

## **PLANNING COMMITTEE**

### **Minutes of a meeting of the Planning Committee held on Wednesday 4 September 2024 at 6.00 pm in Council Chamber, Third Floor, Southwater One, Telford TF3 4JG**

**Present:** Councillors S J Reynolds (Chair), G Luter (Vice-Chair), G H Cook, F Doran, N A Dugmore, A R H England, T L B Janke, J Jones, P J Scott and S Handley (as substitute for A S Jhawar)

**In Attendance:** V Hulme (Development Management Service Delivery Manager), A Gittins (Area Team Planning Manager - West), M Turner (Area Team Planning Manager - East), R Jones (Principal Planning Officer), L Lycett (Drainage and Flood Risk Team Leader), K Dewey (Biodiversity Technician), S Dunlop (Ecology and Green Infrastructure Specialist), S Hardwick (Lead Lawyer: Litigation & Regulatory) and J Clarke (Senior Democracy Officer (Democracy))

**Apologies:** Councillors A S Jhawar

#### **PC9        Declarations of Interest**

None.

#### **PC10      Minutes of the Previous Meeting**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 24 July 2024 be confirmed and signed by the Chair.

#### **PC11      Deferred/Withdrawn Applications**

None.

#### **PC12      Site Visits**

None.

#### **PC13      Councillor Chris Turley**

The Chair paid tribute to Councillor Chris Turley who had recently passed away following a period of illness. He asked that Members joined him in keeping Chris' family and friends in their thoughts during this sad and difficult time. A minutes silence was held as a mark of respect.

## **PC14      Planning Applications for Determination**

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report.

### **PC15      TWC/2023/0673 - Land off Hadley Castle Works, Hadley, Telford, Shropshire**

This was an application for the erection of 5no. industrial units (up to 90,951m<sup>2</sup> of commercial floorspace) (Use Classes B2/B8 and E(g)(iii)) with ancillary office space (Use Class E(g)(i)) with associated parking, ev parking, gatehouses, cycle shelters, attenuation pond, landscaping and all associated engineering works and highway works, including site clearance and enabling works on land off, Hadley Castle Works, Hadley, Telford, Shropshire.

The application was before Committee at the request of Hadley & Leegomery Parish Council and the Ward Councillor.

A site visit took place on the afternoon prior to the Planning Committee.

Councillor G Offland, Ward Councillor, supported development and employment but not at the cost of the health and wellbeing of local residents. She raised concerns regarding the layout of the bays facing residential properties, highway congestion on the A442 and along Hadley Park Road, noise, pollution, hours of operation, conservation and heritage. She asked that the application be deferred until the further consultation currently ongoing had been concluded and the concerns of residents were considered further.

Councillor P Millward, Hadley & Leegomery Parish Council, confirmed that the Parish Council did not oppose investment, development and jobs, but raised concerns in relation to the impact on the physical and mental health and wellbeing of local resident from noise, pollution, dust and a 24-7 operation of the facilities which would destroy a peaceful way of life. Material considerations were overlooking, loss of privacy, scale, dominance, highway safety, noise, dust, fumes and wildlife conservation. He questioned the evidence of workforce availability for the creation of 1850 jobs. It was requested that this application be deferred for further consultation.

Mr D Sellwood, member of the public, spoke against the application and raised concerns in relation to how the assessment in relation to 24-7 noise and disturbance had been produced and validated. As the end user was not currently known, he raised further concerns as to how mitigation would be achieved and in relation to policy BE1 no significant adverse impact could yet be demonstrated and there was yet to be an end user. Further concerns were raised in relation to the mass and height of the buildings, visual impact on residents and the street scene and tree screening was inadequate. He questioned the scale and orientation of Unit 1. It was asked that the applicant change the design to make it more marketable and make this a non 24-7 hour development.

Mr S Clerk, Applicant, spoke in favour of the application which had been extensively discussed with the planning team, stakeholders and consultees who had found the proposal acceptable. The site had been identified as a strategic employment area on the adopted Telford and Wrekin Local Plan and was previously developed land and had a long history of employment. The development would host modern facilities to meet the needs of the occupiers and advanced discussions were taking place with interested parties. There would be approximately 2000 jobs created across the site and would bring an economic boost to the area. There would be no net loss in relation to biodiversity and the ecological officer supported the application on that basis. The height of units 3 and 4 had been reduced and unit 3 set back with green land buffers. A submission of a noise report would be conditioned prior to the occupation of each unit together with operating hours. A S106 Agreement had been agreed in advance with contributions of £450,000 towards highway improvements, £75,000 towards bus stops and an unmeasured sum towards Thomas Telford Locks. It was hoped that investors would be on site before the end of the calendar year.

