

TWC/2022/0390

Site of former New College Telford, King Street, Wellington, Telford, Shropshire
Erection of 22no. dwellings, a retirement living complex containing 66no. units and 10no. bungalows, indoor sports facility and community hall with associated car parking, additional parking for local community organisations, alterations to 2no. existing accesses and provision of 2no. new vehicular accesses, associated landscaping, attenuation pond, public open space and infrastructure

APPLICANT

Lovell Partnerships LTD

RECEIVED

27/04/2022

PARISH

Wellington

WARD

College

THIS APPLICATION IS BEING PRESENTED TO COMMITTEE AS IT REQUIRES FINANCIAL CONTRIBUTIONS VIA SECTION 106

<https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?applicationnumber=TWC/2022/0390>

1. SUMMARY RECOMMENDATION

- 1.1 It is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** subject to Condition(s), Informative(s) and the Applicant entering into a Section 106 Agreement in respect of Sport Provision, Education, Use of the Car Park accessed off King Street in perpetuity for the community group and Monitoring.

2. APPLICATION SITE

- 2.1 The application site is situated in Wellington, approximately 300 metres east of the Town Centre. It is part of the former New College site and extends to 2.31 hectares (ha). The site is now largely vacant following the demolition of the former school buildings. The only building now remaining is the former Girls High School Building which is a Grade II Listed Building which sits outside of the application site.
- 2.2 There are two hard-surfaced sports pitches located in the north-west and south-east corners of the Site. The general topography of the site slopes significantly down from south-east to north-west. Along the northern boundary of the site lies a mains combined drain with a 6 metre easement either side.
- 2.3 The boundary treatment of the site consists of a mix of mature trees, close boarded fencing and low height mesh fencing. The Site is bound by a car wash and residential properties along Regent Street to the north-west, by residential properties along Regent Street to the east, Mill Lane to the southeast boundary, locally Listed residential properties (1-7 Mill Bank) and the former Girls' High School to the west of the site.

- 2.4 The existing site benefits from two vehicular accesses, one in the north-eastern corner of the site off Regent Street and the other off King Street on the western boundary next to the former Girls' High School building. The proximity to Wellington Town Centre means it is well connected to a variety of services.
- 2.5 The site benefits from excellent transport links with Wellington Railway Station and Bus Station located approximately 445 metres north-west of the site. The site is also served by bus stops along King Street, with regular services running throughout the day and is well connected to the local highway network being a 5-minute drive from Junction 6 of the M54.
- 2.6 An Outline Planning Application, ref.: TWC/2021/0048, is currently live on this site and being held in abeyance pending the determination of this application.

3. APPLICATION DETAILS

- 3.1 This application seeks Full Planning Permission for:
- Erection of a total of 22no. market dwellings comprising a mix of 1, 2 and 3- bed units;
 - Erection of a retirement living complex containing 66no. apartments and 10no. bungalows;
 - Erection of an Indoor Sports Facility with associated car parking;
 - Erection of a Community Hall with associated car parking;
 - Provision of 21no. space car park for use by Local Community Organisations;
 - Alterations to two existing vehicular accesses and the provision of two new vehicular accesses;
 - Associated landscaping, public open space, drainage attenuation (including attenuation pond) and infrastructure.
- 3.2 The proposed development will be split into four parcels (shown as A, B, C and D on the Site Plan) and will be developed and managed by two developers, namely nuplace, a private lettings company owned by Telford and Wrekin Council and Wrekin Housing Group.
- 3.3 Area A will sit at the north end of the site and contain the majority of the market dwellings, namely 20no. dwellings in a mix of 8 x 2 and 12 x 3-bed properties, together with the new Car Park for a Local Community Organisation with 21no. spaces. The car park will be separated from the rest of the development via a landscaped strip along the east and south boundaries. The car park will be securely controlled by a barrier at the entrance to ensure use remains for the Local Community Organisation only.
- 3.4 Access is proposed to be achieved via the existing Regent Street entrance which will be upgraded. The spine road will be landscaped along either side with a number of street trees provided to address national policy requirements. A SuDS attenuation pond will be provided to the west of the site access to accommodate storm water from the development.

