

## **PLANS BOARD**

### **Minutes of a meeting of the Plans Board held on Wednesday, 22 June 2011 at 6.00pm in the Reception Suite, Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors J C Minor (Chairman), N A Dugmore, K R Guy, V A Fletcher, A S Jhawar, A A Meredith, S A W Reynolds, C R Turley

**ALSO PRESENT:** Councillors A J Eade (for planning application TWC/2011/0069), J Greenaway (for planning applications TWC/2011/0022 and TWC/2011/0094) and C P R Mollett (for planning application TWC/2011/0108)

#### **PB-008 MINUTES**

**RESOLVED** – that the revised minutes of the meeting of the Plans Board held on 1 June 2011 be confirmed and signed by the Chairman subject to deletion of the words “financial contributions and” from the resolution of minute PB-007(g).

#### **PB-009 APOLOGIES FOR ABSENCE**

Councillors R T Kiernan and J Loveridge

#### **PB-010 DECLARATIONS OF INTEREST**

Councillor V A Fletcher declared a personal interest in planning application TWC/2010/0713.

Councillor V A Fletcher also declared a personal and prejudicial interest in planning application TWC/2010/0406 and indicated that she would leave the room during determination thereof.

#### **PB-011 DEFERRED/WITHDRAWN APPLICATIONS**

None.

#### **PB-012 SITE VISITS**

**RESOLVED** - that a Site Visit be made in respect of planning application TWC/2011/0069 commencing at 4.00pm on Wednesday, 13 July 2011.

#### **PB-013 PLANNING APPLICATIONS FOR DETERMINATION**

(a) TWC/2011/0022 and TWC/2011/0094 Sainsburys, Unit 8, Telford Forge Retail Park, Colliers Way, Old Park, Telford, Shropshire, TF3 4AG

These two applications respectively sought variation of condition 13 of W95/0969 and condition 21 of W97/0108 (as amended by W2010/0029) to increase the non-food floorspace from 21,019 square metres to 27,799 square metres and full planning permission for the erection of a store extension (Class A1) to the side and front of the existing store at the Forge Retail Park together with alterations to car

parking layout, new parking deck, landscaping, relocated recycling facilities and associated plant. As well as having the reports for both applications, members were also presented with an update report in relation to planning application TWC/2011/0094 tabled at the meeting.

Councillor J Greenaway, Ward Councillor, spoke broadly in favour of the applications, noting that the site had been the only Sainsbury's store in Telford for the previous 13 years, with no satellite stores and that the store had supported local initiatives and also worked closely with the Police by providing a venue for meetings. Councillor Greenaway understood that the Applicant had been in discussions with Planning Officers regarding the application for over two years, prior to the adoption of the Central Telford Area Action Plan (CTAAP) on 3 March 2011. She referred to the sequential analysis which had been undertaken, noting that the Planning Officer's report suggested that the analysis which had been undertaken was inadequate and drew attention to the "Practice Guide on need, impact and the sequential approach" which suggested that impact assessments should be proportionate to the scale and significance of the proposal and considered, therefore, that consultation had been extensive in the circumstances. Further noting that the proposal may result in an increase in work force, Cllr Greenaway implored the Board to consider the long term benefits to the local economy which the proposal would provide and which would meet the wider objectives of the Local Development Plan, specifically relating to Policy EC11.1.

Mr D Lazenby Sainsbury's Planning Manager, spoke strongly in favour of the proposals which sought to reinvigorate the site through investment. The proposal, which had secured substantial support during consultation, would provide an enhanced shopping experience, improved access, additional parking, increased customer choice and would be a sustainable development, also offering an online shopping service and the provision of 80 new jobs for local people. Mr Lazenby considered that the proposal did not represent any adverse impact on the Primary Shopping Area (PSA) and asserted that during discussions with Planning Officers, the possibility of additional reasons for refusal had not been highlighted and the Agents had therefore not had sufficient opportunity to address concerns or offer suitable conditions. He would, therefore, not object to the application being deferred to give time for those concerns to be addressed. He argued that in the circumstances an assessment by a retail consultant would be appropriate and similar to action taken at other Local Authorities. He did not accept that the proposal would affect the viability of the PSA as the goods which it was proposed to sell were already on offer at other stores in the Retail Park. In summary, Mr Lazenby considered that the proposal did not represent any adverse impact to the PSA and would be of benefit to the local community.

The Planning Officer reminded the Board of the relationship between PPS4 and CTAAP and the vital role which these policies had in considering this application, referring to his report which thoroughly detailed the approach of CTAAP and PPS4 in testing for out-of-town retailing with a primary focus on development in Town Centres. He explained the purpose of sequential analysis testing and reminded the Board that Policy OP5 was unequivocal in its opposition of expansion in both the Forge and Bridge Retail Parks. He further referred the Members to the objections which were detailed in the report for planning application TWC/2011/0094, particularly those made by Telford Trustees (the owners of Telford Shopping Centre) which suggested the proposal failed the sequential analysis test and referred to his own comprehensive remarks in this regard on pages 45 and 46 of the report. He

was, therefore, of the opinion that the proposals were in direct conflict with the Development Plan, that they had not been properly assessed against the sequential analysis requirements of PPS4 and that they would have an unacceptable detrimental impact on the viability and vitality of the town centre.

Councillor N A Dugmore expressed the opinion that CTAAP had not been designed to stifle job creation and prosperity and had only very recently been adopted. He, therefore, considered that in order to be fair to the applicant, the applicant should be given more time to address the reasons that Officers had recommended the application be refused.

The Planning Officer reminded the Board that whilst CTAAP had taken two years to deliver, it was pre-dated by PPS4 which had been in force since December 2009 and had an identical policy approach. CTAAP was clear that retail development in out-of-centre locations would be resisted and the notion that the Retail Parks were defined as out-of-centre was also supported by the Inspector. In response to the Agent's assertions that he had not been aware of the potential for refusal, the Planning Officer advised the Board that four meetings had taken place with the Applicant at which the Planning Authority's concerns had been conveyed and it had been indicated that the proposals were unlikely to succeed against CTAAP and PPS4.

Councillor K R Guy made a number of points and concluded that it would be logical to defer the application until a report could be obtained from an independent retail consultant.

The Planning Officer assured the Board that CTAAP was based upon the most up-to-date information and data collection available. He considered that this rendered the use of retail consultants inappropriate as he did not believe that any guidance which could be offered from consultants would provide new information at this stage.

The Chairman reminded the Board Members that CTAAP had been adopted by the Local Authority and he was mindful of the cost implications of making decisions contrary to policy. He considered that it was important for the Board to take full account of adopted policies in the determination of.

Councillor V A Fletcher had some concerns about the report and the recommendation. In response, the Development Manager reminded Members of the Planning Officer's advice that CTAAP reflected the most up-to-date policy position nationwide and was fully compliant with PPS4. He considered that it did allow for the safeguarding of jobs and investment by channelling investment into the Town Centre and that investing in out-of-centre locations may result in job losses in the PSA. From a planning point of view, the starting point in the consideration of applications had to be the Development Plan and this application was clearly in contrary to its objectives. He also pointed out that the Planning Inspector, during Public Inquiry, had expressed the view that retail development growth in out-of-centre locations should be resisted whilst the possibility to expand the PSA remained.

On balance, the Members of the Board considered that there was a need for more information before determining this application

**RESOLVED** – that determination of planning applications TWC/2011/0022 and TWC/2011/0094 be deferred to allow the Applicant to provide further

**information in respect of this application.in particular in relation to the sequential analysis**

*(In accordance with her declaration of interest Councillor V A Fletcher left the room during determination of the following application.)*

- (b) TWC/2010/0406 New College Telford, King Street, Wellington, Telford, Shropshire, TF1 1NY

This application sought planning permission for the change of use of the sports field to provide temporary car parking facilities in order to meet parking demands identified by the applicant.

Mrs L Gunn, a local resident of Regent Street, spoke in favour of the application, representing the interests of herself and her neighbours who had signed the petition referred to in the report. Mrs Gunn was generally supportive of the application, considering the College to be an asset to the town, accommodating students that supported the economic viability of Wellington and generously allowing use of its grounds, but she was keen to see conditions attached as indicated in the report. She had, therefore, been disappointed that the press had misreported the residents as objecting to the proposals. Mrs Gunn sought conditions which would provide a permanent surface, that this should be in place as soon as possible to address dust problems and, if the application was rejected on the basis of Sport England's objection, that issues of on-street parking and congestion be alternatively addressed. Noting Sport England's policies, Mrs Gunn argued that the sports field had not been used as a playing field for many years and the proposal represented good use of existing space. The primary issue affecting residents was dust which covered cars and homes nearby, prevented enjoyment of gardens in summer and possibly represented a health hazard. Concerns were raised about the appearance of the site, signage and road safety and a permanent solution was sought by residents that would offer a sealed surface within 12 months together with suitable improvements to the entrance. Should this not be possible, residents sought for any temporary solution to be addressed within 3 months and that such a solution create a dust free environment for residents.

The Planning Officer advised the Board that Sport England had objected to the proposal, disagreeing with the Applicant's view that the affected area was no longer a "playing field". The report advised that it was Sport England's opinion that the redgra area did constitute a playing field and any application to develop the area, or proposing an alternative use, would be assessed against Sport England's playing fields policy and the proposed use of the area as car parking would not be viewed as demonstrating a policy exception. Therefore, as Sport England had a holding objection, if the Board was minded to determine the application favourably, it would be required to be considered by the Secretary of State.

However, the Board noted that the redgra pitch was rarely used for sport and that the report suggested that its loss could be balanced against the improvements that had already been made and the further intended improvements to other sport provision at the college. The Board's attention was also drawn to the Highways Officer's comments regarding the maximum standards guidance given in PPG13 for parking spaces which were currently exceeded by the College and which were even further exceeded in the proposal. However, it was noted that PPG13 standards related to Universities in large towns and cities with high public transport infrastructure.

Although New College was close to Wellington centre's bus and train links, it was taken into account that prior to the use of the redgra for parking, vehicles would park on Regent Street and surrounding streets leading to some footway and driveway obstruction issues which the Highway Officer did not want to recur. On balance, therefore, the Planning Officer considered that granting temporary consent for 2 years for the use of the redgra as car parking would be acceptable, subject to appropriate conditions as detailed in the report.

The Members of the Board fully considered the report which gave full details of the proposal, consultation responses and planning considerations together with the update report tabled at the meeting which detailed the contents of a further neighbour letter. Councillor N A Dugmore and Councillor S A W Reynolds particularly noted residents concerns regarding dust problems from the redgra surface and the suggested conditions to mitigate this, with Councillor N A Dugmore also expressing concern about the on-street parking which had occurred in the past. Upon questioning, the Planning Officer also explained that failure to comply with the conditions which sought details of the surface materials, end use of car park 3 and improvements to be made to sport/recreation provision all within one month, would result in enforcement through a Breach of Condition Notice and, if that was not complied with, prosecution would ensue followed by a fine.

**RESOLVED – that planning application TWC/2010/0406 be referred to the Secretary of State under Circular 02/2009 and, if not called in, the Head of Housing & Planning be authorised to grant planning permission subject to the conditions and Informatives as set out in the report.**

(c) TWC/2011/0243 The Wellington Arms, 3 Whitchurch Road, Wellington, Telford, Shropshire, TF1 3AG

This application had been submitted by Punch Taverns and sought permission to erect a 900mm high rendered block wall to create an area to the front of the premises for outside dining and drinking. The area was to include a shelter comprising a black 3m x 4m Jumbrella with integrated heaters and would entail the removal of an existing low wall to the side of the premises and the erection of a 1.1m chain link fence to provide access to the designated smoking area from the rear drinking area. Determination of the application had been deferred until this meeting to enable Members to make a Site Visit.

The Board had received a report which set out the proposal and consultation responses in detail and addressed planning considerations principally in relation to visual impact, residential amenity and highway safety. The report also set out the additional consultation responses which had been received since the preparation of the previous report to the Board.

Mr J Salisbury of Philip Nelson Architecture, the Agent for the Applicant, spoke in favour of the proposal. He acknowledged the noise and nuisance concerns raised during the consultation and considered that these issues could be alleviated by the Applicant's intention to install a tenant with over 30 years' experience in the trade and to utilise door staff during busy periods to negate noise outbreak concerns. Internal and external CCTV would also be installed. Overall, he considered that the application was just and was not detrimental to the existing property. He confirmed that it was intended that the venue would be a sports bar with bar menu, offering a

quality outlet to the town that was currently lacking. Mr Salisbury explained the proposed access to the smoking area and he also acknowledged that the chain link fence was unsuitable and that a more permanent structure would be required to ensure highway safety.

Councillor S A W Reynolds expressed road safety concerns related to the proposed chain link fence and suggested the need to continue the existing brick wall which were supported by Councillor K R Guy. Councillor N A Dugmore also supported safety improvements and was keen to try to minimise noise nuisance. The Planning Officer advised that in this case, as the proposal related to an existing building, noise issues would have to be dealt with through Environmental Health or the Licensing Authority rather than the planning process. Councillor V A Fletcher also raised concerns about road safety and the location, size and accessibility of the proposed smoking area.

**RESOLVED – that with respect to planning application TWC/2011/0243 planning permission be granted subject to the conditions as set out in the report and to an additional condition relating to the erection of a wall to replace the chain link fence in order to address safety and visual impact concerns.**

(d) TWC/2011/0108 3 Ladygrove, Dawley Bank, Telford, Shropshire, TF4 2LS

This application sought to enlarge an existing hardstanding at the front of the property by removing soil and erecting a retaining wall. The enlarged hardstanding was sought for additional parking and a more satisfactory layout. Councillor C P R Mollett, Ward Member, had requested that the application be determined by the Plans Board.

Councillor C P R Mollett, Borough Ward Councillor, spoke against the application expressing concern that the parking provision would cause increased traffic problems on the unadopted bridleway which was narrow with limited passing spaces and represented a safety issue. He further considered that the proposal would alter the character of the roadway and reduce the amenity and quality of life for residents.

Mr L Jones of WYG Planning and Design, the Applicant's Agent, spoke in favour of the application at this established care home which in real terms sought only to increase the area of hardstanding and realign a retaining wall resulting in a more formal layout thereby ensuring the parking space was more usable with the effect of reducing parking in the lane. He stressed that parking provision would not be increased and no change of use or increase in staff was proposed. Addressing residents' concerns surrounding construction, he stressed the applicant's commitment to carry out the works in as considerate a manner as practical with limited disruption.

The Board had received a detailed report which set out the particulars of the proposal and consultation responses and carefully considered the application in relation to the planning considerations addressed in the report. Giving due regard to the photographs in the Planning Officer's presentation and the comments of Councillor Mollett and Mr Jones, Councillors S A W Reynolds and Councillor N A Dugmore considered that on balance the proposal would not increase traffic flow and would improve the safety and appearance of the area.

**RESOLVED** – that with respect to planning application TWC/2011/0108 planning permission be granted subject to the conditions as set out in the report.