The Planning Officer informed Members that this application was for a site that extended to 46 hectares of strategic employment land in a SP1 industrial area in a highly suitable location. The principle of development had already been established. In relation to policies B2, B8 and E(g)(iii) the end users were currently unknown but a condition would be imposed to submit details of use class, a business model, parking levels and proposed working hours prior to occupation in order that this was detrimental to the amenity of local residents and there was adequate parking provided. Mitigation measures would be put in place with regards to noise and odour with reports being submitted prior to occupation of the units and any required mitigation measures being put in place. The impact on amenity had been extensively assessed and details could be found in the report. No significant detriment had been found in relation to separation distance, landscaping, scale and design and the shading assessments were acceptable. The Built Heritage Specialist had approved a less than substantial harm on the Hadley Locks and desilting works and the installation of local viewing platforms and interpretation boards were considered to be public benefits alongside the mitigation measures of the landscaping bunds around the locks and the benefits of the proposal outweighed the less than substantial harm. There were no objections from the Council's highways, drainage and ecology teams. S106 contributions had been requested in relation to highways and travel plan monitoring. The biodiversity net gain did not apply as the application was submitted prior to the legislation changes. On balance the application was considered to accord with national and local planning policy.

During the debate, some Members spoke of the value of the site visit undertaken prior to the meeting and highlighted the natural barriers and the Locks that could be a visitor attraction with the proposed improvements that could be made. It was asked if improvements could be made to the sports area and the poor playing surface which could be a valuable community amenity. Due to the number of public attendees it was considered that there was still a lot of fears in relation to the application and it was asked that the

application be deferred for one cycle for conversations to continue. Other Members considered that the site was a strategic employment area and there would be industrial development on this land. It would be difficult to find reasons to refuse the application but not all issues had been mitigated against. On site 1 it was considered that the loading bays by the residential area were the wrong orientation and it was asked that further consideration be given to this. Further thought was required on the size of the buildings, the 24-7 operation near to residential properties and air quality. It was suggested that the application be an outline application in order that individual details of business operators could come forward. It was asked why the bus stops were costing £75,000 and why RAF Shawbury was a consultee to the application. A further request for a deferment came forward in respect of traffic management particularly on the roundabout on the A442. Other Members raised concerns regarding ecology and heritage in relation the canal and the locks and if environmental management plans would be in place in relation to water pollution and habitat structure in order to assure residents there would be no detriment to the area.

The Planning Officer noted the comments in relation to the sports area, although contributions towards this were not appropriate via this application but the developer could contact the Parish Council in terms of what could be achieved but this could not be done via the S106 Agreement. In relation to noise, due the development coming forward being speculative, a noise report would come forward with each individual unit that applied. In relation to the reorientation of Unit 1, although it was noted that the loading bays were near to the residential properties, the nearby residential properties would look out onto the attenuation pond and the loading bays would be enclosed by a 6m high fence which would also provide noise mitigation. If the loading area was flipped, in order to achieve the necessary footprint, the development would need to come closer to the residential area and their outlook would be onto the buildings and a balance had been made on visual aesthetics. The funding for the bus stops was to scope the extent of the work and that this could be satisfactorily received and this was based on worst case scenario. RAF Shawbury had been a statutory consultee due to the height of the proposed buildings. Traffic impact had been assessed by both Highways England the local highway authority and up-to-date modelling had been used. A condition in relation to ecological construction would be put in place which would require a management plan.

Following the debate Members proposed and seconded that the application be deferred.

On being put to the vote it was, unanimously:

**RESOLVED – that the application be deferred in order for further details to come forward in relation to times and hours of working, the reorientation of the buildings in order to mitigate noise and visual impact, confirmation from highway officers that the roundabout would be accessible/part time traffic signals, further information on the bus stops and the concerns of residents taken into consideration.**

**PC16**      **TWC/2023/0714 - Land off Buildwas Bank (North of Silvertrees, Jiggers Bank), Coalbrookdale, Telford, Shropshire**

This application was for the erection of a battery energy storage system including access track, CCTV and light poles, car parking spaces, perimeter fencing and gates, and associated infrastructure on land off, Buildwas Bank (North of Silvertrees, Jiggers Bank), Coalbrookdale, Telford, Shropshire.