- 3.5 Areas B and C will sit within the centre and south of the application site and contain the retirement living complex with tailored support services which will be managed by Wrekin Housing Group. The complex will contain a 66no. unit apartment block in Area B and 10no. bungalows within Area C.
- 3.6 The proposed retirement block will cover a floor area measuring 5,631 sq. metres, will consist of a three-storey pitched roof building and will provide a mixture of 1 and 2-bed retirement apartments. The block will be surrounded by landscaped verges and a communal garden and terrace will be provided for use by residents along the north eastern side of the building.
- 3.7 The 10no. bungalows will comprise a mix of 3 x 1-bed and 7 x 2-bed units. This part of the site will be accessed from King Street to the west and will be served by a total of 33 parking spaces provided to the north and west of the building.
- 3.8 Area D will contain 2no. additional dwellings together with community facilities in the form of a community hall and indoor sports facility with associated parking for both units. The proposed residential units will comprise 2 x 3-bed units which will front directly onto Regent Street. Each unit will have a dedicated driveway containing a pair of parking spaces located to the side of the property.
- 3.9 The community facilities will be provided in 2no. detached hipped roof buildings. The proposed indoor sports facility will be provided in the eastern corner of the site in a building with a floor area measuring 212 sq. metres and 13no. parking spaces.
- 3.10 The proposed Community Hall will be provided in between the indoor sports facility and the retirement block in a building with a floor area measuring 214 sq. metres. The Car Park will be provided to the north-west and will also contain 13no. spaces.
- 3.11 This part of the site will be separated from Area B by a boundary fence and a row of trees.

4. PLANNING HISTORY

- 4.1 TWC/2020/0387 - Prior Approval of demolition of school buildings (Blocks B, D, H and J) - Prior Approval Granted 09 June 2020
- 4.2 TWC/2021/0048 - Outline Planning Permission for up to 64no Retirement Apartments (Class C2), 10no Retirement Bungalows, 26no Market Dwellings (Use Class C3) and a Community Sports Facility (Use Class E(d) with access and all other Matters Reserved) - Pending Determination

5. RELEVANT POLICY DOCUMENTS

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Telford and Wrekin Local Plan (2011-2031):

SP1: Telford
SP4: Presumption in Favour of Sustainable Development
EC12: Leisure, Cultural and Tourism Development
NE1: Biodiversity and Geodiversity
NE2: Trees, Hedgerows and Woodlands
NE3: Existing Public Open Space
NE4: Provision of Public Open Space
NE5: Management and Maintenance of Public Open Space
HO1: Housing Requirement
HO4: Housing Mix
HO5: Affordable Housing Threshold and Percentages
HO6: Delivery of Affordable Housing
HO7: Specialist Housing Needs
COM1: Community Facilities
COM2: Culture
C1: Promoting Alternatives to the Car
C3: Implications of Development on Highways
C4: Design of Roads and Streets
C5: Design of Parking
BE1: Design Criteria
BE4: Listed Buildings
BE9: Land Stability
BE10: Land Contamination
ER1: Renewable Energy
ER8: Waste Planning to Residential Developments
ER11: Sewerage Systems and Water Quality
ER12: Flood Risk Management

5.3 Homes for All Supplementary Planning Document (SPD)

6. NEIGHBOUR REPRESENTATIONS

6.1 The application has been publicised through a Site Notice, Press Notice and direct neighbour notification. One stage of consultation has taken place.