(e) TWC/2010/0713 Land adjacent 50 Holyhead Road, Oakengates, Telford, Shropshire, TF2 6BN

This was a full application for the erection of a detached dwelling with off street parking facilities and four parking spaces accessed via Charlton Street for use by no.50 Holyhead Road. Oakengates Town Council had requested that this application was determined by the Board.

The Board had fully considered the report which gave full details of the proposal, consultation responses and planning considerations, particularly in relation to the principle of development, effect upon the character and appearance of the area, parking provision and highway safety, residential amenity and contaminated land. Despite the Town Council's objection, the report opined that the proposed development was acceptable in principle. The site was of sufficient size to accommodate a single dwelling with adequate private amenity space, parking and bin storage for the proposed dwelling and the existing studio flats, and would not have an adverse impact upon the character and appearance of the area. Furthermore, the development would not have a detrimental effect on the residential amenities of the neighbouring dwellings or highway safety.

Councillor V A Fletcher considered that the area was too small for the development and Councillor N A Dugmore welcomed the Highway Engineer's request for a condition requiring the car parking shown on the drawings being provided before the proposed development was brought into use and the space maintained thereafter. The Chairman also welcomed off-road parking provision in the area although it was noted that the clients of the hairdressing salon would still park on the road. On balance, therefore, the Members of the Board were inclined to agree with the conclusions reached in the report.

**RESOLVED** – that with respect to planning application TWC/2010/0713 planning permission be granted subject to the conditions as set out in the report.

(f) TWC/2011/0170 The White Horse Inn, Heath Hill, Dawley, Telford, Shropshire, TF4 2JU

This application sought planning permission to replace the extant outline planning permission (W2008/0531) for the demolition of the existing public house and erection of 14.no dwellings with associated access. All other matters were reserved.

The Board had received a detailed report which set out the proposal, consultation responses and addressed planning considerations in relation to the principle of development, extant outline planning permission, loss of existing bowling green, highways issues and the impact on the character of the area.

The Planning Officer advised that there was an extant planning consent on this site which had agreed the principle of residential development in this location subject to

the provision of a contribution towards education and leisure use. The Applicant had resolved the contributions required to compensate the loss of the bowling green, with the previous S106 agreeing funding of £50,000 to be used at another bowling club in the area. The previous local Ward Members had specifically requested that this be found within Dawley Park but there were difficulties finding a location where the contributions could be spent. The Board was, therefore, requested to consider widening the vicinity for spending the contributions and Members indicated that they would welcome the contributions being used in the wider area, and the possibility to improve the range of facilities at Horsehay Golf Club was also welcomed.

**RESOLVED** – that with respect to planning application TWC/2011/0170 planning permission be granted subject to the Applicant entering into a Section 106 Agreement to pay £50,000 towards replacement bowling facility within the vicinity of the development and £1,400 per dwelling towards education, and further subject to the conditions as set out in the report.

(g) TWC/2011/0333 27 Gilpin Road, Admaston, Telford, Shropshire, TF5 0BG

This was an application made by Borough Councillor R T Kiernan and, therefore, this application was considered by Members of the Plans Board. The application sought to replace the existing flat roof over the garage and porch and replacement with a pitched roof.

The Board had received and considered a report which set out the proposal and consultation responses and addressed planning considerations in relation to design and visual impact, and impact on neighbouring amenities.

**RESOLVED** – that with respect to planning application TWC/2011/0333 planning permission be granted subject to the conditions as set out in the report.

#### **PB-014 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** – that the press and public be excluded from the meeting for the following item of business on the grounds that it might involve the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A of the Local Government Act 1972.

#### **PB-015 DELEGATED AUTHORITY – TOWN & COUNTRY PLANNING ACT 1990**

The report of the Head of Housing & Planning informed the Board that an Enforcement Notice was served on 1 May 2009 in relation to the unauthorised development identified in the report. No appeal was lodged against the Notice and, consequently, the Notice was required to be complied with by 1 August 2009. The unauthorised development remained on site and the Enforcement Notice had not been complied with.

Section 178 of the Town and Country Planning Act 1990 allowed the Council to enter land and take steps to secure compliance with an Enforcement Notice. The usual route of seeking compliance was to prosecute in the Magistrates' Court but, as the Defendant was out of the country, a prosecution was not straightforward and

proceedings were currently adjourned. Direct action was seen as an alternative to the court proceedings in view of the current lack of progress.

**RESOLVED** – that the Head of Housing & Planning be authorised to take direct action pursuant to Section 178 of the Town and Country Planning Act 1990 namely the demolition of the partially built dwellinghouse identified in the report and removal of any debris and material arising from its demolition.

The meeting ended at 8.11pm

**Chairman:** .....

**Date:** .....

**TELFORD & WREKIN COUNCIL**

**PLANS BOARD**

**13<sup>TH</sup> JULY 2011**

Schedule 1 - Planning applications for determination by Board

<b>TWC/2010/0085 Leaton Quarry, Leaton, Telford, Shropshire, TF6 5HB</b> Construction of 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 extraction area of the quarry and placement of soils and overburden to create landscaped screen mound (Amended plans received) .....	<b>2</b>
<b>TWC/2011/0069 North Lynn Manor, Lynn, Newport, Shropshire, TF10 9BB</b> Erection of 2no. 20kW wind turbines with 20m high towers (27m max height with blades) .....	<b>29</b>
<b>TWC/2011/0179 Land at Broomfield Road, Newport, Shropshire</b> 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 .....	<b>36</b>
<b>TWC/2011/0385 14 Limes Walk, Oakengates, Telford, Shropshire, TF2 6EP</b> Change of use from Retail (Use Class A1) to Professional offices (Use Class A2).....	<b>45</b>
<b>TWC/2011/0421 41 Ford Road, Newport, Shropshire, TF10 7TU</b> Change of use from open space land to private garden land and erection of a 1.81m high fence.....	<b>50</b>
<b>TWC/2011/0430 2 Pool Meadow, Hadley, Telford, Shropshire, TF1 5RJ</b> Erection of a two storey extension to side and rear.....	<b>53</b>
<b>W2003/1238 Muxton C2/C3, Marshbrook Way, Muxton, Telford, Shropshire.</b> Residential development (outline) .....	<b>57</b>
<b>W97/0566 Allscott Storage Depot, Cross Green, Allscott, Shropshire.</b> Unrestricted use of buildings and open area within use class B8.....	<b>60</b>

TWC/2010/0085 Leaton Quarry, Leaton, Telford, Shropshire, TF6 5HB  
Construction of 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 extraction area of the quarry and placement of soils and overburden to create landscaped screen mound (Amended plans received)

**APPLICANT**

Ennstone Johnston Ltd, Mr Colin D'Oyley

**RECEIVED**

03/09/2010

**PARISH**

Wrockwardine

**WARD**

Wrockwardine

**OBJECTIONS RECEIVED:** Yes

**MAIN ISSUES:**

Need, water resources, landscape, highways, Overley Hall School, environmental health, ecology, soils, cultural heritage, agriculture and soils, restoration and aftercare.

**THE PROPOSAL:**

Breedon Aggregates propose to extend the extraction area of Leaton quarry into the north-eastern and northern areas of the site. This includes an area currently used as stocking ground and a small parcel of land (c 0.3 ha) beyond the current site boundary, together with the area beneath the processing plant site. Some 11ha of land outside the quarry to the east is required to dispose of overburden and the formation of a landscaped screen mound around the perimeter.

In total, an additional c12.8 million tonnes of crushed rock would be extracted, a substantial part of which would arise from the deepening of the quarry by 10m. A significant amount of the mineral would be processed on site producing coated roadstone materials (asphalt) and ready mixed concrete. A new site access would be constructed at the west end of the site adjacent to Overley Hall School, directly onto the B5061 (old A5). Consequently the Company propose to increase output at the quarry to a maximum from 400,000 tonnes to 750,000 tonnes per annum.

Operating hours for Leaton Quarry, as specified in existing planning conditions, are 0600-1800 hours weekdays and 0600-1300 hours on Saturdays. No extraction operations take place on Sundays or Bank Holidays. It is proposed that these operating hours are continued except that soils and overburden stripping operations take place between 0800 – 1900 hours Mondays to Fridays, but not on weekends and bank/public holidays.

## **Method and Phasing of Site Operations**

The proposed working and restoration of Leaton Quarry comprises six main phases, including restoration, which are reproduced as diagrams in the appendix to this report.

### **Phase 1 Development**

The first phase of development would comprise two stages of overburden removal, Phase 1A having already been granted planning permission in 2008. The overburden would be taken primarily from the south west of the quarry to a new screen mound in fields to the north east of the current stocking yard. This would allow continued working of the established quarry benches within the present permitted extraction area. The new screen mound would be created by establishing the outer areas first to the east of the site and placement would proceed behind these outer mounds thus forming a screen for both visual and noise mitigation.

The overburden stripped during Phase 1B would be placed so as to begin an extension of the screen mound formed in Phase 1A southwards creating a link with the established screen mound around the south east of the quarry. It is anticipated that the second stage of the overburden removal and screen mound construction would take place in the year following the Phase 1A works. In each case the period of soils and overburden stripping and placement would be no more than 8 weeks duration. The outer slopes of the screen mound subject to interim restoration treatment, including seeding.

Extraction operations to be undertaken in Phase 1 are all subject to existing planning permissions save for the deepening of the quarry base from its current level of 30m AOD (the consented base depth) down to 20m. Continued working of the established quarry benches would take place with the most significant extension of the extraction area in the south west corner.

During this phase of development the internal haul ramp system would be extended and re-aligned as necessary down to the current quarry base at c 30m AOD. The haul ramps would have a gradient of 1:10 (vertical:horizontal) and would be developed to allow two way traffic to pass. The road width during this phase would be c 15m and would include appropriately sized edge protection.

### **New Site Access**

It is proposed to construct a new 7.3 m wide site access involving the creation of a new junction with the B5061 between the outer flank of the overburden mound and the tree lined boundary of Overley Hall School. This will involve the felling of a small number of trees although trees along the boundary will be retained. The existing access into the quarry would be permanently closed and landscaped. The majority of site traffic will turn left onto the B5061 heading towards the M54 and then to their final destinations.

### **Phase 2 Development**

The second phase would involve the continued extraction from the western and southern quarry benches and extension of the extraction area to the north east into the stockyard area. Overburden would be placed into the proposed perimeter screen mound along the eastern boundary. The final link with the existing screen mound around the south east boundary would be completed in Phase 2B.

### **Phase 3 Development**

The third phase of development would involve further removal of overburden from the south west area of the quarry. This would be placed to complete the proposed new screen mound formation in accordance with the restoration design.

The final screen mound would reach a maximum height of 135m AOD which corresponds with the height of the existing screen mound. Minerals would be extracted in the north east, where a new access ramp/‘sinking’ would be constructed from the current plant area at 100m AOD to a new working level at 90m AOD.

### **Phase 4 Development**

By this stage of development sufficient extraction would have taken place in the base of the quarry to enable all overburden stripped in the future to be placed into the void.

### **Phase 5 Development**

The extraction area would be expanded to firstly encompass the whole stockyard area and then extended into the existing plant site area. During the former the stocks would be progressively transferred to designated areas within the void. The development of this area would create a plateau for the installation of a new processing, modern plant arrangement, and the removal of the existing plant. The current plant site area would then be stripped of overburden releasing the final mineral for extraction. This overburden would be placed in the bottom of the quarry void. Following development of the quarry to its maximum extent, the restoration of the site would be completed in accordance with the proposed restoration scheme.

### **Phase 6: Restoration and Aftercare**

The restoration proposals are based on those of the existing planning permission for the quarry granted in 2005 (W2003/0370). This will create an area of nature conservation interest with the key components being neutral tussocky grassland, successional heathland and semi natural mixed woodland. Areas of exposed rock faces would also be retained throughout the quarry.

The proposed planting would comprise largely native species. Planting and landscape works would be completed in accordance with a landscape specification and finalised Landscape Restoration Plan.

### **Section 106 Agreement**

It is proposed to sign a new Section 106 Obligation to cover those aspects of the proposals that can't be covered by planning conditions. These are: £29,000 of contribution towards road improvements with the B5061 with Holyhead Road; and £37,500 for the Biodiversity Project.

### **SITE AND SURROUNDINGS:**

Overall Hall School and Leaton hamlet form the western boundary of the quarry. The B5061 (formerly the A5) forms the southern boundary. Agricultural land lies to the north and east, the railway line connecting Telford and Shrewsbury is located 1.5km to the north running on a slightly raised embankment. Wrekin View at the southern end of Wrockwardine Village lies some 250m to 300m to the north east of the eastern proposed extension area. The surrounding landscape is agricultural interspersed with small copses of trees. The Wrekin Hill is 3km to the south east, the dominant local landscape feature.

Leaton quarry occupies the north facing slopes of Overley Hill. The woodlands surrounding Overley Hall and Leaton Village screen the quarry to the west and north west. Previously planted screening landforms enclose the quarry to the south, east and north east.

### **PLANNING HISTORY:**

Quarrying of crushed rock around Leaton and Overley Hill has taken place for many decades but large scale extraction did not commence until the 1960s.

On 8<sup>th</sup> June 1989 a Section 52 (now 106) Agreement revoked several old planning permissions, allowing improvements to be made to Leaton Lane and to the drainage system was signed between the then operating company and the former Shropshire County Council, then the Mineral Planning Authority for what is now the Borough of Telford & Wrekin. The issuing of a composite planning permission (W88/206), which permitted phased extensions to the existing quarry and the formation of screening banks and upgrading of Leaton Lane followed this.

In January 2004, Plans Board resolved to grant planning permission subject to the signing of a legal agreement for an extension to the minerals extraction area and amended the existing planning conditions as required by the minerals review into a new single composite planning permission (W2003/0370). The legal agreement was signed in 2005 and the planning permission issued.

Amongst other planning permissions recently granted, in April 2007 planning permission was granted to extend the stocking yard by 2.7ha and the soil/overburden areas by a further 1.8ha, making a total permission area of 4.5ha in the north eastern end of the quarry (W2006/1190). Finally, recently permission (W2008/0859) for the placement of soil and overburden on land adjacent to the quarry was issued in 2008.

## **PLANNING POLICY CONTEXT:**

National Planning Guidance

PPS 1 Delivering Sustainable Development

PPS5 Planning for the Historic Environment

PPS7 Sustainable Development in Rural Areas

PPS9 Biodiversity and geological Conservation

PPG13 Transport

PPG14 Development on Unstable Land

PPS23 Planning and Pollution Control

PPG24 Planning and Noise

PPS25 Development and Flood Risk

MPS1 Planning and Minerals

MPS2 Controlling and Mitigating the Environmental Effects of Mineral Extraction in England

National and Regional Guidelines for Aggregates Provision in England 2005-2020

West Midlands Regional Aggregates Working Party Annual Report 2008

MPG5 Stability in surface mineral workings and tips

MPG7 Reclamation of Mineral Workings

West Midlands Regional Spatial Strategy (WMRSS) – (Preferred Option of Phase Two Revision, December 2007).