This application was before committee at the request of Councillor G Thomas.

Councillor G Thomas, Ward Councillor spoke against the application raising concerns in relation to safety and environmental impact, limited access, fire risk and toxic fumes from battery storage and the impact of the water. Further concerns were raised in relation to the Site of Special Scientific Interest (SSSI) which was directly in the field below and any water from a fire would run into Coalbrookdale and the Ironbridge Ward. This part of Telford and Wrekin was unstable and recent stabilisation works had taken place on Jiggers Bank as the land had dropped five foot. It was felt that it would be difficult to put any fire out on this site with its limited access and this development would amplify the risks. There would be no benefit to the rural community due to the impact on the SSSI, the inadequate access and unstable waterway and it was asked that the application be refused.

Cllr D Cooper, Little Wenlock Parish Council, spoke against the application in relation to the safe operation of the site. The NFCC guidelines were draft and out for consultation and could not be taken into account. Whilst some areas of the application met planning policy others did not and the fear of an appeal was not a valid reason to approve the application. He shared examples of recent articles in relation to fires within battery storage plants and asked that the technology not be rushed into putting the safety of firefighters, the community and residents at risk.

Mr N Cussen, Applicant's Agent spoke in favour of the application and the urgent need to tackle climate change. The Local Plan supported low carbon energy in order to meet national need, reach net zero emissions and bring down bills. The application was subject to conditions which were recognised. Consultation had taken place with the local community, residents and the Parish Council. There were no technical objections from consultees. Grid connection on this site was confirmed and this was the reason why the developer had chosen at this site. Screening would be implemented as recommended by the Heritage Officer and there would be no loss of agricultural land. The Scheme was considered to have less than substantial harm and in relation to the NPPF the harm was outweighed by the public benefit. The land was not designated or valued landscape and the application was considered not be to materially detrimental due to the biodiversity net gain. Fire safety measures and design were the most up to date and the safety strategy would be maintained for the life of the scheme. Recent

Planning Inspector decisions had given significant weight to moving to net zero and the benefit of the proposals outweighed the detriment.

The Planning Officer informed Members that the application proposed a Battery Energy Storage System, known as a BESS, on an agricultural field enclosed by hedges, accessed from the A4169 to the north adjacent to Jiggers Bank to the east and Lydebrook SSSI to the south-west. The Severn Gorge Conservation Area and Ironbridge Gorge World Heritage Site were located 0.5 and 1km to the south respectively. The land was crossed by an overhead line with a pylon situated in the south-west corner of the site which would provide direct connection to the National Grid. The purpose of the BESS was to store excess energy to enable it to be used during times of peak demand, instead of being wasted. The existing site access from the A4169 was to be improved and utilised with a new permeable internal access track constructed, allowing vehicles to access the BESS area via two internal access points.

The infrastructure was proposed to be operational for 40 years and at the end of its 40-year operational life, all above ground infrastructure would be decommissioned, removed and the land returned to its original condition as an open field. The key policies in determining whether the principle of development could be supported were SP3 and SP4. With regards to Policy SP3, the site was not previously developed land and failed this aspect of the policy.

The Applicant had submitted an Agricultural Land Classification survey which graded the site as Grade 3b. The site could be accepted due to having access to good infrastructure in terms of proximity to highways and the pylon and the policy was met in respect of these.

Policy SP4, and the NPPF, sought for planning applications to meet the policies of the Development Plan in order to be considered 'sustainable development'. As the committee report detailed renewable energy policy ER1 was considered to partially comply with various criteria within ER1 and partially fail, as follows:

- ER1(1) – the proposals were considered to comply with the policy in terms of highways, ecology, drainage, archaeology and land stability subject to the mitigation and planning conditions recommended. In terms of built heritage, it may not be possible to initially fully screen the DNO Metering Substation from the upper sections of Jiggers Bank and the setting of the heritage assets. To mitigate the impact, the eastern boundary would be planted with heavy standard trees and a small coppice of heavy standard trees planted behind in addition to a 133m linear hedgerow.
- ER1(2) – the proposals were considered to meet the requirements of the policy with regards to noise and air pollution subject to the mitigation and planning conditions recommended. Electrical interference was unlikely to be an issue. However, on grounds of visual impact the proposals may fail to fully mitigate the impact.

