will be needed to the remaining bank to the side and rear of the property.
- There needs to be an agreed traffic management plan for the development traffic to ensure Woodside and the small access road to the side are not blocked by development traffic.

- Times of working must be only during working hours 9-5 to ensure neighbours have quality of life.
- The site is not in the current saved local plan.

Built Heritage Conservation: No objection and makes the following comments:

- The proposal is a much more scaled down version of that initially proposed, in line with pre-application advice that the dwelling must be of an appropriate style, height and massing to blend in with its surroundings.
- The front elevation presents a largely traditional approach and would blend in well with other premises in the area. The other elevations are typically more modest with the use of casements, which is not an unusual arrangement. The fenestration is quite restrained and that any minor revisions of window detailing can be contained within a pre-commencement condition. The presence of a flat roof to the rear has been designed as to be largely invisible and done in such a fashion as to replicate a “traditional” parapet flat roof complete with a roof lantern. It will be necessary to ensure that the roofing materials here are also conditioned to ensure that no modern styled felt/treatments are used.
- The garage is an improved design being heavily scaled back and sited to the rear to retain the main house as the focal point. Cannot see any landscaping details and this matter should be agreed to avoid too harsh a landscape post development, especially given the excavation necessary.
- This proposal will contribute positively to the Conservation Area and World Heritage Site. The build quality will need to be very high. Therefore the following conditions should be imposed: B06 Samples of materials, B07 Sample brick panel, B11 Details of Doors and windows at 1:5, and BCustom Details of services exterior

Geotechs: Supports the proposal but states the proposed development must be built in accordance with the submitted plans. Any revisions to the submitted plans will require a revised slope stability assessment.

Drainage: Supports the proposal subject to Conditions B33 Foul and surface water drainage details and B41d Greenfield runoff rates, and a condition stating any attenuation feature located within the site should take into account the possible affect on land instability. In addition to the feature being approved by TWC Drainage department, further approval on the design and stability of the structure will be required from the Geotechnical department.

Ecology: Support subject to Condition regarding the erection of nest boxes and Informatives Retention of habitat features, Nesting Birds (Vegetation), Vegetation cutting, Protected and priority species Trenches and Replacement planting.

Sustainability: no comment

Shropshire Council: The proposed development site is on a site formerly occupied by a row of artisans' cottages dating to the early 19th century. Archaeological remains relating to these cottages may therefore be impacted on by the proposed development. In view of the above and in accordance with PPS5, recommends an archaeological evaluation of the application site be undertaken prior to the planning application being determined. The aim of this evaluation would be to assess the extent, survival and significance of any archaeological remains. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development and any appropriate archaeological action or mitigation. There should be no determination of the application until the archaeological evaluation has been satisfactorily completed and reported on.

Shropshire Fire Service: Support subject to informative re: access

Natural England: no objection

1 neighbour letter has been received with the following comments:

- Objections raised to the previous scheme – scale and overdevelopment, and ground stability issues
- No longer raise objection as scheme is more in keeping with the character of the area and Georgian properties
- Materials and details should match Georgian properties in Woodside
- Boundary treatment unclear – additional hedging to boundary with 9 Woodside would be most appropriate
- Assurances regarding land stability and slippage
- Conditions regarding traffic management
- Hours of construction limited to 9am to 5pm Monday to Friday
- Object to associated application for tree removal on grounds of prematurity

Comments are still awaited from Highways, Arboricultural and Shropshire Wildlife Trust.

#### PLANNING CONSIDERATIONS:

This application follows a recent withdrawn application (TWC/2010/0716) and subsequent pre-application discussions with Planning and Conservation Officers to devise a more appropriate scheme in terms of the scale, design and character of the development in this location and to accord with national and local planning policies. In addition, there were outstanding geotechnical issues to resolve. There were also significant objections raised by The Gorge Parish Council and neighbours regarding overdevelopment and the impact of the proposal on adjoining properties and the area in relation to the previous submission.