Towards a More Sustainable Region (p Policy checklist: CC1)

SR1 (c) (vi) is relevant: The provision of minerals would contribute to the creation of sustainable communities in SR2.

SR4 in relation to air quality is relevant.

Rural Renaissance

RR1 refers to the prudent use of national resources.

Quality of Environment

QE1 Conserving and Enhancing the Environment

QE5 Protection and enhancement of the Historic Environment

QE6 The Conservation, Enhancement and Restoration of the Region's Landscape

QE7 Protecting, managing and Enhancing the Region's Biodiversity and Nature Conservation Resources

QE8 Forestry and Woodlands

QE9 The Water Environment

M1 Mineral Working for Non-Energy Minerals

M1A: Appropriate provision should be made in the West Midlands for the supply of nationally and regionally significant minerals.

M1B: Identify and safeguard mineral resources to ensure that appropriate levels of planned and future supplies can be maintained, including reviewing the continued appropriateness of unpermitted allocations in Minerals Local Plans. Protect and seek improvements to biodiversity during the operational life of working.

M2: Requires Shropshire (including Telford & Wrekin) to provide for an annual apportionment of 2.949 million tonnes of crushed rock up to 2016.

#### Transport & Accessibility

T2: Requires the need to travel to be reduced.

T9: Sets out that the M54 forms part of the primary route network.

T10: Deals with freight and the need to improve the efficiency of freight movement.

#### Saved The Shropshire and Telford & Wrekin Joint Structure Plan, 1996-2011 Policies

P5 Development Outside Settlements

P16 Air Quality

P31 Sustainable Transport Strategy

P35 Road Freight

P37 The Highway Network

P39 Public Rights of Way

P58 A Sustainable Approach to Minerals Development

P59 Environmental Considerations

P60 Landbanks for Non-Energy Minerals

P61 Regional Apportionment for Aggregates

P68 Transport of Minerals and Waste

#### Saved Wrekin Local Plan 1995-2006 Policies

EH7 Contaminated Land

EH14 Land Stability

UD4 Landscape Design

T22 Planning Obligations

OL6 Open Land

OL11 Woodland and Trees

#### Saved Shropshire and Telford & Wrekin Minerals Local Plan, 1996-2006 Policies

M1 A More Sustainable Approach to Mineral Development

M2 The Need for Minerals

M3 Development Control Considerations

M4 Operational Considerations

M6 Protecting Archaeological Remains

M8 Planning Obligations

M11 Transport of Minerals

M16 The Future Working of Crushed Rock

M27 Reclamation and After-use

M30 Comprehensive Working of Mineral Resources

In particular saved policy M16 (The Future Working of Crushed Rock) states;

“The supply of crushed rock during the Plan period should be provided from existing permitted reserves. Proposals for further crushed rock working will only be granted planning permission if one or more of the following exceptional circumstances apply:

- i. where the need for the mineral outweighs the material planning objections (Policy M2);
- ii. working would prevent the sterilisation of the resource (Policy M29); and/or
- iii. significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions.”

LDF Core Strategy

CS12 Natural Environment

CS13 Environmental Resources

CS14 Cultural, Historic and Built Environment

## **CONSULTATION RESPONSES:**

### **Local Responses**

Some 40 objectors from local people, businesses and people associated from Overley Hall School have been received. The main reasons in summary for objecting are as follows:

- This is an invalid application.
- The new proposed internal haul road will have a significant adverse effect on the tranquil and therapeutic qualities of Overley School, which educates 22 children with severe learning difficulties who come from all over the UK by 100 staff.
- Autistic children don't like excessive noise and this can cause behavioural problems.
- Safety of children.
- Danger children could not generate noise and would have to be relocated to other schools, leading to job losses.
- Excessive noise generated by HGVs.
- The peaceful nature of the school grounds, in particular the Forestry School, since the school is pursuing the sustainable schools policy. Recently the school was visited by a delegation from Uzbekistan after the Field Study Council recommended it as a place of excellence to visit.
- Dust problems are a human health hazard to humans and wildlife. The current haul route along Leaton Lane and the old A5 can get dusty. This is caused by cement laden lorries, which has also stunted plant growth in the school's grounds.
- Water system. The existing culvert water system is on the route of the proposed new haul road.
- Pollution. Fuel and diesel fumes.
- Vibration caused by heavily laden HGV vehicles could easily precipitate an epileptic attack.

- Removal of trees and vegetation.
- The route of the road should be sighting the road further away from Overley Hall School.
- General pollution.
- Development out of character with the local landscape.
- The size of the quarry has expanded since 2005 and the level of uncertainty has affected the quality of local residents.
- The proposal will result in the quarry boundary being 60m from Burcot Row and less than 20m from Burcot Barns.
- Visual harm. Views of open fields replaced by artificially created hillocks.
- Hours of operations too long.
- Devaluation and reduced saleability of property.
- There will be up to 12 dust risk days per annum and the company pays little attention to dust mitigation.
- Increased traffic levels on the B5061 will create further noise and an additional hazard for vehicles and pedestrians of Burcot Row and Burcot Barns.
- Company not complying with planning conditions, e.g. hours of operations and Sunday workings.
- Company renegade on a promise to build a path for school use made five years ago.
- The land may be contaminated.

**Overley Hall School** through their planning consultant, Alan Barker of AB Consulting comments as follows:

“I write further to our previous correspondence and telephone discussions with regard to the above (*the planning application, my italics*). As you will be aware there has been on-going discussions between the School and Breedon in an attempt to overcome the serious objections raised by the School. We have reached agreement on many of the matters, notwithstanding the School’s fundamental objection to the new access road, for the reasons that you are aware. The School comments: ‘we would like to reiterate at this juncture that we continue to oppose the building of the proposed road in principle due to the inevitable disruption caused by a construction process and ultimately the proximity and use of the proposed road itself.’”

“The School’s principal concern is the effect of the road on the children, and they comment ‘our primary concerns remain regarding the impact of noise and dust generated in close proximity to our highly valued outdoor learning and recreation areas and our disappointment at the tranquil and picturesque rural setting of the school being compromised. The quiet and pleasant environment surrounding the school has always been one of our greatest assets and of particular significance for the education of autistic youngsters who are acutely sensitive to persistent noise and can become distracted and distressed as a result of exposure to it. We consider that any disruption of this nature could affect our pupils’ ability to focus on their education and

impair their opportunities to learn and lay comfortably in the school's outdoor spaces which are used consistently throughout the year."

"I have reviewed the latest revised plans and offer the following comments:

"I am aware that Colin D'Oyley has suggested conditions that might be attached to any approval, which include full construction details of the roadway and timing of the development and landscaping. We have suggested that the Quarry will carry out landscaping to the School grounds. Details of the scheme are still being considered, and hopefully will be available next week (*week beginning Sunday 26<sup>th</sup> June, my italics*). I appreciate you cannot condition these works as part of the planning application and we will secure agreement with the Quarry independently."

"The School comments, finally: "As I am sure you can appreciate we have many demanding responsibilities in the running of a school and home for children with special needs, most of whom are resident at Overley Hall on fifty-two week placements. Thus, we would not have the time or tolerate the need to constantly monitor and comment on the appropriate use of such a road surrounding the school, and have no desire to develop a hostile relationship with our nearest neighbour Leaton quarry."

In comparison there have been three letters of support from local people. Their support can be summarised as follows:

- Significant benefits to the communities of Overley and Leaton, and through traffic along Leaton Lane.
- There is currently a safety risk to all users of Leaton Lane from heavy traffic.
- There is currently considerable noise pollution from the existing access which could be removed by a site access relocation.
- It is dangerous to walk along Leaton Lane with children and they can't be unescorted.
- Early morning noise from heavy goods vehicles is disturbing.
- Students from Overley Hall School no longer use Leaton Lane due to the danger, as there are no pavements.
- Narrowness of Leaton Lane and verges constantly being damaged by heavy goods vehicles.

**Wrockwardine Parish Council** final comments are that following the resubmission of amended plans is that the Parish Council is satisfied that the applicant has done all it could to mitigate the concerns of neighbours and therefore the Parish Council has no objections to the application.

**The former West Midlands Leaders Board** reports that the proposal is in general conformity with the Regional Strategy. However, two matters are highlighted for the Council to consider in determining the application.

The Need for Additional Reserves for Crushed Rock

Policy M2 in the approved WMRSS sets out the provision to be made by Shropshire (including Telford & Wrekin) up to 2016 even though the WMRSS itself covers the period up to 2021. The annual supply provision for the sub region is 2.948 million tonnes of crushed rock.

In June 2009 new national and regional Guidelines for Aggregates provision in England 2005-2020 forecast that the requirements for crushed rock from the region over the period will amount to 82 million tonnes. Apportionment of this figure at the sub regional level by the West Midlands Regional Assembly in March 2010 shows a need to maintain similar levels of future provision especially where there are resources available.

However, the WMRAWP Annual report for 2007 states that Shropshire (including Telford & Wrekin) has a landbank of permitted reserves of 31.6 years which is in excess of the requirements set out in MPS1 Annex 1 (at least 10 years). On this basis there is no quantifiable need for additional reserves of crushed rock.

In the light of the above, the mineral planning authority will need to consider whether there is sufficient need to provide support for these proposals.

#### Biodiversity

Policy QE7 of the approved WMRSS encourages the maintenance and enhancement of the region's wider biodiversity resources and Policy M1 (vii) relates to the protection and improvements to biodiversity during the operational life of workings.

In the light of the above, the Council is encouraged to ensure that biodiversity protection and improvements are delivered by condition if planning permission is granted.

#### **The Environment Agency (EA)**

EA recommend that ponds are provided in addition to the final lake so as to provide habitats for amphibian and aquatic invertebrate life. This would provide an element of aquatic habitat in the short to medium term until the final restoration phase is implemented.

Drainage issues: The EA understands that the expansion of the quarry is not beyond the current boundary. Any additional area of quarrying should result in a greater proportion of site drainage entering the void and being controlled via the quarry pumps as opposed to 'uncontrolled' rates of site drainage run-off at ground level.

The company has produced a baseline study of the circumstances at the quarry together with proposals for remedial action where necessary and appropriate.

The EA have confirmed the various issues to be investigated and addressed as follows:-

- Provision of an adequate settlement lagoon \*undisturbed from, e.g. vehicular movements) in the base of the quarry (already planned).
- Diversion of the peripheral drainage ditch directly to the receiving watercourse thus bypassing the main settlement lagoon.
- Provision of physical and chemical treatment to aid/improve the settlement characteristics of the site drainage prior to onward flow to the main settlement lagoon.
- Provision of a balancing facility to control the 'un-controlled' rate of surface run-off at ground level prior to any physical/chemical treatment and onward flow to the main settlement lagoon.

#### Flood Risk Advice

Surface water within the site will drain via the lagoon and in times of heavy rainfall will spill into the excavation void and pumped out later. This will be within the constrictions of the existing permitted discharge.

The mound area has its individual drainage system to the Leaton Brook which is equivalent to Greenfield run-off rates.

Summary of EA's position: As a result of the additional information received from the developer, the EA is assured that the Permit issued by the EA will control and regulate the on site drainage and associated environmental risks. The EA have considered the planning application and supporting information and have no objection or conditions to the planning application.

**English Heritage** has no comments.

**The Built Heritage Conservation Officer** comments that site is adjacent to Wrockwardine Conservation Area and material consideration should be given as to whether the proposal will be affected by it.

**SCC Archaeologist** recommends that a programme of archaeological work be made a condition of any permission.

**Environmental Health (Contaminated Land)** has no comments to make from a land contamination perspective.

**Environmental Health Officer (EHO) (Pollution Control)** advises that a suitable planning condition is attached to any decision made setting limits on both noise and vibration. This condition should also include a suitable frequency of monitoring to show compliance with the condition and the results reported to the Council.

**Drainage Engineer** comments that the section in the flood risk assessment on surface water run on the site suggests the screening mound will prevent water accessing the site. This water must be allowed to enter the swale running at the toe of the embankment, to prevent the risk of surface water being diverted towards adjacent property and to improve the existing flooding

problem at Burcot Row. The swale must be adequately sized to ensure flows up to a 1 in 100 year event (plus climate change) can be accommodated in the swale system. The Greenfield discharge rates to the receiving brook must be restricted to the 10, 30 and 100 year storm event as calculated in the flood risk assessment. The capacity of the ditch receiving surface water from the new access also requires further clarification to demonstrate that a 1 in 100 year event can be stored in the brook without causing flooding to property elsewhere.

**Highways Engineer** comments that the above development is acceptable on highways grounds, subject to the following conditions being included in any approval.

It should also be noted that:

1. The highways works will need to be secured by a legal agreement under Section 278 of the Highways Act 1980.
2. The drainage arrangements need further consideration.
3. It will be necessary for a contribution of up to £29,000 to be secured under a Section 106 Agreement towards the improvement of the junction of the B5061 and Holyhead Road.

**Natural England (NE)** has withdrawn their objection after receiving more information, particularly about bats. The additional information concludes there are no adverse affects on legally protective species.

NE has no objection to the proposal with respect to the landscape impacts.

NE notes the overall visual impact from the summit of the Wrekin will be “slight” and agrees with this interpretation. There are proposals to mitigate the effects include screening, restoration to grassland and reinstatement of hedgerow trees.

#### Soils and Agricultural Issue

The applicant’s Agricultural Land Classification (ALC) survey indicates that the application area is of “best and most versatile” quality in accordance with PPS7 paragraphs 28 and 29, being all mapped as Grades 2 and 3a. 11.3ha are affected but it is not clear how much will be lost to agriculture. There is no intention to return the land to a similar land quality; with careful restoration this is possible and thus should be addressed by the applicant.

NE does not wish to object to the agricultural and soil issues related to this proposal because it considers that if the Council raises the above issues with the applicant to ensure that they receive appropriate consideration and result in amendments to the proposals, where appropriate, then the applicant’s restoration and aftercare proposals should enable the land to be satisfactorily restored to agriculture in accordance with paragraph 3(2) of Schedule 5 of the 1990 Act.

**The Planning Ecologist** - precautionary and compensation measures for bats (as outlined in the ecology report and previous recommendation) should be conditioned.

**The Shropshire Wildlife Trust** - broadly concur with those of the Planning Ecologist and agree that the normal precautionary measures (e.g. pre-construction surveys; felling under supervision) and suggested compensatory measures would be sufficient.

**The Arboricultural Officer** - from an arboricultural point of view there are no objections to these proposals other than to request that protective fencing be erected and positioned where deemed appropriate.

**The Landscape Architect** has the following comments:

**New Quarry Access:** The proposal is to construct a new site access which would produce both environmental and operational improvements resulting in no large vehicles going through Overlay Quarry. The proposed new access will run from the quarry at Leaton and instead of going through Overlay, will follow the line of Overlay Hall School boundary to the west and an embankment to the east coming out on the B5061.

To screen the haulage road and reduce noise a 4m high wall is proposed adjacent to it throughout its entire length with Overlay Hall School. The wall will reflect the walled gardens of the school and be constructed out of reclaimed stone so as to be sympathetic with the area. Access gates through the wall should be included to allow access for maintenance of planting and stream and repair of wall.