- ER1(3) – the proposals included mitigation measures to minimise any environmental impacts and consultees had recommended planning conditions where appropriate, therefore the proposals were considered to meet the requirements of this part of the policy.
- ER1(4) – the proposals were for a designated period of 40-years and conditions required the site to be reinstated to a field when the use ceased. In addition, planning conditions required measures to ensure any enhancements in BNG were not lost through the decommissioning or reinstatement process.
- ER1(5) – *“When considering the social and economic benefits, account will be taken of the degree of community participation/ownership of a scheme.”* Within their documentation the Applicant described their community involvement as consisting of pre-application discussions with Little Wenlock Parish Council and a drop-in session for the community held in October 2023. The Applicant had indicated they were willing to collaborate with the relevant parishes to establish a community benefit fund although no material proposals were included as part of this planning application. As such the proposals were found not to fully meet this requirement of the policy when considering the social and economic benefits of the scheme.

Therefore, the proposals partially met and partially conflicted with ER1(1) and (2); the requirements of ER1(3) and (4) were met; with the proposals not demonstrating full compliance with ER1(5). For both ER1(1) and (2) the concerns related to visual impact and built heritage, especially the impact upon the appearance of the site and the setting to the entrance to the Severn Gorge Conservation Area and Ironbridge Gorge World Heritage Site.

For those reasons the planning application partially met and partially conflicted with the requirements of Policy SP4. Equally it met Policy SP3 in part, requiring a balance of considerations.

The balance for Members to consider was whether any adverse impact would significantly and demonstrably outweigh the benefits that the proposals would bring about, with regards to enabling lower carbon technology and the storage of energy that might otherwise be wasted.

As the proposals had provided mitigation in terms of highways, drainage, ecology, land stability and amenity/disturbance, these concerns were considered to have been addressed subject to the recommended planning conditions.

A number of concerns had been raised by members of the public regarding safety considerations, and these had been addressed in the committee report, including a 2019 BESS fire in Liverpool, the risk of thermal runaway, and a recent planning appeal in East Devon that was dismissed, with parties suggesting these set a precedent for this development to be refused. The Applicant had provided information to demonstrate that the proposed development at Jiggers Bank was not comparable to either the Liverpool

container fire or the East Devon appeal, and that the proposed cabinet design would prevent thermal runaway.

The National Fire Chiefs Council guidance for BESS had been updated and consulted upon, and the spacing between the units together with their design reflected the revised guidance.

Taking all considerations into account, it was a finely balanced judgement regarding whether any adverse impacts significantly and demonstrably outweighed the benefits. However, officers considered that there was sufficient compliance with the Local Plan policies and the NPPF as a whole to recommend the application for approval subject to the conditions proposed.

During the debate some Members raised concerns regarding the risk of fire and pollution and the effects on the local community. Land stability was of concern together with the single point of entry to the site and whether other sites had been considered. Other Members were supportive in principle but asked if there were any plans in place to consider the economic impact over the lifecycle and disposal of batteries. Concerns were raised in regards to the failure to comply with policies BE1, BE3 and BE5 and ER1 (i, ii and v), and the visual impact on a beautiful area and that this was the right application but in the wrong location.

The Planning Officer addressed Members in relation to land stability and confirmed that both the geotechnical specialists and the drainage officers had raised no concerns. In relation to the single entrance, the National Fire Chiefs Council Guidance stated that two access points were preferable but not required. A meteorological survey had confirmed that the prevailing wind direction was from the south and south west. There were two internal access points to the battery facility. The Shropshire Fire and Rescue Service were content that they would not be put at risk in the event of a fire. The site selection was determined by the availability of land and grid connection and the need for the electricity in that area. A scoping exercise had been undertaken which had reduced the suitable sites but other sites had not been considered. Members were asked to make a decision on the application before them. In relation to economic and environmental impact, battery replacement, health and safety and grid scale and electrical energy, the product designers had guidance on the operation, maintenance and decommissioning of batteries and the responsibility for recycling. Contamination and landslip were two separate issues and Members must base their decision on the specialist reports. The risk of landslide had been minimised through design and Members were informed of the scheme should a fire occur. The environmental impact would be mitigated by a band of trees together with linear hedgerow.

Upon being put to the vote it was, by a majority:

**RESOLVED** – that delegated authority not be granted to the Development Management Service Delivery Manager to grant full planning permission subject to the conditions and informatives.