The 2010 submission comprised a significantly larger building on the plot in an elevated position, thus appearing overly dominant in the streetscene. The

building had a traditional frontage; however the design included a strange window arrangement, with ground and first floor windows off-set from each other. Chimneys were proposed at either end of the roof. The arrangement of elements to the rear and side elevations were not considered appropriate and exacerbated the significant scale and mass of the building. The large garage and retaining walls to the front also appeared prominent at the front of the site. The previous scheme would therefore be contrary to policy and the Applicant withdrew the proposal.

The current scheme comprises a property of a more appropriate size and simplified design to the original submission. The position of the property and its roof height relates well to the adjoining row of terraces, No.15 Woodside. It is larger in scale and massing than the adjacent properties in this row; however there is a large gap either side of the dwelling reducing this scale and there are a variety of housetypes in the area, including substantial Georgian properties. The scale and design of the building is considered appropriate in the context of the area and can be accommodated within a suitable infill site, with sufficient space to the rear to form a terraced garden area, and parking provision within the site area.

The frontage of the dwelling has a simplified design with windows that line through at ground and first floor around a central door. There is a single feature inglenook chimney which balances the single storey element to the side of the property. The single storey element is set back from the frontage, and there is a two-storey gable and single storey flat-roofed elements at the rear, which are all subservient to the main frontage and are not overly prominent in the streetscene, although the two-storey element is visible from the drive access at the side. The arrangement of windows and doors, including the appearance of blocked-up windows on the side elevations, is appropriate to the Georgian character.

The development, by virtue of its design and layout and the position of the sash windows will not have a detrimental impact on the adjoining properties. To the shared boundary with 9 Woodside, there is a single storey element nearest the boundary and a first floor window to the side elevation which is to a hallway area. The windows on the rear elevation are to bathrooms only and can be conditioned to remain obscure glazed. To the side elevation facing 15 Woodside is a single first floor window to a bedroom and a small window to the loftspace; however due to the position and orientation of the buildings, these windows will not have an adverse impact on adjacent properties.

The single garage would be set back at the rear of the site and would not be overly prominent compared to the previous scheme which included a substantial garage at the frontage. The Highways Engineer has not submitted formal comments; however there is an existing garage in this location and this would be a replacement. In addition parking spaces are proposed at the front of the site. The frontage will be bounded by railings to match the boundary treatment at No.15 Woodside, with wall to side boundary adjacent to access drive. It should be noted that the existing garage does not require conservation area consent for demolition due to its size.

The development will require some site clearance and excavation to level the area at the front of the site; in this regard, information has been submitted to address geotechnical requirements regarding land stability, which have been considered by the Engineers and the information submitted with this application has addressed these matters. Thus the proposal complies with Policy EH14 of the Wrekin Local Plan. Furthermore the site can be suitably drained and accordingly the proposal complies with Policy H6.

The proposal will not adversely affect the trees on site that are protected by a Tree Preservation Order. There is an associated application for removal of trees (not those protected by TPO) to accommodate the dwelling. The trees are not deemed to be of significant amenity value and are therefore not protected by a TPO. The previous application for tree work has deemed consent as it was not determined within 6 weeks; and the LPA only withdrew the application once the new schemes were submitted. With regard to the potential ecological impact of the proposal, the removal of trees and shrubs can be mitigated by the imposition of a condition to erect next boxes and informatives.

With regard to the Gorge Parish Council comments, officers note that this would be the first new build within Coalbrookdale since the World Heritage Site designation; however this is not a reason to refuse all planning applications. Instead applications must be considered against local and national policies. In this case it is considered that the application is appropriate to the context and represents a suitable infill plot within the urban area of Telford. The Ironbridge Gorge does not constitute a rural area. There will be some excavation required; however the proposal has been considered in this regard by the Council's Geotechnical Engineers and it is deemed acceptable. There are no retaining walls proposed in the application. With regard to a construction traffic management plan, this can be adequately conditioned. However, a condition on hours is not considered necessary in this instance.

In response to the neighbour comments, materials and details, including boundary treatments shall be conditioned. Other neighbour issues have been addressed throughout the report.