Between the wall and the boundary with the school will be approximately a 10m stand off which will be planted with woodland edge thicket and native infill. Along part of the wall it is proposed to plant climbers, species should be chosen carefully to minimise any damage to the wall.

The landscape proposals for the new access road are acceptable from a landscape point of view; planting details/specification to be submitted.

**Quarry Development :**

The proposed quarry development includes an extension of the excavation area to the north east. Overburden generated by the quarry workings would be used to create a new perimeter screen mound that would link to those already established around the southern part of the quarry and permitted screen mound granted permission in 2008, constructed to the north 2010.

During consultation on the permitted mound, attention was made to safe guarding the visual amenity of Burcot Row, by changing the mound contours to allow long distance views, and also to ensure that overshadowing effect of mounding at ground floor level was minimised. This work has set out the ground base of contours and land formations which the current proposal will key into.

The grading of the overburden falls into three categories:-

Zone 1. The scarp face down to existing quarry, trees planted on quarry face not on mound to allow for views out.

Zone 2. The mound to the south west fringe rising approximately 9m above Burcot Lane.

Zone 3. The sloping land extending from and including permitted mound which slopes away from Burcot Road allowing views to distance horizon.

The gradients have been designed to minimise the impact on Burcot Row and Burcott Barns. The visual analysis of the proposed scheme Plan 1 shows the new land form relationship to adjacent properties:-

- The views from Burcot Row have already been addressed (Photograph 4 Rear of North end Burcott Row see Figure 12.10).
- The mounding to the south west of Zone 2 has the highest overburden and some, distant views will be lost from Burcot Barn – B, but North West and North views retained out over Zone 3 (see attached Photograph 1 View point A on Figure 12.10). The main aspect from this barn is towards The Wrekin and this view will not be affected.
- From Burcott Lane the advantage is that the quarry workings and plant will now be screened from view (see attached Photograph 2 on line of Section A-A on Figure 12.10).
- Further down Burcott Lane long distance views will be maintained across sloping land Zone 3 through gaps in hedge if retained (not planted up).
- Burcott Barns – A shows that across the frontage facing Leaton Quarry that there is a rise in ground of 730mm. The elevated end of Burcott Barns – A is slightly higher than Burcott Road, whereas the other end is slightly lower than the road. As can be seen from Photograph 3 from Burcott Barns – A (Point C on Figure 12.10) the barn sits lower than the land, a single storey building, which currently has no views out over the quarry due to change of slope and existing hedge. This means that views are restricted and that the screen mound will not be visible from this point. When the boundary hedge to the barns gets established this will provide additional screening.
- From the following view points around the quarry the proposed mounding has minimum impact:- Figure 12.3a View Point 2: Wrockardine, Figure 12/4a View Point 3; Public Right of Way, Figure 12.5 View Point 4; Shropshire Way, Figure 12.7, View Point 6; Wrekin Course, and Figure 12.8 View Points 7 & 8. It should be noted that View Point 1: Burcott Row Figure 12.2a is misleading as it is from Lane not properties.

In conclusion, from a landscape and visual stand point it is felt that the necessary steps have been taken, through grading the formation of the mounding, to minimise the impact on Burcott Row and Burcot Barns.

The Landscape and Visual Mitigation in Figure 11.6 appears satisfactory, but recommend that the following points be taken into consideration:-

- Appropriate visual gaps left in proposed hedge along Burcott Row where distant views can be seen from.
- That the final profiles of the mounds are formed in a more natural appearance rather than too engineered.

### **PLANNING CONSIDERATIONS:**

There are several material planning issues that have been raised through the consultation process which are discussed in turn. The issue over the validity of the planning application has now been satisfactorily addressed. However, devaluation of property is not a material planning consideration.

#### **Need**

The West Midlands Regional Aggregates Working Party Report, 2008 (WMRAWP) states that for crushed rock supplies the sub region of Shropshire (including Telford & Wrekin) is required to make an annual provision of 2.949 million tonnes. As at 31<sup>st</sup> December 2008 there were 116.02 million tonnes of permitted crushed rock reserves within the sub region in 2008, which represents a landbank of 39.34 years. MPS1 requires mineral planning authorities to maintain a crushed rock landbank of 10 or more years.

Recently the former West Midlands Regional Assembly decided to change the methodology for calculation the sub regional apportionments for aggregates provision in the West Midlands Region (both for sand and gravel and crushed rock). Whilst this new methodology has a substantial effect on sand and gravel supply requirements for the sub region, it has no significant effect on the sub regional supply requirements for crushed rock.

Whilst the crushed rock sub regional landbank for Shropshire and Telford & Wrekin is currently fully provided for by existing reserves, saved Policy M16 allows for the permitting of additional crushed rock reserves if one or more of the exceptional circumstances stated in the policy apply.

The first exceptional circumstance criteria are where the need for the mineral outweighs the material planning objections. Leaton quarry has existed for many years and provides valuable support to the local economy and is a source of employment.

At the end of 2008 Leaton quarry had 6.3 million tonnes of permitted reserves. With maximum output occurring since then, the quarry now (July 2011) has some 5.3 million tonnes of permitted reserves. On this basis the quarry only has some 13 years of permitted reserves present, i.e. to October 2024.

Leaton quarry is not just the only crushed rock quarry but is also the only aggregates quarry in the Borough, since sand and gravel supplies for the sub region have been solely supplied by Shropshire since the 1980s. Combined with the current 13 years of supply from permitted reserves, since the quarry is producing at or near maximum permitted output, permitting additional reserves can be justified in maintaining in Borough terms the minimum landbank requirements of crushed rock in MPS1 of at least 10 years.

The volcanic rock at Leaton also produces high specification aggregates for use as road surfacing because it has skid resistance properties, supplies of which are limited nationally. However inferior mineral, together with overlying overburden in the form of glacial material has to be stripped away in order to gain access to the high quality mineral.

Permitting the additional reserves (not all of which will be the high quality mineral) will also provide the Company's management with the confidence to invest long term in the site. In the absence of significant adverse environmental effects, the need for the mineral to justify new investment outweighs any minor planning concerns. Collectively, therefore it is considered that the need for the mineral outweighs the material planning objections that have been raised. It is therefore considered that the proposals constitute an exceptional circumstance in terms of item one of policy M16.

The second exceptional circumstance of policy M16 is where working would prevent the sterilisation of the mineral resource. In the event that planning permission is not granted and the quarry closes down between when permitted reserves are exhausted at maximum production around 2024 and the current expiry date of 2034, then the mineral reserves in the extended area and those beneath the current plant would become permanently sterilised.

If the quarry closed down in the future and the Leaton crushed rock reserve are subsequently worked again, for practical purposes this would be a new quarry. Paragraph 15 of MPS1 advises that it is preferable for "... extensions to existing workings rather than new sites." It is therefore considered that the proposals represent an exceptional circumstance under item two of policy M16. It is therefore considered that the proposals constitute an exceptional circumstance in terms of item two of Policy M16.

The third exceptional circumstance of policy M16 is where significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions. Exchange or surrender in this context means extant planning permissions from this or other sites where there are environmental problems in exchange for a new planning permission at the application site.

Although the objection from Overley Hall School remains in principle, which is discussed in more detail below, the primary concerns have been addressed in amendments to the proposed new access onto the B5061. It is considered that the amended proposals have some environmental benefits. If planning

permission is granted, it will supersede the current main quarry permission and provide environmental benefits. On a pragmatic basis therefore the environmental benefits of the new proposed access satisfies item three of saved Policy 16. The proposals only need to satisfy one of these exceptional circumstances tests. It arguably satisfies all three tests and therefore is compatible with policy M16.

In terms of need the proposals are compatible with the guidance given in PPS1, MPS1, national and regional guidance for aggregates provision in England, 2005-2020, WMRAWPS Report 2008, and policies and saved policies SR1, RR1, M1, M1A, M1B, M2, CS13, P58, P60, P61, M1, M2, M16 and M30.

### **Increased Output Restriction and extended expiry date of the Permission**

The reason for the current restriction of mineral extraction at 400,000 tonnes per annum is because this is considered to be the maximum that the Leaton Lane can take in terms of vehicular use generally and heavy goods vehicles (HGVs) in particular, given other users of the road including a haulage depot.

To increase quarry output the Company have to secure a new access onto the B5061 to accommodate an increase of quarry sourced HGV traffic. On this basis the Company have agreed to limit the increase of output to a maximum of 750,000 tonnes per annum and not the worst case scenario of one million tonnes per annum. This can be conditioned as such in any permission granted. This proposed increase in output has been fully taken into account in the environmental impact assessment, including noise and highways. However, given the increase in permitted reserves it would be appropriate to extend the expiry date for site operations until 2040, a further 6 years, to provide flexibility.

It is considered that the proposals are compatible with policies and saved policies CS13, M1, M1A, M1B, M2, P37, P58, P59, P60, P61, P68, M1, M2, M4, M11, M16 and M30.

### **Hours of Operation**

The hours of site operation will essentially remain the same. However, to prevent soil stripping operations taking place on Saturdays from 0800-1300 hours, it is appropriate to include a condition in any permission granted to allow soil stripping operations to take slightly longer from Mondays to Fridays, to finish at 1900 instead of 1800 hours. This is for the benefit of local residents since it will not take place on Saturday mornings and this has been discussed at the local liaison group.

It is considered the proposals are compatible with saved policies P58, P59, M1, M3 and M4.

### **Environmental Health**

#### **Noise**

Paragraph 2.10 of Annex 2 (Noise) recommends that: "Subject to a maximum of 55dB LAeq 1hr, Mineral Planning Authorities should aim to establish a noise limit at the noise sensitive property that does not exceed the background level by more than 10 dB(A). It is recognised that this will in many circumstances be difficult to achieve without imposing unreasonable burdens on the mineral operator." Where unreasonable burdens may occur it is advised that the limits should be set as close as practicable to that limit, but should not exceed 55dB LAeq 1hr.

However, MPS2 does advise some flexibility for temporary site operations. Paragraph 20 states: "Increased temporary daytime noise limits of up to 70 dB(A) LAeq 1 hr for periods of up to 8 weeks in a year at specified noise sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer term environmental benefits to the site or its environs." MPS 2 also states that if site operations take longer than 8 weeks, a lower limit may be applied. Similarly, a higher limit may be necessary for a shorter period. The noise conditions of the existing extant planning permissions for Leaton quarry are compatible with the noise guidance in MPS2 and PPG24.

Breedon Aggregates propose noise mitigation measures comprising of best operational practice; noise reduction using perimeter bunds; and noise reduction due to the working void/quarry face.

The noise assessment for Leaton quarry focused on six representative receptors (properties) and four road links in the immediate vicinity. The conclusion of the noise assessment is that noise emissions due to established operations within the proposed extension area are predicted to comply with the limit of 55 dB(A) for daytime operations and 70dB(A) for temporary operations. During the operational phase, there are not considered to be any receptors at risk of adverse effects.

During temporary operations there is the potential for a very short period of exceedence at the Burcot Barns farm conversion. However, the predicted exceedence (7.0 dB(A)) is estimated to only occur when construction of the screen mound is less than 50m from the receptor, which would only last 1-2 days. Taking this into account, the effects are considered in the noise report to be 'not significant'. In overall terms, the noise report concludes that the proposed development would not cause significant adverse effects at any of the representative noise sensitive receptors.

An additional noise survey for the amended proposals including screening of the HGV traffic using the proposed new access road has also been undertaken. The predicted noise levels for HGV traffic along the proposed haul road with the 4m high wall are shown below.

<b>Predicted noise levels from HGV movements on Screened Access Road</b>			
<b>Noise Level (dBL<sub>Aeq, 1hr</sub>)</b>			
	Original (residential School Building)	Newer (teaching) School Building	School Grounds
Including 4m high wall adjacent to Access Road based on 1 million tonnes per annum quarry output	44.5	44.0	51.0
Including 4m high wall adjacent to Access Road based on 750,000 tonnes per annum quarry output	43.5	43.0	50.0

The erection of the 4m high wall along the western side of the re-aligned access road would significantly reduce noise levels at Overley Hall School buildings. The noise report says that these noise levels would be similar to those within a quiet office at worst. All the predicted noise levels are within the guidelines recommended by MPS2. The report has also considered a worst case scenario of production at 1 million tonnes per annum. In any planning permission granted the maximum output would be limited to 750,000 tonnes per annum, not 1 million tonnes per annum.

The main conclusions on the noise report on the amended new access are:

- The erection of the barrier reduces noise levels at the nearest school façade significantly which would make the perceived noise levels appear half as loud or less at the receptor;
- These noise levels at the school would be over 10 dB(A) below the current noise condition criterion for Leaton Quarry;
- The attenuated levels predicted for the school grounds are below the “design criteria” for “playgrounds, playing fields and other outdoor areas” for new schools indicated within Building Bulletin 93;
- The re-alignment of the access road and erection of the 4m barrier would reduce noise levels at the nearest point of the occupied school building by over 15 dB(A) when compared to the current situation where HGVs travel past the northern façade of the school.

The proposals are therefore considered to be an environmental benefit and compatible with guidance in Building Bulletin 93, MPS2 and PPG24, and the policies and saved policies CS13, P58, P59, M1 M3, and M4.

## **Air Quality**

An air quality assessment has considered the relative risk of receptors of exposure to dust, taking into account factors such as the proximity to a potential dust generating activity and its relative position in terms of prevailing wind direction, nature and duration of an activity, rainfall levels etc.

Proposed air quality mitigation measures include: water bowsers and water sprays to suppress dust during dry and windy weather conditions; unsurfaced haul roads would be suitably graded and watered during dry conditions; temporary unsurfaced roads would be graded and compacted to maintain consolidated surfaces; access road and other hard surface areas kept clean and watered by motorised spray during dry conditions; drop heights from machinery minimised; method of working would create an outer face of the overburden mound, behind which further tipping would take place; wind speed and direction considered during operations; vehicle speed limits; vehicle exhausts directed away from ground; all vehicles leaving the site will use the wheel wash, all mineral laden vehicles sheeted and soil storage areas and restored areas would be seeded as soon as possible to prevent wind erosion.

The air quality assessment concludes that as regards road traffic emissions, at all receptors ground level concentrations would remain well below the Air Quality Objectives. This is compatible with the guidance given in MPS2, Annex 1 (Dust). As such there will be no significant effects. Indeed, there would be beneficial effects on air quality in Overley due to the removal of site traffic from Leaton Lane.

The assessment of dust nuisance has considered the proximity to a dust source as the main consideration when assessing sensitivity. The nearest potential sensitive receptors (within 250m of the dust source and downwind of the prevailing wind) were therefore included in the assessment, these being Burcot Row, Burcot Barns and Wrekin View.

The assessment concluded that the risk of dust nuisance is greatest at Burcot Barns, with the maximum potential risk days being 16 per annum. In view of this the magnitude of change is assessed as negligible. It has been concluded that the effect of dust nuisance on all receptors is therefore not significant.