Following debate and on being put to a vote it was, by a majority:

**RESOLVED** – that the application for planning permission be refused on the grounds that the Planning Committee, on balance, were not satisfied that the development sufficiently complied with local policy and National Guidance and therefore did not support sustainable development.

**Reasons:**

- 1. By virtue of the known land instability, with the Gorge being geologically young, the development is considered unacceptable and fails to comply with the requirements of Telford & Wrekin Council Local Plan Policy BE9. By virtue of this the proposed development also conflicts with Policies SP3 and SP4.**
- 2. The proposed development would result in an unacceptable visual intrusion harming the settings of the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area. It would therefore fail to comply with Policies BE1(i, iii, v), BE3(i, ii), BE5(iii, iv) and ER1(i, ii) and, by virtue of this harm outweighing the public benefits, conflicts with Policies SP3 and SP4.**
- 3. The proposed development has demonstrated a limited level of community participation or ownership of the scheme, contrary to Policy ER1(v). The proposal therefore conflicts with Policies SP3 and SP4.**

**PC17      TWC/2024/0357 - Land opposite Blackbird Close, Overdale, Telford, Shropshire**

This application was for the erection of a sports pavilion with 1no. artificial and 1no. grass pitches, creation of a new access including vehicle and cycle parking with landscaping and associated works on land opposite, Blackbird Close, Overdale, Telford, Shropshire.

The application was before Committee as the proposal involved the Council as applicant and landowner and comprised a development over 5 hectares.

A site visit took place on the afternoon prior to the Planning Committee meeting.

Councillor M Boylan, Ward Councillor, spoke in favour of the application but raised concerns in relation to the environmental impact and losing another wild area. Further information was requested on the management plan/ownership/community use and how it would be allocated. Consideration needed to be given to the impact, times of usage, noise, lighting and the impact of the local residents close to the site. There would be increased traffic on the infrastructure with the development of the Lidl site and on Waterloo Road with the development of the Shropshire Star site. It was

requested that community engagement took place in relation to the concerns and they be taken on board in order to ensure a successful application.

The Planning Officer informed Members that this application was located in the urban boundary and had been long established to deliver sports pitches in line with the Lawley S106 sustainable urban development extension. Planning consent was granted in 2014 for earthworks to facilitate the future provision of sports pitches and the need for these facilities was highlighted in the Playing Pitch Strategy 2016 and the Football Association's long term strategy that every affiliated team were able to train once a week on a floodlit 3G pitch. Noise, light, pollution, overshadowing and overlooking had been addressed within the report. The noise and lighting assessments had been reviewed and were acceptable subject to conditions. Evening matches were being limited to 24 matches per year after 8pm together with controls of the light installation and the hours of use of the facility.

The topography of the site was set down from residential development to the south and was buffered to the east and west by proposed car parking and Waterloo Road. Additional planting would take place on the southern boundary comprising of 18 new trees. Management of the site was not currently known but this would be conditioned and a pre-commencement condition for a Community Use Agreement to be in place and that they would need to reach out to community groups and offer the use of the facility to the community.

No technical objections were received from statutory consultees and the local highway authority had no objections. Offsite works would be conditioned, secured by a S278 Agreement.

During the debate, some Members felt that there should be more of these developments throughout the country. Noise issues had been dealt with but they raised concerns in relation to the traffic along Roslyn Road and it was requested that some form of traffic calming be installed in order to help control the speed and additional traffic from the development. Other Members fully supported the officer recommendations as long as the conditions were imposed and the concerns of the residents were noted. Concerns were raised regarding the main vehicular route being via The Rock and it was asked that vehicles be routed north, along Waterloo Road. It was also asked that mitigation measures in relation to the bar in the club house be taken into consideration in relation to the alcohol and function licence moving forward.

Upon being put to the vote it was, unanimously:

**RESOLVED – that delegated authority be granted to the Development Management Service Delivery Manager to grant planning permission (with the authority to finalise any matter including Condition(s), Legal Agreement Terms, or any later variations) subject to the following:**

- a) the Applicant/landowners providing a Memorandum of Understanding (MoU) Agreement relating to:**

- i) **Travel Plan to the value of £5,000;**
  - ii) **Section.106 Monitoring fees to the value of £250; and**
- b) the conditions and informatives set out in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

The meeting ended at 8.02 pm

**Chairman:** .....

**Date:** Wednesday 16 October 2024