

TWC/2022/0573

Former Woodside Social Club & land adjacent, Woodside Avenue, Woodside, Telford, Shropshire

Erection of 33 no. unit care home with associated access, car parking and landscaping\*\*Amended Plans and Reports\*\*

**APPLICANT**

Cairnwell Developments

**RECEIVED**

08/07/2022

**PARISH**

Madeley

**WARD**

Woodside

**THIS APPLICATION IS A MAJOR APPLICATION AND REQUIRES A SECTION 106 AGREEMENT, THIS APPLICATION IS TO BE DETERMINED BY MEMBERS OF THE PLANNING COMMITTEE**

Online planning file:

<https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?applicationnumber=TWC/2022/0573>

**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 Bus Stop Upgrade Contributions, Travel Plan Monitoring, Biodiversity Net Gain, Tree Replacement Planting and Section 106 Monitoring.

**2. APPLICATION SITE**

2.1 The application site is located to the north of Woodside Avenue. The majority of the site comprises 'white land' on the adopted Local Plan, whilst an area to the north-east is located within the Green Network. The northern boundary immediately adjoins Rough Park and the proposed Rough Park Local Nature Reserve. The application site extends to approximately 0.39 hectares.

2.2 The site was formerly occupied by Woodside Social Club. The building has been demolished and the parcel of land fronting Woodside Avenue largely comprises of hardstanding with the entire site bound with paladin fencing. The general topography of the area and the site itself slopes gently down towards the north-northwest. The site appears to have been terraced with a slope down from Woodside Avenue, a flatter area around the area of a former building in the centre of the site and then a slope down towards the north (towards Rough Park).

- 2.3 Rough Park is located to the north and west whilst Rough Park BMX Park is located to the north-west. A water pumping station is located to the east, and Woodside Avenue bounds the site to the south. The wider area to the south is predominantly residential in character, whilst Madeley Academy is located to the east, behind Castlefields Way.

### **3. APPLICATION DETAILS**

- 3.1 This is a Full Planning Application for the erection of a 33 no. Unit Care Home (Use Class C2) with associated access, car parking and landscaping. Access to the site is from the existing access point from Woodside Avenue.
- 3.2 The Care Home is to be a specialist nursing care for adults with complex needs. The applicant is Exemplar Healthcare, an existing care operator providing specialist nursing care for adults living with a range of complex and high acuity needs. Exemplar support people with living with neuro-disabilities, brain injuries, spinal injuries, stroke, mental ill-health, physical disabilities, learning disabilities and/or autism and complex dementia. Their homes support people of all ages, including younger adults with over half of service users aged between 46-65 and the average age of service users being 56 years of age.

### **4. PLANNING HISTORY**

- 4.1 The following planning history relates to the site:

W86/0382 - Erection of single-storey building for Use as Social Club, Construction of Car Park and Vehicular Access - Granted 08 August 1992

W92/0115 - Erection of an Extension to rear of the Premises, to provide a Kitchen, Office and Toilet Accommodation, with a Cellar Underneath - Granted 03 April 1992

W2004/1387 - Residential Development (Outline) - Granted 01 May 2006

### **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

HO7: Specialist Accommodation

NE1: Biodiversity & Geodiversity

NE2: Trees, Hedgerows & Woodlands  
NE4: Public Open Space  
NE6: Green Network  
C1: Promoting Alternatives to the Car  
C3: Impact of Development on Highways  
C5: Design of Parking  
BE1: Design Criteria  
ER1: Renewable Energy  
ER8: Waste Planting for Residential Developments  
ER11: Sewerage  
ER12: Flood Risk Management

5.3 Madeley Neighbourhood Development Plan

5.4 Homes for All SPD

## 6. NEIGHBOUR REPRESENTATIONS

6.1 The application has been publicised through direct neighbour notifications. No public representations have been received.

## 7. STATUTORY REPRESENTATIONS

7.1 Housing Commissioner: **Support** - the demand illustrated within the Council's Specialist and Supported Accommodation Strategy focusses primarily on supported living accommodation. However, it does show that where a residential model is being proposed, demand exists for services that provide high level specialist nursing care for service users with complex needs. Subject to this level of being service provided as per the details contained within the Design and Access Statement, the proposals can be supported by Strategic Housing.

7.2 Highways: **Support, subject to Condition(s) and s.106** in respect of £5,000 towards Travel Plan Monitoring and £19,640 for Bus Stop Improvement Contributions.

7.3 Environmental Health: **Support, subject to Amendments and Condition(s).**

7.4 Ecology: **Support, subject to Condition(s) and Financial Contributions** of £25,650 towards Biodiversity Net Gain (BNG) and £14,400 towards Tree Replacement Planting.

7.5 Arboriculture: **Comments** and amendments in respect to landscaping.

7.6 Affordable Housing: **Comment.**

- 7.7 Drainage: **Support, subject to Condition(s)**.
- 7.8 Coal Authority: **No Objection** - the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.
- 7.9 Shropshire Fire Service: **Comment**, referring to Fire Safety Guidance for Commercial and Domestic Planning Applications.
- 7.10 West Mercia Police: **Comment**, referring to Secure by Design (SbD) accreditation.
- 7.11 Severn Trent Water: **No objection, subject to Condition(s)**.