As regards the concerns of Overley Hall School over dust with the construction of the proposed new access, the Company have agreed that a permanent water sprinkler system would be installed as a safeguard.

The proposals are compatible with policies and saved policies CS13, SR4, P16, P58, P59 and M3, M4.

### **Blasting and Vibration**

Concerns have been expressed about vibration from blasting and that this may cause structure damage to local built infrastructure. This issue has also been expressed at meetings of the local liaison group.

The application has undertaken a blasting and vibration assessment as part of the EIA. The assessment concludes that as regards all residential receptors, all vibration would be of a low order of magnitude and be “entirely safe” as regards cosmetic plaster cracks and below recommended levels for blast induced vibration (BS 6472: 2008). All vibration would conform to MPG9 and MPG14. The assessment concludes that adverse effects will be kept to a minimum.

Blasting is monitored and the results sent to the Council. The local liaison committee is the forum to discuss any concerns over blasting and these meetings are attended by the Principal Minerals and Waste Planning Officer.

The proposals are compatible with policies and saved policies CS13, P58, P59, M1, M3 and M4.

### **Contaminated Land**

Concern has been expressed if tipped material opposite the weighbridge is disturbed in the construction of the haul road, since this used to be used to bury contaminated materials like creosote, and water contaminated with oil, bitumen and other hazardous materials.

The company have responded that the proposed route of the new access is over ground that has not been subject of the placement of materials in the past. The only slight exception to this is where the road turns into the quarry as it approached Leaton Lane. The Environmental Health Officer is satisfied that there is no contaminated land issue. The proposals are compatible with policies and saved policies CS13, P58, P59, EH7, M1, M3 and M4.

### **Landscape**

Assessments have taken place of the potential effects of the proposed development on the landscape and visual amenities. They have considered the Shropshire Landscape assessment, local topography, vegetation, land use, settlements, infrastructure and potentially sensitive receptors. A Zone of Theoretical Visibility (ZTV) analysis has been undertaken to identify potential locations within 5 km of the site that could view the site.

The landscaping proposals include the following mitigation measures:

- Retention of perimeter hedgerows/hedgerow trees along the north-eastern and south-eastern boundaries of the eastern extension area. Any gaps would be supplemented through hedgerow planting.
- Soil placement for proposed screen mound at sufficient distance from retained trees to avoid compaction and root severance.
- Tree felling undertaken in the appropriate season.

- Progressive and phased topsoil stripping, construction and restoration of the screen mound.
- The slopes of proposed screen mounds would be sown with a native and low maintenance grass seed to complement the existing landscape.
- An additional 160m length of native hedgerow would be planted from the northern end of woodland belt to the existing boundary hedgerow on the southern side of Leaton Lane to help form a wildlife corridor.
- An additional 350m length boundary hedgerow would also be planted along Burcot Lane to the south of the screen mound.
- A woodland belt would be planted on the steeper western (inward facing) slope of the screen mound where the gradients would be too steep to support any restoration to agricultural uses.
- The reinstatement of any trees/woodland which would be removed to consolidate the southern part of the proposed landform with the eastern edge of the existing screen mound, thereby avoiding the creation of a valley feature.
- The new access road's alignment designed to minimise the loss of existing trees and utilise the existing boundary planting such as the row of mature conifers along the eastern boundary of Overley Hall School.

The assessment concluded that having analysed 16 landscape receptors no significant adverse landscape effects would be generated by the proposals. Potential contrasts within the local landscape would be reduced by the implementation of the phased landscape restoration scheme and restricting overburden movements to a maximum of eight weeks per year, which would result in medium landscape change. Quarrying operations would take place behind screen mounds and the woodland on the western side, producing a low magnitude of landscape change. But it should be remembered that all landscape changes would be mitigated and compensated for long term by the restoration plan.

In view of the comments made by the Landscape Architect, a planning condition would be imposed on any permission granted for the submission of a landscaping scheme.

The proposals are considered compatible with policies and saved policies CS12, QE6, P58, P59, UD4, OL6, M1, M3 and M27.

### **Visual**

23 visual receptors were assessed and the EIA concludes that of the eight selected view points, significant adverse visual effects are predicted from only one view point, Burcot Barns. The Landscape Architect has visited the site. The proposals will partially block the long distance views of the North Shropshire Plain from Burcot Barns, but parts will still be visible.

The case officer has observed the quarry and environs from the top of the Wrekin, some 3km to the south east. However, this is effectively a "birds eye" view and the quarry area, although conspicuous, is only one of severable discernible features across the North Shropshire Plain. As a small part of the

visible landscape from the Wrekin, it is not considered to adversely detract from the aesthetic appearance of the North Shropshire Plain. The quarried area will of course be eventually restored and in the mean time there is a small view of volcanic rocks. Looking from the Wrekin to the north east, Lilleshall Hill can be seen some 12km away, there is also composed of volcanic rocks. The landscape setting of Leaton quarry is considered acceptable. The landscape architect has no objections.

The proposals are considered compatible with policies and saved policies CS12, QE6, P58, P59, UD4, OL6, M1, M3 and M27.

### **Highways and Proposed New Site Access**

The site is current accessed via Leaton Lane leading to the B5061 (old A5) following widening improvements to Leaton Lane undertaken in the 1990s. The quarry is currently limited to a maximum output of 400,000 tonnes per annum, which is considered the maximum output the current road infrastructure can take from mineral laden HGVs. The only realistic option to increase output is therefore to find an alternative direct access onto the B5061.

The new site access would also have better visibility splays of 215m for lorry traffic turning onto the B5061 than the current T junction with Leaton Lane and with less traffic using Leaton Lane once the existing site access is blocked off in 2012. This will reduce the potential for traffic accidents, make Leaton Lane itself safer and more pleasant to walk along, and be less noisy. The only other access is a small crossing that enables site vehicles to cross Leaton Lane to access the lagoon to the north. This will continue for maintenance and improvement purposes. This can be controlled through an appropriately worded planning condition.

However, for very understandable reasons, given the special needs of autistic children, there is genuine concern over the effects of the new access proposals on Overley Hall School and the health of its boarding children and staff. To address these justifiable concerns company officials, council officers and councillors have discussed the implications of the new access road and have made amendments to the applicable to accommodate them. The proposals now include effective acoustic screening and a 4m high wall with tree and shrub plantings.

The school grounds are bounded with the quarry site by existing mature woodland. In between the site boundary and the proposed new haul road, it is proposed to plant extra heavy standard trees, native infill planting and woodland edge thicket mix, which will further screen the school from the proposed new haul road. In addition, some grassed areas and plant climbers will be seeded to improve the aesthetic appearance of the school boundary. A 4 metre high brick wall will bound these planted areas from the gravel laid along the new haul road. Existing trees with a tree preservation order will not be affected. To the west, separating the new haul road with the rest of the quarry site, is a gabion (reinforced structure) and overburden mounds, which is planted with some woodland. The new 4m high brick wall will match the

existing walled garden feature within the school grounds, supplemented with tree and shrub planting.

These amended proposals would both screen Overley School and provide acoustic impedance (sound barrier) to noise from lorry traffic. It will also mean that site traffic will no longer use Leaton Lane, which is adjacent to the school. The proposed new haul road adjacent to Overley Hall School therefore represents an environmental improvement for the school and has addressed letters of concern about the affects on the school.

A condition is recommended requiring full details of access works to be agreed. In addition, the company will have to enter into a Section 278 Agreement with the Council for the proposed new access and into a Section 106 Agreement for a £29,000 contribution towards improvements with the B5061 with Holyhead Road.

The proposals are compatible with policies and saved policies CS13, QE8, T9, P5, P16, P31, P35, P37, P39, P58, P59, P68, EH7, EH14, UD14, OL11, M1, M3, M4, M8 and M11.

### **Water Resources**

The EIA has assessed the hydrology and hydrogeology of the proposals. There are no natural surface ponds lying within the application area. The Uriconian volcanic rocks worked by the quarry are classified as a minor aquifer.

The majority of the water entering the site is collected in the quarry sump in the lowest sinking of the quarry. From here it is pumped to a surface water lagoon north of Leaton Lane. The water is then discharged off site into a tributary of the River Tern via a licensed outlet. When the quarry is eventually restored the final resting water level in the lake will be 76 AOD.

Concern has been expressed that rain water falling onto the overburden mounds will drain onto the nearby roads like Burcot Lane and the new haul road, which could cause flooding. There is also concern among local residents along Burcot Row that the proposals may affect local drains around their properties.

The EA is satisfied with the proposals, which include a flood risk assessment. In the case of a 1 in 100 year flood event, the water would be directly drained into the quarry void and thence pumped. The quarry void would therefore act as a balancing pond. The contours of the final overburden mounds will be directed northwards away from residential properties along Burcot Row. In addition there is also a standoff from the overburden mounds and Burcot Row and a swale (peripheral drain) will drain north of Leaton Lane away from the site.

It will be some 8 to 9 years before the final overburden mounds are constructed. Also, the company is not responsible for third party drains

outside their control, which they are not adversely affecting. Nevertheless, given the concerns it would be appropriate to impose a condition in any permission granted requiring the Company to submit a detailed drainage scheme. The Highways and Drainage Engineers agree with this approach.

The EA would prefer ponds to be constructed in addition to the final lake to increase biodiversity. However, there is already substantial biodiversity design within the proposals, further ponds would be difficult to construct given the presence of the contoured final overburden mounds adjacent to the eastern site boundary, land which will be brought back into agriculture as requested by the soils specialist within Natural England. Furthermore, the Shropshire Wildlife Trust, Natural England and the Planning Ecologist do not object. Finally, the Biodiversity Project which is financially supported by the Company benefits biodiversity.

The proposals are compatible with policies and saved policies CS13, QE9, P58, P59, M1, M3 and M4.

### **Geotechnics**

Engineering management has verbally confirmed have no objections. Quarry face stability is monitored by the Health and safety Executive. Nevertheless it would be appropriate to include a condition on any permission granted that required the applicant to make available to Council officers geotechnical reports that the company are required to produce under the Quarry Regulations 1999.

The proposals are considered compatible with saved policies CS13, P58, P59, EH14, M1, M3, M4 and M27.

### **Rights of Way**

The Definitive Rights of Way map shows that the nearby Public Footpath 28 will not be affected. The Rights of Way Officer has no objections. The proposals are considered to be compatible with saved policies P39, P58, P59, M1, M3, M4 and M27.

### **Ecology**

The Arboricultural Officer has no objections now that it has been established the trees with Tree Preservation Orders will not be affected. Issues concerning wildlife, particularly bats, have now been satisfactorily addressed. Nevertheless it would be appropriate in any permission granted to impose a condition that requires the submission of a scheme with details of bat protection and the translocation of badgers.

The proposals are compatible with the policies and saved policies CS13, QE1, QE7, QE8, P58, P59, OL6, OL11, M1 and M3.

### **Soils**

Soil is a valuable resource and needs to be protected. Following the consultative comments of Natural England on soils it is appropriate to impose the same soil conditions as were recently imposed in the 2008 permission

(W2008/0859) for placement of soils and overburden on land adjacent to the quarry. Part of the contoured final overburden mounds will be returned to pasture land, with the possibility of some arable in the future, meeting Natural England's requirement for agriculture to be specified as an afteruse. Also, the lagoon north of Leaton Lane, outside the current planning permission, is also conditioned to be restored to agriculture.

As with the current planning permission, conditions would be imposed concerning the restoration of the site and a requirement to submit for approval a five year aftercare scheme. The proposals are compatible with policies and saved policies CS13, QE1, QE7, QE8, P58, P59, UD4, OL6, OL11, M1, M3 and M27.

### **Cultural Heritage**

An archaeological assessment has been carried out. It concludes that there probably will be sub surface archaeological remains within the extended site, but none are likely to be of national importance. Any remains are likely to relate to medieval / post medieval settlement, but not significant structural elements.

Wrockwardine Village itself is a Conservation Area but is outside the application site area. It is considered that the cultural heritage will not be adversely affected but it would be appropriate that a condition is imposed requiring an archaeological watching brief.

The proposals are compatible with policies and saved policies CS14, QE5, P58, P59, M1, M3 and M6.

### **Conclusions**

The material planning issues that affect the proposed extension to Leaton quarry have been subject to extensive planning and scientific assessment. Although the Shropshire and Telford & Wrekin landbank for crushed rock is already adequately provided for by existing sites, planning policy does allow this to be increased further in exceptional circumstances. These exceptional circumstances apply in this case. Furthermore, the issue of the concerns of Overley Hall School have been sensitively addressed with amendments to the proposed new access onto the B5061. It is considered in its amended form that the proposed new access is an environmental improvement for site traffic to the present Junction of Leaton Lane with the B5061.

The proposals are compatible with national and regional planning guidance, and the policies of the development plan. The quarry is adequately managed and site operations can be satisfactorily controlled through planning conditions. It is therefore considered that a conditional planning permission can be granted until 2040 once the Section 106 Agreement has been signed.

**RECOMMENDATION: to GRANT PLANNING PERMISSION** subject to a Section 106 Agreement covering the Highways Agreement and a contribution to the Biodiversity Project and the following conditions:

1. A04 Time limit
2. C custom Definition of Site
3. B custom Limitation of Area and Maximum Depth of Mineral Extraction
4. B custom Duration of Development
5. B custom Expiry of Permission
- 6/7. B custom Definition of Waste Materials
8. B custom No imported wastes into Excavated Areas
9. D custom Restriction of Permitted Development Rights
- 10-17. C custom Highways/Traffic
18. B custom Restriction on Tonnages
- 19/20. C custom Plant, Machinery and Offices
21. C custom Relocation of Existing Plant and Offices
- 22-26. B custom Dust
27. B custom Burning
28. B custom No Retailing
- 29-34. C custom Water Resources
- 35-39. D custom Hours of Operation
- 40-42. B custom Noise
- 43-48. B custom Blasting
49. B custom Geotechnics
50. B custom Fencing
51. B custom Landscaping
52. C custom Protection of existing trees and hedgerows
53. C custom Protection of trees and hedgerows within the site but outside the  
Extended Mineral Extraction Area
- 54-56. C custom Soil Stripping
57. C custom Archaeology
58. C custom Ecology
- 59-64. C custom Restoration
65. C custom Aftercare
66. C custom Contingency Restoration and 5 Year Aftercare Schemes.

#### INFORMATIVE

- 1 I custom Comply with other extant planning permissions.

#### **REASON FOR APPROVAL:**

Leaton quarry has been an operational mineral site for many decades and therefore mineral extraction has been established. The proposals are compatible with the saved policies in the Shropshire and Telford Joint Structure Plan, 1996-2011, the Shropshire, Telford & Wrekin Minerals Local Plan, 1995-2006 and the Wrekin Local Plan, 1995-2006, and to all relevant material planning considerations, including supplementary planning guidance. Site operations can be controlled by appropriate planning conditions, site monitoring and discussions with liaison group. Other matters not appropriate to be covered by planning conditions will be addressed in the Section 106 Agreement.