Shropshire Council Archaeologist's comments are noted; however on the previous application, no objection had been raised; therefore officers suggest an appropriately worded condition that prior to commencement of development, an archaeological investigation of the site is undertaken.

In conclusion, subject to the outstanding consultation responses the amended scheme is considered to be acceptable in terms of the scale, massing and design in relation to the context of the area. The proposal relates well to the adjoining properties and is an appropriate design in the streetscene, and within the World Heritage Site and Conservation Area. The proposal will not adversely affect adjoining residential amenities. The previous scale, design

and geotechnical issues have been resolved for this application and the proposal now accords with planning policy.

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

1. A04 Time limit
2. B06 Samples of materials
3. B07 Sample brick panel
4. B11 Details of Doors and windows at 1:5
5. B14 Landscaping design
6. B33 Foul and surface water drainage details
7. B41d Greenfield runoff rates
8. Bcustom Details of attenuation feature to be submitted
9. Bcustom Archaeological investigation to be undertaken by qualified person and findings submitted
10. BCustom Details of services exterior
11. BCustom Construction traffic management plan to be submitted
12. C38 Development in accordance with plans
13. Ccustom Erection of nest boxes
14. Ccustom Details of services exterior
15. D01 Removal of Permitted Development Rights
16. D08 Windows to rear elevation to be maintained as obscure glazed

**REASON FOR APPROVAL:**

The proposal is considered to be acceptable in terms of the scale, massing and design in keeping with the character and appearance of the adjoining properties and the streetscene, and is an appropriate design within the World Heritage Site and Conservation Area. The proposal will not adversely affect adjoining residential amenities.

TWC/2011/0534 13 Haybridge Avenue, Hadley, Telford, Shropshire, TF1 5JP  
Erection of a garage

**APPLICANT**

, Mr Robert Nazar

**RECEIVED**

29/06/2011

**PARISH**

Hadley and Leegomery

**WARD**

Hadley and Leegomery

**COUNCILLOR LEON MURRAY (HADLEY & LEEGOMERY WARD  
MEMBER)**

**HAS REQUESTED THIS APPLICATION BE DETERMINED BY PLANS  
BOARD**

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Loss of parking space and setting the precedent for similar proposals.

**THE PROPOSAL:**

Erection of a detached single garage to be located to the rear of 13 Haybridge Avenue

**SITE AND SURROUNDINGS:**

The proposed garage is to be situated in the rear garden of No.13 Haybridge Avenue extending out into the communal parking area which sits behind terraced properties on Haybridge Avenue and Crescent Road.

Access to the car park is off Crescent Road. The site sits behind and serves properties No.1 – No.17 Haybridge Avenue and several properties on Crescent Road. In the communal car parking area there are no allocated parking spaces and residents therefore park wherever spaces are available.

A couple of garages have already been built; one appears to be quite old and the other was granted in 2002, this however is positioned towards the far end in the corner and is not therefore an obstruction.

No.13 Haybridge Avenue is the end of a terrace and therefore benefits from a generous side garden as well as garden space to the front and rear of the dwelling.

As with many of the other neighbouring properties, there is currently no on site parking available. Despite the off street parking space located behind the properties, Haybridge Avenue suffers from traffic build up as a result of many of the residents parking their vehicles along the highway.

**PLANNING HISTORY:**

No relevant history.

PLANNING POLICY CONTEXT:  
National Planning Guidance  
PPS 1 –Delivering Sustainable Development

Saved Wrekin Local Plan Policies  
Policy UD2 – Design Criteria

LDF Core Strategy  
Policy CS15 - Urban Design

CONSULTATION RESPONSES:  
Hadley & Leegomery Parish Council : No Objection

6 letters of OBJECTION were received from neighbours in Haybridge Avenue (No's 3, 5, 11, 15 and 17) and Crescent Rd (No.114), summarised below:

- Severe lack of parking for the neighbouring properties
- Site is narrow and when busy neighbours are concerned for safety of vehicles
- Sufficient space within the applicant's own boundary to accommodate the proposed garage
- Consider proposal will only exasperate existing problems

PLANNING CONSIDERATIONS:

The main issues relate to the likely detrimental impact on the existing limited parking provisions for the neighbouring properties and the setting of precedent for neighbouring properties to construct similar structures and affect on amenities of the area.