6.2 The Local Planning Authority received 5no. neighbour representations, including 2no. objections to the scheme making the following considerations:

Housing

- An additional 22no. dwellings will overcrowd the area;
- This is not an ideal location for retirement homes

Highways

- The extra traffic caused by this development will be significant and dangerous to Mill Bank and Kings Road;
- Existing major parking issues in Regent Street and vicinity;
- Parking during the meetings at the mosque on Regent Street spills onto King Street and causes blind spots;

- Increase in congestion;
- Keen to see inclusion of additional parking for the local community due to loss of temporary car park on the former college's all-weather sports field;
- Request condition for residential parking permits

Sport, Play and Recreation

- There is no provision for Millfield Park;
- There was a boxing club on Regent Street that has never been used;
- Question whether retirement homes and the boxing club are suited next to each other

Design, Appearance and Amenity

- As the retirement flats are three-storeys high they will cause a loss of privacy to existing properties. Request trees are planted along the boundary line of Durban (domestic dwelling in Regent Street);
- Fences along boundary lines must be considered to ensure enclosed space is safe to public as residential spaces are nearby;
- Increase in noise;
- College ward does not have a community hall but locating it next to retirement homes is not the right approach

Other

- Additional units may result in increase in anti-social behaviour

7. STATUTORY REPRESENTATIONS

7.1 Wellington Town Council: Support:

- Welcome the development, in particular the addition of a boxing club and Community Hall;
- Positive benefits will bring much needed regeneration;
- Plenty of thought has been given to design and how to deliver positive community benefits to the immediate locality;
- Welcome the broad range of types of residential units being offered;
- Promotion of community cohesion welcomed;
- Road layout sensible with its dual access to both King Street and Regent Street;
- Would wish to see greater implementation of renewable energy provision, particularly on proposed community buildings.

7.2 TWC Highways: Support subject to Condition(s):

- Details of access;
- Visibility splays;
- Provision of parking and turning spaces;
- Details of street furniture;
- Details of traffic calming features;
- Details of pedestrian crossing on King Street.

7.3 TWC Ecology: Support subject to Condition(s):

- Lighting;

- Bird/bat boxes;
- Landscaping Plans;
- Landscape Management Plan and Construction Environmental Management Plan.

7.4 TWC Environmental Health: **Support, subject to Condition(s):**

- Ensure overheating is assessed in the retirement complex;
- Glazing specification;
- Community Hall (no amplified live music; operating hours and windows and doors to remain closed to ensure any noise impact);
- Indoor Sports Facility (Windows/Doors to remain closed at all times except for ingress and egress and no music shall be played on the premises between the hours of 2300-0700).

7.5 TWC Healthy Spaces: **Support subject to Condition(s) and Financial Contribution(s):**

- Landscape Management Plan

7.6 TWC Drainage: **Support subject to Condition(s):**

- Development in accordance with submitted Drainage Drawings, Flood Risk Assessment and Drainage Strategy.

7.7 TWC Affordable Housing: **Comment:**

- Proposal meet requirements of Policies HO5 and HO6;
- In terms of accessibility all the retirement units will be delivered as M4(2) Category 2 (accessible and adaptable dwellings) equating to 78% of the development overall which meets the minimum provision for affordable housing;
- None fall under M4(3) and it is considered the supporting viability case justifies this position.

7.8 TWC Specialist and Supported Housing: **Support:**

- Identifies the need for accommodation to meet the needs of ageing population and for accessible accommodation for those with limited mobility. The inclusion of 66no. retirement units and 10no. bungalows in this development will help to meet this identified demand. The added benefit of a Community Hall will assist with the social inclusion of the individuals living in this accommodation.

7.9 TWC Built Conservation: **Comment:**

- Although elevations have been provided, there remains insufficient information to properly assess the impact of the proposals on the setting of the listed building, and concerns remain as to the impact on the setting of the listed building of buildings in close proximity of low design quality and which fail to respond to its historic spacious setting, contrary to Local Plan Policies BE1(i), (iv) and BE4(iiii), (vi) or (vii);
- The harm identified is categorised as 'less than substantial', noting that 'substantial harm' is a very high test - usually but not confined to, cases of total destruction (PPG 018). Given the pre-existing school extensions to the east that would be replaced were not the most sensitive to the historic building, the level of

harm is considered 'moderate' on the scale of 'less than substantial harm.' The NPPF is clear that great weight should be given to an asset's conservation 'irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance' (para. 199).