TWC/2011/0069 North Lynn Manor, Lynn, Newport, Shropshire, TF10 9BB  
Erection of 2no. 20kW wind turbines with 20m high towers (27m max height  
with blades)

**APPLICANT**

B & PJ Davies, Mark Davies

**RECEIVED**

25/01/2011

**PARISH**

Chetwynd Aston and Woodcote

**WARD**

Church Aston and Lilleshall

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

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Appearance, Siting, Visual Impact and Intrusion, Highway  
Safety, Noise

**THE PROPOSAL:**

This application relates to the erection of two 20kw wind turbines on 20 metre  
high towers on land at North Lynn Manor, Woodcote, Newport. Each turbine  
would have three blades, 6 metres long, and the maximum height of the  
turbines when the blades are fully extended in a vertical position, including the  
hub, would be 27 metres. Each turbine can produce 40,000kW/hrs. The two  
turbines would stand alongside the existing 18 metre high wind turbine.

**SITE AND SURROUNDINGS:**

The site lies in the open countryside approximately 4 miles south east of  
Newport, one kilometre the east of the A41, and 250 metres north west of  
North Lynn Manor. The site forms part of the 384.5 hectare agricultural  
holding at North Lynn Manor.

The landscape here is fairly undulating and the turbines would be located on  
one of the lowest parts of the farm, along an old field boundary, in line with  
the existing turbine. The closest farm building at North Lynn Manor lies 200  
metres away from the nearest proposed turbine, the farm house at North Lynn  
Manor lies 300 metres away, and the nearest residential property not owned  
by the applicant lies 350 metres away. There is a mature hedge that runs  
along the southern and eastern boundaries of the field that would contain the  
new turbines.

**BACKGROUND:**

North Lynn Manor is an owner-occupied farm which extends to approximately  
950 acres (384.5 hectares), being a combination of agricultural land, farm  
buildings, and farm house. The principal enterprise is arable cropping, being  
a combination of winter wheat, oil-seed rape and potatoes.

The total electricity demand on the farm is in the region of 130,000kW/hrs,  
equating to an annual cost of approximately £13,000. The main demand for

electricity is providing a constant supply for the grain drying facilities and potato storage.

The existing wind turbine which was granted planning permission (TWC/2010/0093) in 2010 has been running for 9 months, and is on target to produce 22,000kW/hrs per annum. The new turbines would produce an annual production of 40,000kW/hrs each, thus giving a total of around 102,000kW/hrs (approximately 78% of the farm's electricity demand).

The average wind speed at this site is 5.4 m/s at a height of 25 metres. The turbines will produce electricity at wind speeds as low as 2.2m/s.

The applicant states that this is not an exercise to make a profit but a way of seeking to control the cost of energy used by the business, whilst at the same time contributing to the Government policy in respect of providing a renewable energy source.

The principal objective of the wind turbines will be to reduce the applicant's need to purchase power. At times when electricity is not required on the property surplus energy will be exported to the national grid. This is unlikely to occur on a regular basis due to the farm's requirement to keep the potato store at a constant temperature, and use of the grain drying facilities in the summer months.

#### PLANNING HISTORY:

W2009/0441 – Erection of a 15kw wind turbine on a 15 metre high tower – approved

W2010/0093 – Erection of 11kw wind turbine on an 18 metre high tower (amendment to application W2009/0441) – approved

#### PLANNING POLICY CONTEXT:

National Planning Guidance

PPS7 – 'Sustainable Development in Rural Areas'

PPS22 – 'Renewable Energy'. PPS22 states that planning authorities should recognise the full range of renewable energy sources, and the wider environmental and economic benefits of renewable energy projects. "Small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small".

Saved Wrekin Local Plan Policies

Policy NR1 – 'Location of Renewable Energy Developments'. The policy supports proposals for the generation of power from renewable energy sources within the District.

Policy NR2 – 'Proposals for Wind Turbines'. The policy permits the development of schemes to generate energy from the wind provided that the visual impact on the landscape is minimised; sensitive skylines are avoided;

there is no detrimental impact on wildlife habitats; and the turbines are located so as to minimise their impact on residential development and highways.

LDF Core Strategy

Policy CS7 – ‘Rural Area’

Policy CS13 – ‘Environmental Resources’. The policy promotes small and large scale renewable energy projects. “The production of energy from renewable sources will be supported where this is consistent with other policies and national guidance”.

#### CONSULTATION RESPONSES:

7 letters of support have been received which can be summarised as follows:-

- Renewable energy projects should be supported
- We cannot go on being reliant on fossil fuels
- They will reduce our carbon footprint
- Wind turbines are a cleaner way to produce power, with no harmful side effects or emissions
- Excess power that is generated would be added to the national grid
- It would create a self-sustaining community
- These small-scale wind turbines are ideal for siting on farmland
- They would barely be visible from the surrounding countryside
- They would be unobtrusive, and would not detract from the landscape as they would be below the skyline
- They would be no taller than a mature oak tree
- They are ideally positioned far enough away from existing dwellings to avoid any noise problems
- They will have no effect whatsoever on the immediate fauna and flora
- Birdlife is unlikely to be affected as recent RSPB surveys have shown
- Opponents of the application are dredging up unsubstantiated claims about the turbines because they are worried about the value of their houses

56 letters of objection have been received which can be summarised as follows:-

- The turbines would dominate views from many points
- They would be seen from considerable distances
- They would be noisy and unsightly
- These are alien structures in the countryside
- They would have an adverse effect on the visual amenities of the area
- They would have a detrimental effect on the landscape and look out of character with their surroundings
- They would spoil people’s enjoyment of the countryside
- They would distract drivers on local roads, particularly the A41 which is a known accident ‘blackspot’
- Light flicker off the turbines would pose a danger to passing traffic
- They would devalue property prices
- The wind is often too weak to drive the existing turbine

- Less harmful renewal energy projects should be considered such as solar panels
- They will pose a risk to low flying aircraft, helicopters, and hot air balloons
- They will pose a danger to bats, birds, and other wildlife
- They would be detrimental to the health of local residents
- They would interfere with television and telecommunications signals
- It would set a precedent and lead to more turbines in the future
- Farms should be limited to having one turbine, otherwise they will ruin the countryside for everyone else
- This is a greedy farmer who is only concerned with the grants that come with the turbines

The Parish Council objects to the application, believing that the turbines will spoil the open views across the countryside, and the turbines are in a poor position.

The Ministry of Defence has no objections to the application.

The National Farmers Union supports the application. It considers that the existing turbine blends in discreetly against the tree-lined backdrop and that the two similar turbines that will be sympathetically sited in the same area. "This small scale operation allows electricity production without disrupting the landscape. The enterprises carried out on the farm will allow much of this electricity production to be used on site with any surplus then being exported in the national grid for other local users to benefit from a green energy source. By generating electricity from the wind turbines Mr Davies will be able to lower his carbon footprint by generating electricity from wind rather than conventional sources. This enterprise in investing in renewable energy sources on a small local scale should be encouraged".

The Council's Sustainability Officer has no objections to the application. He states that Planning Policy Statement 22 encourages planning authorities to support the use of renewable energy. We should actively support and help drive the delivery of micro-renewable energy. He considers that planning permission should only be refused where the concern relates to a heritage asset protected by an international or national designation, and the impact would cause material harm. We should give significant weight to the wider environmental, social and economic benefits of micro-renewable projects whatever their scale, recognising that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

The Council's Ecologist has no objections to the application. She considers that the turbines are being located more than 50m from habitat features (hedgerows, woodland, water etc.) so the risk of harming any protected species is extremely low.

There is a risk of bird and bat collision with the turbines but this is very small given the number of turbines and their position in the landscape.

The Council's Highways and Geotechnical Engineers have no objections to the application.

#### PLANNING CONSIDERATIONS:

The applicant has stated that he looked at all the possible locations for these wind turbines on his land, taking into account the direction of the prevailing wind, obstructions, personal preferences, planning considerations, and the distance from the distribution board. The application site meets all the requirements.

The possibility of having one larger turbine, instead of the proposed two, was considered by the applicant but was dismissed for the following reasons:

- A larger turbine would be more expensive to install, service & maintain
- There is much greater initial capital investment
- The turbine would be significantly higher, with the tip of the blades being nearly 40m high. This would mean it standing above the horizon line, when looking from the A41. As a result, it was felt one larger turbine would bring more objections and have a greater visual impact over a wider area than two smaller ones

The possibility of using solar energy in preference to wind turbines has also been explored. However, the applicant states that photovoltaic cells are not ideally suited to this holding, given the amount of roof space available, and the costs involved. The capital investment would be double, with the same output as one turbine. This would not be enough to meet the electricity needs of the farm.

The site lies in the open countryside, but does not lie within an area which has been given any special designation in relation to its countryside, amenity, or wildlife value. It is not within an Area of Outstanding Natural Beauty or an Area of Special Landscape Character, and neither is it a Site of Special Scientific Interest or a nature reserve.

The turbines would be located 350 metres from the nearest residential property not owned by the applicant, and there are six properties within a 400 metre radius, two of which are owned by the applicant. Only five dwellings would see the entire turbines – two of which are 900 metres away and the others 350-400 metres away. The existing turbine is 18 metres high and it is considered that the proposed turbines would not appear significantly dominant when viewed from the nearest cottages that lie 350-400 metres away. A series of photographs, with the proposed turbines superimposed on them, have been submitted with the application, and these have helped in the visual assessment of the proposal to demonstrate that the turbines will have a minimal impact on the surrounding landscape.

Officers consider that the turbines would not have a detrimental impact on the character and appearance of the landscape in the vicinity of the site. The most prominent point from which the turbines will be seen would be from the A41, one kilometre to the west, from where long views of the turbines would

be glimpsed. However, even from here the turbines would be difficult to detect as they would be below the horizon, and a backdrop of mature woodland would help to conceal them.

The nearest public highway to the proposed site – the one that runs through Lynn - is approximately 300 metres away and the high hedge that borders this road will effectively screen the turbines to a considerable extent from most of the road users. The natural galvanised or light grey colour of the turbines will also help to minimise their visual impact on the landscape.

The Council's Highways Engineer has no objections to the application. He does not believe that the rotation of the turbine blades would distract drivers of vehicles on local roads to any significant extent. Neither does he feel that light flicker off the turbines would pose a danger to passing traffic.

The principal source of noise emitted by the turbines would originate from the rotation of the blades. However, the applicants have submitted an acoustic report which states that even at a distance of 60 metres from the turbines the maximum noise level would only be a modest 40dBA. Such a noise level comes within Category A of the Noise Exposure Categories contained in PPG24 (Planning and Noise) where such noise is not considered to be an issue when determining planning applications. At distances of 350-400 metres from the turbines the noise levels would be well below existing ambient background noise levels. Therefore, noise is unlikely to be a nuisance to those residents living in the nearest dwellings to the site.

The Council's Ecologist has no objections to the application. The siting of the proposed turbines follows good practice by being located more than 50 metres from habitat features such as hedgerows and woodland which could be used as foraging and commuting routes for bats and birds, and away from buildings where bats may be roosting. Therefore, there is a very low risk of harm being done to any wildlife.

It is acknowledged that this application has met with a considerable amount of local opposition from people living in East Shropshire and West Staffordshire. However, after careful deliberation of the issues and for the explanations stated above, it is considered that the proposal is acceptable.

It is considered that the proposed wind turbines would be acceptable. It is felt that their simple design and sympathetic siting will not have an adverse impact on the character and appearance of the countryside in the vicinity of the site, even when considering the cumulative impact of the three turbines. The profile of the land and the backcloth of the existing mature trees mean that there are very few locations from where the whole turbines will be seen from, and very few people will see them above a skyline.

The turbines will not appear too dominant or intrusive in the landscape, even when viewed from the nearest residential property, and they will not have a detrimental impact on the prevailing visual amenities of the surrounding area. The turbines will not distract drivers' attention to any significant extent, or

pose a danger to existing wildlife in the area. The scheme will provide a limited but valuable source of renewable energy for the farm that will play its part in reducing greenhouse gas emissions and our carbon footprint.

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

1. A04 Time limit
2. C38 Development in accordance with submitted plans

**REASON FOR APPROVAL:**

The simple design and sympathetic siting of the turbines will not have an adverse impact on the character and appearance of the countryside in the vicinity of the site. The profile of the land and the existing mature trees mean that there are very few locations from where the whole turbines will be seen from, and very few people will see them above a skyline.

The turbines will not appear too dominant or intrusive in the landscape, even when viewed from the nearest residential property, and they will not have a detrimental impact on the prevailing visual amenities of the surrounding area. The turbines will not distract drivers' attention to any significant extent, or pose a danger to existing wildlife in the area. The scheme will provide a limited but valuable source of renewable energy for the farm that will play its part in reducing greenhouse gas emissions and our carbon footprint.

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

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.

Edgmond 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. Brook
15. 'Green field' run-off rates
16. Details of the new bridge across the Strine Brook
17. Management plan for the area of open space
18. Stand-off distances from habitat features
19. Bat, bird and insect boxes
20. Site clearance outside the bird nesting season
21. Full details of the construction of the access road, including drainage and street lighting
22. Full details of the new culvert crossing the Strine Brook
23. 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/2011/0385 14 Limes Walk, Oakengates, Telford, Shropshire, TF2 6EP  
Change of use from Retail (Use Class A1) to Professional offices (Use Class A2)

**APPLICANT**

Proactive Personnel,

**RECEIVED**

30/03/2011

**PARISH**

Oakengates

**WARD**

Ketley and Oakengates

OBJECTIONS RECEIVED: No.

**MAIN ISSUES:**

Loss of retail unit, impact on primary retail zone and Oakengates town centre.

**THE PROPOSAL:**

This is 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.

The applicant (Proactive Personnel) also occupies the adjacent 4 units nos. 6-12 Limes Walk. This application would enable the business to expand. It has been in Oakengates since 1999 and wishes to remain in this central location.

There is also an Advertisement application TWC/2011/0259 for this premises for non-illuminated fascia signage. This can be determined under delegated powers depending on the outcome of this change of use application.

**SITE AND SURROUNDINGS:**

No. 14 is a retail unit with a floor area of approx 119sqm and is of similar size to others in a row of shops in the council-owned pedestrianised precinct Limes Walk. This site lies within Oakengates District Centre and within the Primary Retail Zone located between Market Street and "The Place" theatre. The applicant also occupies the adjacent 4 units at 6-12 Limes Walk, which is on a prominent corner just opposite the Oakengates Theatre "The Place.

There are no vacant units on this side of Limes Walk although there are a couple of vacant units opposite and in other streets in Oakengates.

**PLANNING HISTORY:**

W2007/0752 –Change of use of greengrocers (No.6) to employment agency, installation of a new shop front and roller shutters (Retrospective) – granted 2007.

W2006/1522 - Change of use of greengrocers (No.6) to employment agency and installation of a new shop front and roller shutters - refused in February 2007.

W2000/0277 - Change of use of shop to offices (8 & 10 Limes Walk) and alterations to shop front - granted in 2000.