The proposed garage would measure 6.45m in length, 3.73m in width and 2.43m in height with a panelled up and over door. The front elevation would have a brick effect finish whilst the other elevations would have a pebble dash finish. One of the side elevations would have a door and window. The roof of the proposed structure would be a flat roof design and made up of grey corrugated fibre cement sheet roofing supported by steel trusses.

The applicant wishes to construct the proposed garage in the rear garden of the property, alongside the neighbouring boundary (with No.11 Haybridge Avenue) following the removal of the existing timber shed. The proposed location would result in approximately 2m of the proposed structure's length being erected outside of the applicant's rear boundary line, projecting into the communal parking area. The applicant doesn't want to disrupt their garden hence the chosen location.

The proposed garage is to be used for the parking of a vehicle. Access to the garage would be off Crescent Road and across the existing communal parking site at the rear of No.13. As land ownership is unknown the applicant has served an ownership 'Certificate D' and placed an advert in the local paper in April.

It is considered that whilst only a third of the structure will be built projecting out into the communal parking area, due to the existing lack of parking for local residents, any loss of space will be detrimental and cause further problems for the residents. This communal parking area is well used with many residents depending on this area to park their vehicles and the proposal will reduce the space available for general resident parking and manoeuvring and could lead to problems of obstruction and congestion. Haybridge Avenue already suffers from traffic build up due to residents parking vehicles on the highway; any further loss of parking, circulation and manoeuvring will become a problem.

In addition the proposal will set a precedent for other residents to erect similar structures, adding to the existing problems.

The Local Planning Authority has no objections to the erection of a garage within the boundary of the applicant's property as there is more than sufficient space to accommodate a garage.

In light of the above reasons it is considered that the proposal is unacceptable and would have a significant detrimental impact on existing parking provisions, which are already limited and hence would be detrimental to the amenities of the area.

**RECOMMENDATION: REFUSE PLANNING PERMISSION** for the following reason(s):

1. The Local Planning Authority considers the proposal would have a significant detrimental impact on the existing parking provisions for local residents and the general amenities of the area. It is highly likely the proposal would also set a precedent for similar structures which would lead to a lack of parking provisions and traffic congestion. Any further loss of parking, circulation and manoeuvring will also become a problem. Hence the proposal is contrary to Local plan policy UD2 and Core Strategy Policy CS15.

TWC/2011/0556 Open Space off, Princes End, Dawley Bank, Shropshire,  
TF4 2JW

The creation of a new childrens ball court and seating

**APPLICANT**

(Derek Owen), Telford & Wrekin Council

**RECEIVED**

01/07/2011

**PARISH**

Lawley and Overdale

**WARD**

Lawley and Overdale

OBJECTIONS RECEIVED: No.

**MAIN ISSUES:**

Principle of development, impact on neighbouring properties, access, siting and design.

**THE PROPOSAL:**

Creation of a new children's ball court and seating within an area of existing open space. The ball court is 20.7m long and 11.4 m wide, with external seating. The court has varying height fencing from 1m on side with seating and rising to 3.1m at goal ends. The maximum height of goals is 3.9m. The ball court is set up for a multi games uses including football and basket ball.

**SITE AND SURROUNDINGS:**

The application site is an existing area of open space which is designated as green network. The site is roughly rectangular in shape. There is currently a LEAP (children's play equipment) in the north east corner of the site, set up and embankment, and adjacent to the rear gardens of properties in Princes End, Station Road and Avondale, located to the North, east and south of the site.

The area for the proposed ball court is a largely flat area of grass land, which is surrounded by woodland, which is on an embankment and screens the area from the adjacent residential properties. The site can be accessed to the south from a public footpath off Station Road, and to the north of a public footpath off Princes End. Whilst this is a designated right of way, the path is informal in nature.

**PLANNING HISTORY:**

W2004/0980 – residential development comprising 3300 dwellings, employment/mixed use commercial/leisure development, erection of a primary school and community centre, infrastructure works and associated recreational space and landscaping – Outline approved 18<sup>th</sup> August 2004.