- 7.10 TWC Education: **Comment** that the development would generate a Financial Contribution of £136,306 towards Education.
- 7.11 Shropshire Fire Service: **Comment** that it is vital a robust Swept Path Analysis is undertaken throughout this development, in order to accurately track the suitability of access for fire appliances. Furthermore, consideration should be given to 'Fire Safety Guidance for Commercial and Domestic Planning Applications' document.
- 7.12 Cadent Gas: **No Objection.**

8. APPRAISAL

- 8.1 Having regard to the Development Plan Policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:
- Principle of Development and Loss of Existing Sports Facilities
 - Design and Heritage
 - Affordable, Specialist and Supported Housing
 - Impact on the Amenity of Adjacent Properties
 - Highways impacts
 - Healthy Spaces and Recreation
 - Drainage
 - Ecology and Trees
 - Land Stability
 - Planning Obligations
- 8.2 Principle of Development and Loss of Existing Sports Facilities
- 8.2.1 The site is a previously developed brownfield site within the urban boundary of Telford. The principle of developing it is acceptable provided the proposals are in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan consists of the Local Plan adopted in 2018. The NPPF is a material consideration.
- 8.2.2 The NPPF promotes a presumption in favour of sustainable development. The proposals are considered to represent social, economic and environmental objectives of sustainable development.
- 8.2.3 The site currently includes former sports facilities in the form of tennis courts and Redgra sports pitch, whose use by the community for tennis, netball and general recreation would be lost as part of the site's redevelopment. Para. 99 of the NPPF requires that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be

replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

8.2.4 To address this the LPA has been liaising with Sport England to agree a strategy that delivers replacement sports provision via Financial Contribution(s). This would contribute to delivery of a netball strategy, tennis strategy and upgrade of a Multi-Use Games Area at Millfields Park, approximately 100 metres from the application site. Further details of the Contribution(s) are provided in Section 8.11.2.

8.2.5 On the basis of the above the principle of development is considered acceptable subject to Financial Contribution(s) towards replacement sport and recreation facilities.

8.3 Design and Heritage

8.3.1 The area consists of a mix of building types. All the proposed buildings are of a brick and pitched tiled roof design and would be appropriate in this location. Each dwelling has been provided with private secure amenity space, including the retirement apartments, in addition to the landscape communal areas to enhance the levels of amenity being created.

8.3.2 The layout of the site has had to address a number of significant constraints on and around the site including the topography, its location adjacent the Listed former Girls School and relationships with existing residential properties. The three-storey retirement apartments have been located in the centre of the site to respond to the former Girls School and work with the change in land levels at that point. The proposed houses, bungalows and community facilities have been orientated to front the streetscene where possible, which conforms to the principle of good urban design by providing active frontages. Where the layout has not been able to achieve this, new dwellings have been positioned and designed in a manner to create a secure and safe environment for the future occupants.

8.3.3 A pedestrian link through Area A has been provided to improve the connectivity for residents from Areas A, B and C.

8.3.4 In terms of the NDSS, all units meet the internal floor space required under Policy HO4. With regards to garden sizes, all houses and apartments achieve the required garden size – the only exception is Plot 14, a 3-bed market rental dwelling, which is 10 sq. metres under the required 70 sq. metres. In its favour, however, is the orientation of the garden which is south-west facing and therefore, on balance, it is considered this can be accepted in the overall context of the proposals.

8.3.5 Regarding the 10no. bungalows proposed, half of them fall under the required garden size. However, given this is specialist accommodation that will be managed by Wrekin Housing Group for occupants who are older or living with reduced mobility, a smaller garden to maintain is considered appropriate.