W2003/0756 - Change of use (12 Limes Walk) from retail to employment agency - granted in 2003.

**PLANNING POLICY CONTEXT:**

National Planning Guidance

PPS 1 –Delivering Sustainable Development

PPS4 Planning for Sustainable Economic Growth

Saved Wrekin Local Plan Policies

S1 Service Centre Hierarchy

S16 Oakengates Primary Retail Zone

LDF Core Strategy Policies

CS2 Jobs

CS5 District and Local Centres in Telford

**CONSULTATION RESPONSES:**

Shropshire Council Policy & Environment – no comment

**PLANNING CONSIDERATIONS:**

By way of background the applicant has submitted the following supporting information for the application:-

- Proactive Personnel have chosen to maintain and expand a presence in Oakengates since arrival in 1999 and feel we have assisted with its economic regeneration and the company prefers to continue to do so.
- We employ 30 staff in our head office in Oakengates who use the retail and other business services in the town. We have 100 staff in total in the West Midlands, Shropshire and Cheshire. The directors of Proactive Personnel are mostly Telford people and are therefore stakeholders in the commercial development of Oakengates and the surrounding region.
- We have recently centralised our payroll services in Oakengates thus the need for more space to house staff.
- As an employment agency we attract thousands of visitors to our premises each month searching for work and many then go on to use and in some cases work for the other services in Oakengates.
- The previous tenant of 14 Limes Walk gave notice earlier this year and the unit became vacant.
- The acquisition of 14 Limes Walk for Class A2 usage will not adversely affect the availability of retail shopping units to meet demand as it will be another unit in use which otherwise may stand empty.
- There are several other vacant units in the direct vicinity of Proactive Personnel including in Limes Walk. There are always other units available for retail use in the centre.
- We have already agreed to the terms drafted by Asset and Property for a 3 year lease of 14 Limes Walk and we have committed substantial cost and planning into its use.
- We are not aware of any objections being raised by interested parties following notices being posted.

- We have overhauled the units to a high specification at our cost and we maintain them in good condition which enhances their long term value and our rent and other liabilities have always been paid on time.
- The company has to be cautious with over head costs and to move our head office at the moment would be too costly. It would also be harmful to the availability of employment services to local people accustomed to accessing them in Oakengates.
- It is possible that will have to pull out of Oakengates should the planning permission be refused. This may have adverse effects on the town's economy

The site is a retail unit (Use Class A1) in the primary shopping are of Oakengates which is a District Centre and the application seeks to change it to a Use Class A2 for use by an employment agency. Under policy CS5 District Centres are to be the focus of new development, as they *"have traditionally served and met the day-to-day needs of their local communities"* and 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."*

To complement the District Centres and the hierarchy of service centres, retail use is protected. In Oakengates the Primary Retail Zone centres on the western half of Market Street and the whole of Limes Walk, as designated in Policy S16 of the Wrekin local Plan. Policy S16 does allow retail units to change to Class A2, C1 and D2 uses *"where it does not threaten the shopping zones primary function as a shopping area and result in an unacceptable level of non retail uses within the shopping zone"*. The loss of retail units to non-retail units can affect the retail presence and provision in the shopping centre and weaken its role as the main shopping area. The policy goes on to explain that an unacceptable level is considered to occur when a) non retail uses in a continuous frontage would exceed one in every three ground floor units and, b) where the proposal consists of a non-retail frontage in excess of 9 metres.

The applicant currently occupies 4 units in a row with a combined frontage of some 42 metres. Even if one considers that the corner splits the retail frontage, each part is still 23m and 19m long. Changing the use of unit 14 with its 7m wide frontage will make the overall combined non-retail frontage some 49m long, which is contrary to the 9m continuous frontage limit set out in policy S16.

Policy S16 also takes into account the mix of uses in a frontage and expects non-retail units to account for no more than one in every three ground floor units. Due to other existing historical non-retail uses in Limes Walk there already exists more than 3 adjacent non-retail units, and so the proposal would further exacerbate his situation contrary to policy S16.

At Plans Board in July 2007 members granted permission for the applicant to expand into unit 6 (W2007/0752) despite the proposal being contrary to policy S16 for similar reasons described above. Information had been provided as to the lack of demand for vacant retail units in Oakengates.

Policy S16 expects that “*some control should be exercised over the growth of non-retail in this area*”. However there is flexibility at para 5.3.42 as in some instances “*...more flexible limits will be appropriate*”. In addition Class A2, which includes banks, building societies and betting shops, are nationally recognised as generally being appropriate uses for town centre locations as they are a type of use that attract members of the public. As the applicants operate an employment agency there is a good degree of visiting public to the premises, and in turn to Limes Walk and hence Oakengates town centre and this could be regarded as helping bring people into the town who may well then do other linked shopping and business there.

Allowing the vacant retail unit to become part of the expanding Proactive Personnel business will avoid a shop unit lying vacant in a prominent District Centre location and enables the unit to continue to provide an active frontage onto Limes Walk in the centre of Oakengates. The Council's Estates and Investments have confirmed that 3 units in Limes Walk and others in Market Street have been empty for some time due to the difficulty finding tenants for retail units in this area. Whilst a short term lease was arranged for Unit 1, this ran from Dec 2010 to Feb 2011, but no tenant seems to be able to conduct a viable business form the area.

The employment agency itself provides job opportunities and itself employs some 30 staff in the Oakengates office. Its expansion is an economic development expansion which the Council would like to encourage in this current poor economic climate. Telford, and the District Centres are still the focus for employment and economic development and one of the provisions of Policy CS2 is to meet the needs of existing businesses and general economic development guidance in PPS4.

The applicant has advised that the lease on the unit is for 3 years (although there are different lease dates for each of the other units as the expansion has been piecemeal). The applicant is willing to have a 3 year temporary permission that would coincide with the termination of the lease. The situation could then be reviewed at the end of this period should the applicant wish to renew the permission.

In conclusion, whilst the proposal is contrary to the primary retail zone policy S16 for Oakengates, due to the length of continuous non-retail frontage, the proposed additional non-retail use of unit 14 does avoid a shop unit lying vacant in a prominent District Centre location and enables the unit to continue to provide an active frontage onto Limes Walk in the centre of Oakengates. In this poor current economic climate officers consider that this is a material consideration that should outweigh the policy objection at the present time. Therefore officers consider the expansion of the employment agency into the adjacent retail unit will not undermine the centre's overall attraction at the present time and would bring economic benefits to the centre of Oakengates. However, a temporary 3 year permission is considered appropriate to coincide with the applicant's lease period on the premises and this will then allow a review of the retail situation after 3 years. Therefore officers consider that a

temporary permission for change of use to Use Class A2 is acceptable. The application has been advertised as a departure from the development plan.

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

1. A06 3 year temporary use of building

**REASON FOR APPROVAL:**

Whilst the proposal is contrary to the primary retail zone policy S16 for Oakengates, due to the length of continuous non-retail frontage and the number of adjacent non-retail units, the proposal will avoid a shop unit lying vacant in a prominent District Centre location and enables the unit to continue to provide an active frontage onto Limes Walk in the centre of Oakengates. In this poor current economic climate officers consider this is a material consideration that should outweigh the policy objection at the present time. Therefore the expansion of the employment agency into the adjacent retail unit will not undermine the centre's overall attraction at the present time and would bring economic benefits to the centre of Oakengates.. However, a temporary 3 year permission is considered appropriate to coincide with the applicant's 3 year lease period on the premises and to allow a review of the retail situation after 3 years should the applicant wish to renew the application.

TWC/2011/0421 41 Ford Road, Newport, Shropshire, TF10 7TU Change of use from open space land to private garden land and erection of a 1.81m high fence

**APPLICANT**

, Mr Andrew Tellwright

**RECEIVED**

23/05/2011

**PARISH**

Newport

**WARD**

Newport West

**NEWPORT TOWN COUNCIL HAS REQUESTED THIS APPLICATION BE DETERMINED BY PLANS BOARD**

OBJECTIONS RECEIVED: No

**MAIN ISSUES:**

Loss of open space, impact on character of the area, setting the precedent for neighbouring properties

**THE PROPOSAL:**

The change of use from open space land to private garden land and the erection of a 1.8m high timber panel fence.

**SITE AND SURROUNDINGS:**

This is a semi-detached three bed property located on an established residential estate in Newport. External materials consist of red facing bricks, concrete interlocking tiles and white upvc windows.

There is a small front and rear garden which is bounded by hedging and fencing to the side and rear and by a brick wall to the other side. A single garage is located alongside the rear garden.

A public footpath runs down the right hand side of the property which joins on to a footpath which runs to the rear of this property and several others. The footpath is used to link several residential roads within this estate and access to the children's park and provides a small amount of green space amenity.

**PLANNING POLICY CONTEXT:**

National Planning Guidance  
PPS 1 –Delivering Sustainable Development

Saved Wrekin Local Plan Policies  
Policy UD2 – Design Criteria

LDF Core Strategy  
CS6 Newport

**CONSULTATION RESPONSES:**

A site notice and 6 direct neighbour letters have publicised this application.

Newport Town Council: Members questioned the ownership of the land; they were not in favour of a precedent being set for more residents to do similar, thus creating a constriction to a currently open pathway leading to a play area. Concern was raised around issues of street lighting and potential anti-social behaviour in future, should further gardens be enclosed with high fencing.

#### PLANNING CONSIDERATIONS:

This application relates to the change of use of open space land to private garden land and the erection of a 1.8m high timber panel fence. The land measures approximately 6m x 6m.

The applicant wishes to extend their rear garden by purchasing a small plot of land from Telford & Wrekin Council, which is located behind their rear boundary, and erect a 1.8m high timber fence to enclose it. The land is part of a 7m wide strip of grass verge which runs behind property number's 35, 37, 39 and 41 Ford Road abutting the pathway which links several residential roads and provides access to the nearby park/play area. The proposal would still leave 1m wide strip of grass between the new boundary fence and the edge of the pathway.

The land is currently owned by Telford & Wrekin Council and the matter of purchase is a separate issue which is being dealt with the estates department. The land in question is relatively small in relation to the existing open space and therefore the proposal will not significantly affect existing amenity area or public safety nor will it be too enclosing.

It is considered that whilst the proposal might set a precedent for the three other neighbouring properties to extend their gardens, it is considered that it will not have a significantly detrimental impact on this small open space, especially as the gardens further down No's 43-49, their rear boundary fences already abut the footpath. It is considered that the proposal will not have an impact on existing street lighting and neither will it cause reason for anti-social behaviour.

It is considered that on balance, the proposal is acceptable. The applicant is keeping a 1m distance from the proposed boundary line to the existing pathway, therefore maintaining a small section of 'open space'. Once the proposed fencing has been erected, it will still be set back more than the fencing of the properties further down (No's 43-49).

It is considered that a good amount of open space will remain in the vicinity, with grassed areas on both sides of the footpath and hence the relatively open feel of the footpath won't be lost to any significant degree. The land in question is relatively small in relation to the existing open space and therefore the proposal will not significantly affect existing amenity area or public safety and is therefore considered acceptable.

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

Conditions

A04 Time limit  
C38 Development in accordance with plan Nos.

Informatives

I40 Conditions  
I41 Reasons for Grant of permission

Reasons For Decision

The land in question is relatively small in relation to the existing open space and therefore the proposal will not significantly affect existing amenity area or public safety and is therefore considered acceptable.

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

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

**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.

W2003/1238 Muxton C2/C3, Marshbrook Way, Muxton, Telford, Shropshire.  
Residential development (outline)

**APPLICANT**

, English Partnerships

**RECEIVED**

09/10/2003

**PARISH**

Lilleshall and Donnington

**WARD**

**PURPOSE OF REPORT**

The purpose of this report is to ask members to agree to a variation of an existing Section 106 agreement linked to outline planning permission W2003/1238 to change the requirement for 15% Shared Ownership Dwellings to 15% Intermediate Tenure dwellings instead. This would provide flexibility in the current economic climate in which it is difficult for applicants for shared ownership dwellings to obtain mortgages as large deposits are often required. The overall 30% affordable housing provision would remain unchanged.

**BACKGROUND**

Outline Planning permission W2003/1238 was granted by members at Plans Board on 2 June 2004 for residential development with permission finally granted in April 2007. Approval of reserved matters for 144 dwellings was granted 5 February 2010. Development has commenced on the western half of the site using kickstart funding for 58 houses and 9 flats. This part of the development is under construction and approximately 17 dwellings are now occupied. This phase includes 18 affordable housing units.

The current S106 agreement that is in place requires:

- 30% affordable dwellings comprising 15% Rented Social Housing Units and 15% Shared Ownership Housing Units,
- £244,962 for primary education,
- £151,000 for Recreation for upgrading existing play facilities
- £15,000 as a contribution towards a cycleway along Marshbrook Way,
- £15,800 for the Nature Reserve to upgrade footpaths, provide signage and for work to the trees.
- Transfer of the open space to the Council together with a commuted sum for future maintenance.

The applicants have agreed to transfer the affordable housing to Wrekin Housing Trust. Whilst there has been little problem with the social rented housing, Wrekin Housing Trust, along with many other Registered Providers, are having problems in finding buyers for the shared ownership units. Wrekin Housing Trust now wish to modify the tenure of the Shared Housing Units only to a 'rent to buy' option which is classed as an intermediate tenure. Intermediate tenure is a generic term for a range of tenures which are in between social rented and market housing. In this phase of the development it will affect 9 units.

The developer still intends to provide 30% affordable housing as agreed in the signed Section 106, but now wants to change the 15% shared ownership element to 15% intermediate tenure instead.

#### THE SITE AND PROPOSAL:

The site is the last part of the Muxton Housing Area to be developed. It fronts the south of Marshbrook Way between Ryder Drive and Donnington Wood Roundabout. South and west of the site is a large area of woodland with a network of footpaths linking through to Granville Country Park. Development of the first phase at the western end of the site is now under construction.

#### PLANNING HISTORY:

W2003/1238 – Outline planning permission for residential development approved April 2007.

W2009/0542 – Reserved Matters application for 144 dwellings approved 5 February 2010.

#### PLANNING POLICY CONTEXT:

Wrekin Local Plan (adopted February 2000):  
H6 Windfall sites in Telford and Newport  
UD2 Design Criteria

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

#### National Policy:

PPS1: Delivering Sustainable Development  
PPS3: Housing (amended June 2011)

#### 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 the whole country, yet the Council must still try and deliver houses including affordable housing. The overall 30% of affordable housing to be provided on the development remains unchanged.

Wrekin Housing Trust will take on the entire affordable element of the new development. They will have no problems in finding tenants for the social rented housing. However, in the current economic climate, and for the foreseeable future, the Wrekin Housing Trust do not anticipate that there will be any demand for sales of the shared ownership houses. They are therefore looking for greater flexibility and scope to use the shared ownership element of the provision of affordable housing for a variety of intermediate tenure products which they consider will be more appropriate in the current climate. Intermediate tenures, as defined in Planning Policy Statement 3, include shared ownership, intermediate rent, discounted market sale and shared equity.