**PLANNING POLICY CONTEXT:**

National Planning Guidance

PPS 1 –Delivering Sustainable Development

PPG17 – Planning for open space, sport and recreation

Saved Wrekin Local Plan Policies  
UD2 – Urban Design  
OL3 – Green Network  
OL4 – Development in the green network  
OL5 – Extensions and redevelopment in the Green Network

LDF Core Strategy  
CS9 – Accessibility and Social Inclusion  
CS11 – Open Space

CONSULTATION RESPONSES:  
Drainage – No objections

Comments are still awaited from:  
Parish Council, Geotechnical Engineers, Highways and Ecology.

PLANNING CONSIDERATIONS:  
Principle of development

The application site is designated as green network; this is an interlinked system of open land and landscape within the Town, which has a collective value for ecology and nature conservation, recreation, access and visual quality.

In order to protect the green network the council may permit development within the green network where it contributes or is complimentary to the aims of the Green Network, as according to Policy OL4. Policy OL5 relates to extension of existing uses within the green network and sets out criteria for assessment including impact on the function, long term aims of the green network, and other environmental benefits.

In the outline consent for Lawley sustainable urban extension, this site was identified on the masterplan as a location for a NEAP, which is a Neighbourhood Equipped Area of Play and the funding for the creation and management of these facilities was secured through a Section 106 agreement.

A NEAP comprises of a range of play equipment and a hard surfaces area, caters predominantly for older children and include ancillary features such as bins and seating. This location already has play equipment, and the incorporation of this proposed ball court will result in the implementation of a NEAP.

The current use of the site as both informal and formal recreational facilities is in accordance with the aims of the green network. The proposed development seeks to enhance this formal facility on site in accordance with the principles of the Lawley masterplan and will contribute and compliment the function of the green network in this locality and is compatible with the long term recreational aims of the green network and is therefore considered to comply with Policies OL3, OL4 and OL5 of the Wrekin Local Plan and Policy CS11 of the Core Strategy.

## Siting and Design

The design of the ball court has been chosen in consultation with local children and young people, within a remit which ensure the safety, maintenance and security of the facility is in keeping with appropriate design guidance set by Fields in Trust.

The proposal includes seating for viewing games and a litter bin. The height of the ball stop fencing is 3m on three sides, and drops down to 2m then 1m on remaining side to allow viewing of games. The fencing is to be green in colour and this will minimise the visual impact on the development on the character of the open land.

The design of the ball court is for one main access point and two additional accesses at the goal mouths to ensure there are no future security issues for users, i.e. bullying.

It is considered that the siting and design of the ball court is acceptable and appropriate, the fencing is the painted green to minimise the visual impact and respect the context of the site. The development has exploited the natural topography of the land and existing landscaping to screen the development from neighbouring residential properties and is in accordance with policy UD2 of the Wrekin Local Plan.

## Access

Access to the ball court will be via the existing public right of way across the site which links Station Road to the south to Princes End to the north. This is an informal track style footway, and there is a grass slope which connects the north to the south of the site adjacent to the play equipment. The proposal is for improvement to this route including a new stepped access adjacent to the play equipment. Unfortunately the access to the ball court will not be DDA compliant, but is hoped that future phases of residential development on Lawley to the west of this site will result in improved access. The site is aimed at local residents who would be expected to walk or cycle to the facility and is appropriate located to serve existing and future dwellings. The development given the site constraints is considered to afford reasonable opportunity to access recreations facilities and is compliant with policy CS9 of the Core Strategy.

## Impact on amenity

The ball court is located at the bottom of a wooded slope in excess of 25m from the nearest property. It is considered that the separation distance along with the set down and screening element of the site is sufficient to ensure that the proposed ball court will not have an adverse impact on residential amenities in terms of noise and disturbance, in accordance with guidance in PPS1.