8.3.6 The Energy Statement confirms that solar panels are proposed for inclusion on the houses, bungalows, retirement apartments and community buildings, as well as water saving sanitary ware. Greywater recycling or rainwater harvesting measures

have not been incorporated into the design at this stage. Electric Vehicle Charging Points (EVCP's) are to be installed for each property on the development and also for all of the parking bays for the Retirement Living Block. There are also proposals to install a small amount in the car park for the Community Hall and Indoor Sports Facility.

- 8.3.7 The Council's Built Heritage Specialist has raised concerns with the scheme, primarily around the mass of the retirement apartments competing with the Listed former Girls School and the lack of adequate buffer space around the listed building. Whilst it is acknowledged that the King Street elevation is the primary elevation of the Listed Building, the Council's Built Heritage Specialist notes that development in proximity to the sides and rear will also have a significant impact upon its setting. Whilst the depth of the retirement apartment block has been softened by the double gabled roof form and projecting gable elements, the quality of design and material is considered to lack detail.
- 8.3.8 Visualisations of the street scene along King Street confirm the change in land levels would render the new housing development more subordinate to the Listed Building in terms of height and that it would be of a generally looser form and density and to have a more distinct identity.
- 8.3.9 Officers acknowledge the concerns raised by the Built Heritage Specialist. The Applicant has taken steps through the amended scheme to address some of these concerns and therefore, taking into account the overall scheme, the benefits the development would bring are considered to outweigh the harm to the setting of the Listed Building.

8.4 Impact on the Amenity of Properties

- 8.4.1 The layout of the development achieves all minimum distances relating to overlooking, garden lengths and facing windows. In response to a request made in a public representation the Applicant is prepared to plant a tree at the rear of Durban located on Regent Street to protect the resident's privacy.
- 8.4.2 A Noise Assessment has been submitted with the application and has been assessed by the LPA. Following comments from the Council's Environmental Health Specialist, the Assessment was updated to take into consideration LAmax noise levels. The Council's Environmental Health Specialist is now satisfied, subject to Condition(s).
- 8.4.3 As recommended within the Noise Assessment, mitigation measures in the form of specific glazing and ventilation specifications would be required for the proposed residential dwellings on the site to satisfy internal amenity levels. External amenity levels have been considered and are considered acceptable in all areas.
- 8.4.4 Façade sound insulation has been specified for the proposed development site to mitigate noise from the Car Wash and road traffic noise along King Street and Regent Street. Glazing and ventilator performance requirements in order to achieve the internal design criteria are proposed to be conditioned, in line with the requirements set out within the Updated Noise Assessment.

- 8.4.5 Owing to the orientation of some of the retirement homes, an Overheating Assessment on those rooms that face south and south-west is also proposed to be conditioned.
- 8.4.6 In terms of the Community Hall, Condition(s) are recommended on the use and operation to ensure that unacceptable noise levels are not created by future use, unless a further Noise Assessment is submitted and approved by the Local Planning Authority in the future. It is proposed that the following conditions are applied:
- No amplified live music use on the site;
 - Operating hours to daytime hours (0700-2300);
 - Ensuring that any noisy activities only be carried out with windows and doors closed at all times, except for ingress and egress, are proposed to be applied to the community hall.
- 8.4.7 The Council's Environmental Health Specialist requested that an assessment of noise levels associated with the indoor sports facility be provided. However, the Applicant contended that this was not required as the likely activities (e.g. a gym) are not expected to cause disturbance to nearby receptors. In the absence of a Noise Assessment for this element, the LPA consider it reasonable to propose two conditions to reduce likelihood of noise nuisance occurring from this premise (unless a further noise assessment is submitted to the LPA in the future):
- Windows/Doors to remain closed at all times except for ingress and egress;
 - No music shall be played on the premises between the hours of 2300-0700.