In this particular instance Wrekin Housing Trust is seeking to use its “Rent to Homebuy” product. Rent to Homebuy operates by allowing applicants to rent a property initially, with a view to purchasing a share when the market improves and mortgages for shared ownership become available. The property would therefore still be shared ownership in the long term, however in the short term it would provide applicants with the opportunity to save for a deposit and/or wait until mortgages for shared ownership became more easily available once again.

The Council’s housing officers agree with the Wrekin Housing Trust’s assessment of the current downturn in the economy and support the request by Wrekin Housing Trust. If this variation to the original S106 agreement is permitted this will ensure that homes will not stand empty until economic climate improves and mortgages are more readily available. In addition the developer has written in and supported Wrekin Housing Trust in their request to vary the existing S106 agreement.

This proposal is similar to a request to modify the tenure of the shared ownership dwellings at Parkdale under outline planning permission W2005/0661 considered by Members in March this year.

**RECOMMENDATION:** GRANT PERMISSION 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.

W97/0566 Allscott Storage Depot, Cross Green, Allscott, Shropshire.  
Unrestricted use of buildings and open area within use class B8

**APPLICANT**

, Hereford Storage Ltd

**RECEIVED**

23/07/1997

**PARISH**

Wrockwardine

**WARD**

OBJECTIONS RECEIVED: No

MAIN ISSUES: Highway safety.

**PROPOSAL:**

The applicant wishes 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.

Following the original consent in 1997 Hereford Storage secured a contract with bottled water producer and operated the whole site; this contract ceased in May 2008. Since this date Hereford Storage have been unable to find any tenants to the lease the site in whole as required by the S106 agreement. Hereford Storage is therefore bearing all overheads including empty rates on the whole site.

Hereford Storage are willing to invest in to the divide of existing buildings into more marketable, smaller units which could be let to a number of smaller tenants. Hereford Storage intend to remain the sole owner of the site and as landlord retain complete control / management of the site.

**PLANNING CONSIDERATIONS:**

From observing the previous report it is apparent that the Highways Authority (County Council at that time) requested the restriction to control the number of total vehicular movements in and out of the site. This restriction is one of a number which also control traffic routing, monitoring, tonnage figures (individual weights by rail and road, and annual rates) number of vehicle movements (annual and weekly) and a contribution towards highways improvements. The applicant wishes to vary only one part of these conditions to allow him to let the site in parts.

The Council's Highways Officer recognises that as the Sugar Beet Factory is no longer in operation, nor has any user obtained the site since the demolition of all the buildings, the number of HGV movements on the B4393 have considerably reduced. Therefore highways issues at and around this location are not as crucial as they once were, and as a result it would be difficult to impose certain conditions or clauses on the site today.

Furthermore the applicant argues that the number of smaller occupiers are in fact going to generate far less traffic movements between them than the Depot had traditionally generated in its days as a storage and distribution

centre for a single operator.

Consideration should also be made to the Maidens haulage yard which is in close proximity to this site, where in 2009 members granted the variation of condition of a personal consent to allow the applicant to sell and or lease the site. Due to the close proximity of the site to residents, a condition was imposed to restrict the hours of use of the site; however the condition was appealed and allowed, allowing 24 hour use, 7 days a week. There are no other further restrictions on this site.

In this case, the sites use is restricted by condition 5 of the 1997 consent, restricting hours of use to 07:00 and 19:00 hours Monday – Saturday, with no working / activities Sundays or public holidays. Consequently it is considered the proposal will not have an adverse impact on surrounding residential amenities.

Additional restrictions were also imposed in the planning consent through conditions, for the height of open storage to 4 pallets / 13 feet, and there shall be no repairs or servicing of heavy goods vehicles on the site. These will also be retained.

Consequently it is considered that the minor variation of the S106 agreement to let the site in parts is considered acceptable and will not have an adverse impact on highway safety; however control over the site should always be maintained by one party to ensure adequate management of the site.

**RECCOMENDATION:** To grant delegated authority to Head of Housing and Planning to vary the S106 legal agreement relating to W97/0566.

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Original 1997 report:

**OBJECTIONS RECEIVED : YES**

**MAIN ISSUES:** Existing restriction on use of site, traffic generation and consequent environmental considerations, employment possibilities, potential use of rail network for movement of freight.

**THE SITE AND SURROUNDINGS:** The site is the existing fertiliser storage depot operated by Hereford Storage Ltd., situated near Allscott. The total area of the site, including roadways and landscaped areas, is 14166 sq.m. The depot lies to the south of the B4394 Admaston to Shrewsbury Road, and immediately to the south of the site runs the main Shrewsbury to Wolverhampton railway line, with a siding which was constructed some years ago. The site consists of a mixture of types and sizes of buildings, the largest one of which is a portal framed building of about 3000 sq.m. in area. A single-storey traditional brick and tile building which serves as offices and a

reception area abuts the road. There is also a substantial open yard to the east of the buildings, with a landscaped mound between the yard and the road. Further planting has been carried out on the west side of the site. Major alterations to the vehicular access arrangements at the site were implemented some years ago. The main vehicular access is approximately 150m away from the T-junction at the Plough Inn, and the eastern end of the site is close to the junction which leads to the main part of Allscott. A railway bridge crosses the road at this point, at a narrow bend. At present, three people are permanently employed at the site.

#### PLANNING HISTORY:

The site has operated as a storage and distribution depot for fertilisers and ancillary agricultural products (principally seed corn) for over twenty years. The current owners purchased the site in 1975, and since then have obtained various planning permissions to add to the covered storage space, and use vacant land for vehicle hardstanding and open storage purposes, as well as to implement the access improvements mentioned above. Because of its rural location, and the agricultural origins of the business, restrictions have been imposed on the use of the site, limiting it to the warehousing of agricultural fertilisers and ancillary products, and for no other purpose whatsoever, without the prior approval of the District Planning Authority.

#### THE PROPOSAL:

The applicants seek the removal of these restrictions, with a view to the site being made available for unrestricted use within Use Class B8, for storage or distribution purposes. It is their hope and intention that the rail siding connection which was provided by them in 1985 (with the assistance of Government funding), could be brought back into active use to support their proposal.

#### CONSULTATION RESPONSES:

Five letters of objection have been received from residents living in Allscott. Their concerns relate to the potential for increased heavy traffic on the inadequate road system in the area, causing additional noise, fumes and nuisance in an area which already has a high volume of traffic generated by British Sugar's factory a short distance away, and a haulage contractor's yard in the village; the proposal not being in keeping with policy; the probability of increased working hours, with consequent noise pollution problems; their view that this is an inappropriate site for general use, which would change the character of the area.

The local Member, Councilor Blackwell, has also written expressing his concerns, particularly with regard to the traffic implications, and the viability of the applicants' proposals regarding the use of the rail link.

This latter aspect of the proposal has been the subject of considerable discussion with the applicants and their highways and planning consultants. The initial views of the Council's highways engineers, when the application was first submitted in mid-1997, were negative, in that it was considered that it would be likely that a refurbished rail head at Allscott would remain largely

unused, with the inevitable consequence that most traffic generated by the proposed development would use the road network, involving an 8km route along rural lanes to avoid Admaston. The County Council's highways engineer at that time commented on the proposal in relation to British Sugar's plans to expand their plant at Allscott. It had been intended that permission would be granted subject to the completion of a Section 106 Agreement relating largely to the implementation by British Sugar of traffic management measures and road improvements to the area. The engineer pointed out that if the suggested improvements, which were subsequently shelved, had been carried out, it would be difficult to sustain a highway objection to the current proposal by Hereford Storage Ltd.

Following the lengthy discussions that have taken place in the intervening months with the applicants and their agents, the Council's highways engineer is now of the view that, subject to the completion of a legal agreement regarding traffic routing, monitoring, tonnage figures, control of the site, and a financial sum for highway improvements, then he would not object to the proposal.

Wrockwardine Parish Councillors have expressed concern about unrestricted use, particularly in the light of the experience at the former Cox Chemicals site. They therefore suggest a restriction to prevent "storage of chemicals even for distribution". However, whilst the Parish Councillors' concern is perhaps understandable, the site is already the subject of a Deemed Hazardous Substances Consent for the storage of agricultural fertilisers.

The Department's Drainage Section suggests a condition that any oils or chemicals should be suitably stored within a bund.

The Department's Plans and Projects Section comments that in policy terms the removal of the condition limiting the use of the Depot to the storage of fertiliser could be regarded as acceptable in terms of Policy E7 of the Amended Draft Wrekin Local Plan, relating to the expansion of an existing employment use. However, they go on to say that care must be taken to ensure that the removal of this condition does not lead to an intensification of use which will adversely impact on the local area, for example through a marked increase in traffic to the site.

#### **POLICY:**

The site lies within the rural area of the District, and certain aspects of the employment and transportation policies in the Wrekin Rural Area Local Plan could be considered to be pertinent, although the plan period expired in 1991. The policies contained in the Shropshire Structure Plan 1989 -2006 and the Amended Draft Wrekin Local Plan could be regarded as more relevant, and are obviously more current.

Policy 49 of the Rural Area Local Plan states that applications for extensions to firms on sites with existing use rights will be determined partly by whether it is considered that the access roads have the necessary traffic capacity. The

policy's reasoned justification goes on to say that a distinction must be drawn between large (of sub-regional importance) and smaller concerns. Smaller firms have much less investment tied up in a particular site, and may be less well situated in relation to the road hierarchy network, and other environmental factors."There may be occasions, therefore, where it is considered inappropriate for an existing firm to extend its site or intensify development on that site."

Policy 56 seeks to minimise the effect of heavy goods vehicles on the environment by, inter alia, encouraging vehicles with a local origin or destination to use the most suitable access roads, by appropriate traffic management measures.

The following policies from the Shropshire Structure Plan should be noted: 2/28 Control of traffic growth. 2/40 Lorries 2/44 Rail freight

Policy 2/40 seeks, inter alia, to ensure that new developments which are likely to generate significant amounts of heavy goods traffic are located where they are easily accessible by an appropriate route to the national primary route network, avoiding residential areas. Policy 2/44 states that the County Council will promote the increased use for goods traffic of all railway lines in the county, in particular by encouraging new developments which generate freight capable of bulk transport to locate close to rail facilities whenever possible, and the greater use of existing private sidings and the introduction of new ones.

Policy E7 (Rural Employment General) of the Amended Draft Wrekin Local Plan states that within the rural area employment must be: related to local agriculture or forestry or assist in the diversification of the rural economy; of an appropriate scale, type and design, sensitive to its location and satisfy the requirements of policies of Urban Design, Transport, Countryside and Open Land, Environmental Health and Historic Environment; located in existing rural buildings (Policy E13). It should be located in or adjacent to a settlement, or within a farm unit for purposes of farm diversification, or enable, where appropriate, the expansion of an existing employment use.

Policy E13, with suggested amendments by the Public Inquiry Inspector, states, inter alia, that the Council will, as a priority, encourage proposals to convert and reuse existing buildings to employment uses of an appropriate scale in relation to their location, provided that: a) the proposed use would not have an unacceptable impact in terms of traffic generation, noise, or pollution and would not otherwise detrimentally impact upon the rural environment; b) the building to be converted is of permanent and substantial construction, its form, bulk and general design are in keeping with the surroundings, and any special interest it possesses is retained in the conversion; c) the building is capable of conversion without requiring complete or substantial reconstruction; plus an additional criterion that the conversion would not lead to dispersal of activity on such a scale as to prejudice the vitality of nearby settlements. This policy is in keeping with advice contained in Planning Policy Guidance Note 7 on The Countryside: Environmental Quality and Economic and Social Development.

Policy E11 states that the expansion of existing employment uses will be permitted provided that the development, inter alia, does not have an adverse impact on the local environment or neighbouring uses in terms of traffic generated or environmental health considerations.

Policy T14, regarding the provision of a rail freight terminal, refers to the allocation of a site at Halesfield, but states that further proposals for rail freight facilities will be supported subject to their satisfying all relevant policies of the Plan.

Planning Policy Guidance Note 4 on Industrial and Commercial Development and Small Firms gives support for new industrial and commercial development which creates jobs and investment, unless there are clear reasons why such a proposal should not be allowed. It is emphasised that "Where they are disposed to permit industrial or commercial developments in residential and rural areas, planning authorities should bear in mind that subsequent intensification of the use may become unacceptably intrusive. Unless it amounts to a material change in the character of the use, intensification cannot be controlled if unconditional planning permission has been granted. Planning Authorities should, therefore, consider the use of planning obligations to safeguard local amenity, where they would be an appropriate means of preventing foreseeable harm."

**PLANNING CONSIDERATIONS:** The application site is composed of a group of buildings and open storage areas which have been very well-maintained. There has also been considerable investment in the site in the form of the provision of the rail link, improvements to the vehicular access, and landscaping works.

Use of the site for the storage and distribution of agricultural commodities as originally approved has definitely declined over the years, owing to various economic factors. In the circumstances, it is considered reasonable that alternative uses for the site should be found. However, the concerns expressed by the local people, and endorsed by the local Councillor, must be taken into account.

Lengthy negotiations have taken place between the applicants and your officers, including the highways engineer. The effects of potential traffic generation have been carefully considered in relation to the existing use of the site, and the impact of other users, such as British Sugar, on the road network in the area. The applicants' clearly stated intention to utilise the existing rail link has also been taken into account.

An existing vehicular access situated immediately to the west of the office building should have been closed when a previous planning permission at the site was implemented (Ref. W84/0636). However, this access is still open, although it is understood that it is rarely used. It is considered that a more permanent closure of this access should be carried out, with access being retained for emergency purposes only.

At present, there are no restrictions on hours of operation at the site. The

applicants have agreed to restrict the site's operating hours to between 7am and 7pm. It is considered that this will give an appropriate measure of certainty regarding activities at the site which has been lacking previously.

With regard to the highway concerns, the applicants have agreed to the following: 1.) a scheme regarding routing arrangements, whereby traffic will enter and leave the site from and to the west, i.e. not through Admaston, plus appropriate monitoring; 2.) the payment of an agreed sum towards improvements/repairs to the local road network; 3.) Hereford Storage Ltd. or its successors in title to retain control of the whole site; 4.) a limit on the traffic movements to and from the site, so that the level will not exceed historic levels.

It is considered that, subject to the restrictions outlined above, that the proposal is acceptable, and that most of the restrictions should be incorporated within a Section 106 Agreement.

RECOMMENDATION: Subject to the satisfactory completion of a Section 106 Agreement which embodies the routing agreement, traffic monitoring, sum to be paid for highway improvements, ownership and management of the site, and restrictions on the numbers of traffic movements, GRANT PLANNING PERMISSION subject to the following conditions:

A3 :Full with no Reserved Matters.

C121 :Development in accordance with deposited plans as amended by condition relating to the closure of the existing access immediately to the west of the office and reception building.

Details of closure to be agreed.

D135 - Hours of work.

Condition regarding height of any open storage on site (not to exceed four loaded pallets or 13 feet, whichever is the lower.)

Informative note regarding the need to provide a bund of approved design around storage of oil or chemicals.