In conclusion, the proposed ball court is an appropriate recreational facility within the green network and will complement and contribute to the wider aims of the green network, does not significantly affect the function of the Green Network. The use of this open space as a NEAP was agreed in principle under the outline consent for the Lawley Development. The siting and design of the ball court is appropriate and in keeping with the context of the area, exploiting the existing topography and landscaping to create an appropriate buffer from the facility to the neighbouring properties to protect amenities of occupiers in terms of noise and disturbance. Access to the site will utilise existing public right of way and will include improvements to create a staircase to link the ball court and play equipment.

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

1. A03 Time limit
2. C38 Development in accordance with deposited plans
- I40 Conditions
- I41 Reason for grant of permission

**REASON FOR APPROVAL:**

The proposed ball court is an appropriate recreational facility within the green network and will complement and contribute to the wider aims of the green network, does not significantly affect the function of the Green Network. The use of this open space as a NEAP was agreed in principle under the outline consent for the Lawley Development. The siting and design of the ball court is appropriate and in keeping with the context of the area, exploiting the existing topography and landscaping to create an appropriate buffer from the facility to the neighbouring properties to protect amenities of occupiers in terms of noise and disturbance. Access to the site will utilise existing public right of way and will include improvements to create a staircase to link the ball court and play equipment

W2004/0980 Land at, Lawley, Telford, Shropshire.  
Residential development comprising 3300 dwellings, employment/mixed-use commercial/leisure development, erection of a primary school and community centre, infrastructure works and associated recreational space and landscaping

**APPLICANT**

, English Partnerships

**RECEIVED**

18/08/2004

**PARISH**

Lawley and Overdale

**WARD**

**PURPOSE OF REPORT**

The purpose of this report is to ask members to agree to a variation of the existing Section 106 agreement for Lawley Sustainable Urban Extension to change the requirement for 25% affordable dwellings forming part of the newly proposed Lawley Local Centre. The applicants now propose the provision of a sum of money equivalent to 15% affordable dwellings in the local centre to be used towards the development of the Extracare facility now proposed on the opposite side of West Centre Way to Lawley Local Centre.

**BACKGROUND**

Outline Planning permission W2004/0981 was granted on 21<sup>st</sup> October 2005 for Lawley Sustainable Urban Extension comprising 3,300 dwellings, employment, commercial and leisure facilities, a new school and associated recreational space and landscaping. The first phases for housing (approximately 400 dwellings) have now been nearly completed. This permission is subject of a S106 agreement.

Reserved matters ref TWC/2010/0627 for the erection of the new Lawley Local Centre including a supermarket, shops, nursery, public house and 16 town houses and 11 duplex apartments and 12 one and two bedroom flats was granted in March this year. This will be located to the north of West Centre Way and east of Lawley Drive. The developers hope to start building works on site this Autumn.

Sanctuary Housing Association, partners with Ironstone Development Group (IDG) who are developing Lawley, are looking to provide an extracare scheme in Lawley on the opposite side of West Centre Way to the Local Centre. They have been allocated grant funding from HCA towards this.

A S106 agreement for Lawley that was signed back in 2005 that requires, among other things, 25% affordable housing split equally between shared ownership and social rented. In terms of the number of dwellings provided as part of the local centre there would be around 10 affordable units. As these units need to meet current registered provider standards the developer has identified that only the 12 flats would meet the current standards.

The applicant now has looked at the proposal for the local centre as whole in terms of viability taking into account the current economic climate. They have

provided appraisals based on 25% affordable dwellings, 15% affordable dwellings and 0% affordable dwellings. They are, therefore requesting that the affordable element, at a reduced rate of 15%, can be taken up by a contribution to the Extracare facility.

#### THE SITE AND PROPOSAL:

The site is located at the junction of West Centre Way and Lawley Drive and lies to the north of West Centre Way. The development platform was created as part of the infrastructure works when West Centre Way was re-aligned and the traffic lights installed. Currently the site remains undeveloped but has planning permission for the new Lawley local centre with a supermarket, shops, nursery, public house and housing.

West of Lawley Drive is new housing forming the first phase of Lawley SUE. The housing in Gresham Drive lies to the east of the site separated by Ironbridge Way, an important footpath, and the southern end of Newdale Valley. South of West Centre Way is the Doctor's surgery and the housing of Martingale Way. There is currently open land to the south of West Centre Way. On this side of West Centre way it is proposed to build an Extracare facility and a school, both linked to the local centre.