8.5 Affordable, Specialist and Supported Housing

- 8.5.1 The requirements for major developments under the Homes for All SPD, adopted January 2022 are:
- Open Market Housing - Minimum 20% M4(2) and minimum 3.5% M4(3);
 - Affordable Housing - Minimum 45% M4(2) and minimum 6% M4(3).
- 8.5.2 A total of 98no. residential units are proposed across the site: 66no. retirement apartments, 22no. houses and 10no. bungalows. The Applicant advises all retirement apartments and bungalows will be delivered as M4(2) Category 2 (accessible and adaptable dwelling). This equates to 78% of the development, which exceeds the 20% required under the Homes for All SPD.
- 8.5.3 Due to providing all units on site to NDSS standards the Applicant advises it has not been possible to provide M4(3) units as these require additional floor space which is not available. Officers consider that, on balance, the benefits of the scheme and the over-provision of M4(2) units can be accepted as a justification for the absence of M4(3) units.
- 8.5.4 The NPPF confirms that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision taking. Para. 57 of the NPPF states 'where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular

circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All Viability Assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in National Planning Guidance, including standardised inputs, and should be made publicly available.'

- 8.5.5 Para. 64 of the NPPF states 'where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.'
- 8.5.6 The Applicant has provided a Viability Appraisal undertaken by Harris Lamb to demonstrate that bringing the site forward is not viable with an Obligation to provide 25% Affordable Housing - the proposal seeks 0% Affordable Housing.
- 8.5.7 Notwithstanding this, the Applicants have identified units on the layout plan that would be suitable for Affordable Housing and which a Registered Provider is prepared to operate as part of the current application. The LPA understands that it is the Applicant's intention to explore other avenues to deliver Affordable Housing, albeit these methods would be outside of the planning process and therefore not a matter that the LPA would have any recourse on or be able to enforce if ultimately the Affordable Housing was not delivered.
- 8.5.8 The Submitted Viability Appraisal concludes that:
- Applying relevant data inputs, on a Policy Compliant basis, with the agreed S106 Affordable Housing requirement of 25%, the project delivers a profit margin of minus 6.66% - below the 'viable' profit margin for Developers;
 - Harris Lamb notes that based upon the proposed scenario being 0% S106 Affordable Housing provision and continuing to provide financial contributions for Education and Sport/Recreation alongside 100% of the properties to NDSS, this results in a profit margin at 2.86%.
- 8.5.9 Therefore, what is proposed is a compromise position whereby the Developer is willing to accept a significantly reduced profit margin of 2.86% in order to bring the site forward.
- 8.5.10 Approval of the current application would provide an opportunity for the Developer to seek Grant Funding for Affordable Housing delivery through Homes England. Such grant funding is not available to schemes where Affordable Housing is required by S106 Agreement. However, when considering this application, Members should not assume that Grant Funding will be available or that on-site Affordable Housing will be provided as a result.

8.5.11 Given the above, Officers consider that the benefits in terms of allowing the site to come forward will significantly and demonstrably outweigh the harm brought about by lack of Affordable Housing provision.

8.6 Highway Impacts

8.6.1 The Local Highways Authority (LHA) advises that the Transport Statement provided to support the proposal demonstrates that, as a whole, they will not generate a quantum of vehicular movements above the previous use of the site. Although the majority of the 21 vehicular trips forecast in the network PM peak hour are likely to be new trips (previous PM peak associated with New College likely 1500-1600 as opposed to 1700-1800 network peak), this translates to less than one vehicular movement every two minutes which is to be distributed across four different access points.

8.6.2 With regards to parking, the level of parking that has been proposed commensurate with the Local Plan parking standards. As such, and given the extant use, there is expected to be no detrimental impact upon the road network in the vicinity of the proposal with the number of journeys or any additional strain on parking.