#### PLANNING HISTORY:

W2004/0981 – Outline application to include access for Lawley Sustainable Urban Extension comprising 3,300 dwellings, employment, commercial and leisure facilities, a new school and associated recreational space and landscaping that was approved in October 2005.

W2006/1414 – Reserved Matters application approved July 2007 for new highways infrastructure, earthworks, foul water attenuation and associated landscaping.

TWC/2010/0627 – Reserved Matters application for the erection of the new Lawley local centre including a supermarket, shops, nursery, public house and 16 town houses and 11 duplex apartments and 12 one and two bedroom flats was granted in 1<sup>st</sup> March this year.

#### PLANNING POLICY CONTEXT:

Wrekin Local Plan (adopted February 2000):  
H23 Affordable Housing

LDF Core Strategy  
CS1 Homes  
CS5 District and Local centres in Telford

National Policy:  
PPS1: Delivering Sustainable Development  
PPS3: Housing

Lawley Design Codes approved as part of the outline planning permission W2004/0980.

#### PLANNING CONSIDERATIONS:

Members are aware of the current recession and difficulties facing a great number of residents, businesses and Local Authorities not only in the Borough but in the whole country, yet the Council must still try and deliver houses including affordable housing.

The Developers of this part of Lawley SUE are providing a new local centre for Lawley with some ancillary housing mainly above the shops but including some town houses. Under the current requirement to provide 25% affordable housing between 9 and 10 units should be affordable shared equally between shared ownership and social rented. The developers have submitted viability appraisals based on 25%, 15% and 0% affordable. These show that based on current anticipated returns and income for both commercial and housing combined, the overall profit will be between 0.53% and 1.67% and is significantly less than would normally be expected to obtain appropriate financing for a development of this size and scale. In the current economic climate the developers do not consider that things will improve in the near future.

Of the 39 dwellings being provided as part of the local centre only the flats above the shops will meet current standards required by the registered provider who, in this case, is Sanctuary Housing Association. Sanctuary have stated that there is relatively little demand for flats of the type proposed and would prefer a contribution to their proposed Extracare scheme on the other side of West Centre Way. Sanctuary have received grant funding towards the Extracare facility from HCA so there is reasonable certainty that this proposal will proceed. The developers have offered £180,000 towards the Extracare proposal. Sanctuary considers this is an acceptable contribution. The applicants have suggested that the £180,000 to be paid on the basis of 10% on commencement of development and the remaining 90% on completion of the Extracare development. Sanctuary have yet to comment on the phasing of the contribution at this stage. In addition the developers are also helping out with the design work for the Extracare scheme.

The Council's Strategic Housing Officer supports the provision of the Extracare facility at Lawley and is willing to accept a contribution towards this rather than requiring the flats to be provided as this will help meet the growing needs of the elderly in the Borough. He has some concerns about the phasing of the contribution suggested by the developers.

Should the extracare not proceed for any reason then the developers have suggested that they will provide £180,000 for the Council to enable Sanctuary to purchase affordable housing nearby.

Your officers consider that the development of Lawley local centre is important both for Lawley SUE and the Borough as a whole and supports the strategic housing being provided. It needs to be supported. If this means that

the provision of the affordable housing element within the local centre is replaced by a contribution to Extracare facility to ensure that the development can go ahead then, whilst unfortunate, this is considered to be acceptable in the current economic climate.

If, for any reason, the extracare facility does not go ahead then the use of the contribution to provide additional affordable housing in Lawley is considered to be an acceptable alternative.

**RECOMMENDATION:** to vary the existing S106 agreement in relation to the dwellings provided at Lawley Local Centre to delete the requirement for 25% affordable dwellings and substitute the provision of a £180,000 contribution towards the proposed Extracare facility at Lawley as outline above subject to agreement over the phasing of the contribution. Should the Extracare facility not go ahead then the contribution to be used to purchase additional affordable units locally.