8.6.3 Despite being supportive of many of the elements related to the proposed development, the Local Highway Authority would not look to adopt the road that serves as the access to the retirement village as it serves no wider purpose to the LHA.

8.6.4 As part of the wider proposals a car park has been created at the north-western end of the site that will be accessed off King Street. This will be for the benefit of a local community group to alleviate on-street parking during events in the interest of reducing congestion and parking issues in the area. A clause in the s.106 Agreement will ensure this car park is retained for this purpose in perpetuity.

8.6.5 On the basis of the above the proposals are considered compliant with the Local Plan in terms of highways considerations.

8.7 Drainage

8.7.1 The Council's Drainage Engineer has assessed the proposals and is satisfied they are policy compliant subject to Condition(s) as requested.

8.8 Healthy Spaces and Recreation

8.8.1 The Council's Healthy Spaces Specialist supports the scheme subject to a condition requiring a Landscape Management Plan and the Financial Contribution(s) set out in Section 8.11.

8.9 Ecology and Trees

8.9.1 Policy NE1 states that the Council will seek positive improvements to the quality of the Natural Environment through sustainable development which will result in net gains for biodiversity in the borough. The Council will, where applicable, expect development to provide opportunities, including through design, layout, and

landscaping to incorporate new biodiversity features, enhance existing features and where necessary mitigate for features impacted or lost.

- 8.9.2 The site comprises bare ground, mixed scrub, modified grassland and sealed surface with a line of native trees along one boundary and a cypress hedge along the northern and western boundaries. The site has potential to support nesting wild birds but negligible potential to support roosting bats, badgers or amphibians.
- 8.9.3 The Council's Ecology Officer has assessed the proposals and confirms the development will result in a 5.48% gain in habitat units and a 42.7% gain in hedgerow units, and can be considered acceptable in terms of Policy NE1.
- 8.9.4 Policy NE2 states the Council expects existing trees, hedgerows and woodland with biodiversity value, visual amenity value and landscape value to be retained, protected and appropriately managed. The Tree Survey identifies a total of 5no. individual trees and 10no. groups of trees on site rates as either early mature, semi mature or, in one case, dead. Category B Trees are proposed for removal on site in three areas, all of which to facilitate vehicular entrances: two entrances off King Street and the widening of the northern access onto Regent Street.
- 8.9.5 The remaining 12no. live tree specimens are Category C and will be retained on site, thus having the opportunity to mature into higher category trees. On balance, it is considered that the wider benefits of the development outweigh the harm caused by the loss of the identified trees, and therefore the proposals can be accepted with regards to Policy NE2.
- 8.10 Land Stability
- 8.10.1 The Applicant has submitted a Ground Conditions Report with the application, which confirms that ground investigation works needed to be completed prior to the demolition of the college building and these were undertaken.
- 8.10.2 The proposed development requires a number of retaining walls across the site and these are identified on the Proposed Site Plan. The most notable of these is the retaining wall running along the rear of the former Girls School and along the edge of the application site boundary. This is subject to a separate engineering scheme and the details of this will be secured by planning condition. It is considered appropriate that the details of the other lesser walls are also secured by Condition.
- 8.11 Planning Obligations
- 8.11.1 The proposed development meets the requirement to provide contributions as directed through the Local Plan. Officers consider that these contributions are necessary to mitigate the impacts of the development.
- 8.11.2 The proposed contributions to be sought via S106 Agreement are therefore as follows:
- i) Financial Contribution towards Healthy Spaces of £105,000 (£10,000 towards study into netball provision, £10,000 towards study into tennis provision, £10,000 towards delivering netball strategy, £10,000 towards

delivering tennis strategy and £65,000 towards the nearest free to use publicly accessible Multi Use Games Area at Millfields Park to incorporate street cricket, basketball and 5-a-side football in a replacement purpose built facility);

- ii) Financial Contribution towards Education (£96,178 towards Primary Education and £40,127 towards Secondary Education);
- iii) S106 Monitoring Fee of £4,852.10 (1% of the total value of contributions, or capped at £15,000).

8.11.3 There are no further financial contributions however, for the avoidance of doubt, the S106 Agreement will also include clauses to secure the use of the car park for the community group in perpetuity to accommodate user parking for events.

9. CONCLUSION

9.1 The application site is located within the urban boundary of Telford & Wrekin. In accordance with Policies SP1 and SP4 of the Telford and Wrekin Local Plan, the principle of development on this site remains acceptable.

9.2 The proposals have been designed to take account of the site constraints and deliver much needed development and regeneration in this area. Although harm has been identified to the setting of the Listed Building adjacent to the site, on balance it is considered the development delivers sufficient benefits to outweigh this.

9.3 There are no technical issues that would prevent the development from proceeding and no issues that cannot be mitigated against through the use of condition(s) and payment of financial contributions. Accordingly it is considered that the proposal represents a sustainable form of development which complies with the National Planning Policy Framework, together with relevant policies within the Telford & Wrekin Local Plan.

9.4 The application is not proposing any Affordable Housing through the S106, however, the Applicant has indicated they will endeavour to deliver this through non-planning means by accessing funding available to them through alternative sources.

9.5 Taking all these matters into account, therefore, the Local Planning Authority considers that when the advantages and disadvantages of the scheme are weighed against each other the benefits outweigh the detriments and the application is therefore recommended for approval.

10. DETAILED RECOMMENDATION

10.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is 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 entering into a Section 106 Agreement with the Local Planning Authority (items ii) to ix) subject to indexation from the date of Committee), relating to:

- i) Financial Contribution towards Healthy Spaces of £105,000 (£10,000 towards study into netball provision, £10,000 towards study into tennis provision, £10,000 towards delivering netball strategy, £10,000 towards delivering tennis strategy and £65,000 towards the nearest free to use publicly accessible Multi Use Games Area at Millfields Park to incorporate street cricket, basketball and 5-a-side football in a replacement purpose built facility);
- ii) Financial Contribution towards Education of £136,606 (£96,178 towards Primary Education and £40,127 towards Secondary Education);
- iii) Car Park off King Street to remain in use for associated community group in perpetuity to accommodate user parking for events;
- iv) S106 Monitoring Fee of £4,852.10 (1% of the total value of contributions, or capped at £15,000).

B) The following Condition(s):

Time Limit Full;
Site Environmental Management Plan;
Landscape Management Plan;
Lighting Plan;
Ecology - Suite of Nesting/Roosting Boxes;
Development in Accordance with Submitted Drainage Drawings, Flood Risk Assessment and Drainage Strategy;
Details of Access;
Visibility Splays;
Provision of Parking and Turning Spaces;
Details of Street Furniture;
Details of Traffic Calming Features;
Details of Pedestrian Crossing on King Street;
Hedge Protection;
Tree Protection;
Landscaping Scheme (to include Tree to the rear of Durban);
Submission of Arboricultural Method Statement;
Overheating Assessment for Retirement Units;
Glazing and Ventilation for Residential Properties;
Completion of Noise Attenuation;
No Amplified Live Music in the Community Hall;
Windows/Doors in Community Hall to Remain Closed;
Windows/Doors to Remain Closed at all times at the Indoor Sport Facility (except for ingress and egress), unless a further Noise Assessment is submitted for Approval to the LPA;
No Music Played (Indoor Sports Facility) 2300-0700;

Materials as Submitted;
Development in Accordance with Plans;
Details of Retaining Wall to rear of former Girls School;
Installation of Solar Panels;
Indoor Sports Facility Hall Hours of Opening 0700-2300 (unless a further Noise Assessment is undertaken and submitted to LPA for Approval);
Community Hall Hours of Opening 0700-2300 (unless a further noise assessment is undertaken and submitted to the LPA for approval);
Details of Car Park Barrier