## 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
- Design and Visual Impact
- Highways Impact
- Residential Amenity (including noise and lighting)
- Ecology
- Trees
- Drainage
- Climate Resilience
- Financial Contribution(s)

### 8.2 Principle of Development

8.2.1 The application site is located within the built up area of Telford, as defined by the Telford & Wrekin Local Plan (TWLP) Policies Map (2018) and is located within the Madeley Development Plan Area. TWLP Policy SP1 states that Telford will be the principal focus for growth to meet the borough's housing and employment development needs during the plan period.

8.2.2 The application site is partly previously developed land, formerly occupied by the Woodside Social Club which has since been demolished leaving an area of hardstanding and the existing access. The site is also partially within the Green Network and adjoins the Rough Park Local Nature Reserve (LNR). The site

was Granted Outline Consent for residential development in 2006. However, the site remains vacant and undeveloped.

8.2.3 In respect of para. 11 of the NPPF, if the proposals accord with an up-to-date Development Plan they should be approved without delay. Therefore, if the proposed development complies with the Development Plan and is sustainable development the principle should be supported.

8.2.4 TWLP Policy HO7 supports proposals within Use Class C2 and other forms of residential accommodation including retirement homes to address specialist housing needs, provided that:

I. The proposed development is designed to meet the specific needs of residents, including requirements for disabled people, where appropriate;

II. The location of the development (including where such provision is part of a larger scheme) is in close proximity to community and support facilities, shops and services, and public transport connections; and

III. The proposed development relates well to the local context in design, scale and form.

8.2.5 The proposal is a purpose built Care Home, designed to meet individuals with specialist complex care needs. The Applicant, Exemplar Health Care, provides specialist nursing care for adults living with a range of complex and high acuity needs. Exemplar Healthcare provides support for people on their journey from being in hospital or living in a secure setting to community-based living, as well as offering longer-term support for people living with degenerative or life-limiting illnesses. Exemplar Healthcare provides specialist nursing care and rehabilitation to adults living with a range of complex and high acuity needs, caring for complex conditions but not limited to:

- Behaviours of concern
- Acquired Brain Injury
- Stroke
- Complex Dementia
- Huntington's Disease
- Mental Health
- Neuro-disability
- Parkinson Disease

8.2.6 The demand illustrated within the Council's Specialist and Supported Accommodation Strategy shows that where a residential model is being proposed, demand exists for services that provide high level specialist nursing care for service users with complex needs. This is supported by the Homes for All SPD which sets out the needs for specialist housing as well as guidance on design and location. The Homes for All SPD sets out the considerations when deciding whether a scheme for specialist housing for older people falls within

Use Class C2 or C3. The Applicant sets out the care facilities within the proposed development, and on balance, it is considered that the proposal fall within Use Class C2. As such, the proposals meet Policy HO7(i) of the Telford and Wrekin Local Plan.

- 8.2.7 The application site is located on the edge of an existing residential area of Woodside. It is approximately 10-15 minute walk to the Local Centre which includes a Tesco Express, GP Surgery and Pharmacy. The site is also served by a regular bus service with bus stops in close proximity to the site. As such, the proposal is considered to meet Policy HO7(ii) of the Telford and Wrekin Local Plan. Please refer to the section on design regarding compliance with HO7(iii).
- 8.2.8 Policy H2 of the Madeley Neighbourhood Development Plan considers that any wider investment into the provision of new housing or existing housing stock should seek to provide specialist and supported housing, such as wheelchair standard housing, sheltered housing, residential care homes, 'extra care' housing and continued care retirement communities as part of a mixed community, where possible, in accessible locations close to facilities. It is therefore considered that the proposed development complies with Policy H2.
- 8.2.9 Policy NE6 of the Telford and Wrekin Local Plan states that the Council will protect, maintain, enhance and, where possible, extend the Green Network. The Council will only support new development within the Green Network where it identifies, protects and enhances the Green Network and its functions. Where adverse impacts are identified, development will need to demonstrate that the benefits of the development outweigh any adverse impacts on the Green Network and its function.
- 8.2.10 The application site is partly located within land allocated as Green Network within the Local Plan. Policy NE6 (Green Network) of the plan is specific in that it seeks to protect, maintain, enhance and where possible extend the Green Network. The policy goes on to indicate that the Council will only support new development within Green Network where it identifies, protects and enhances the network and its functions.
- 8.2.11 The policy also recognises however that there may be harm caused to the Green Network in which case, new development will need to demonstrate that the benefits of the development outweigh any adverse impacts upon it and its functions.
- 8.2.12 There are six functions of the Green Network in total listed within the Local Plan. Some areas of Green Network may provide several functions whilst some may only fulfil one or even part of the functions listed. Equally, different weight may be given to the different functions a site provides depending on the actual benefits it provides. The six functions being:

- i. To provide significant visual amenity value in the form of extensive views over green open areas, water bodies or woodland;
- ii. To provide separation between built up areas by significant open green areas, water bodies or woodland which help to retain and enhance the individual identity of local communities;
- iii. To provide an appropriate supply of open land to meet the diverse recreational needs of an expanding population, combining the more formal parkland and recreation areas with wider landscaped areas valuable for informal recreation;
- iv. To maintain, protect and enhance the borough's ecological value in terms of natural habitats and species by providing ecological networks, corridors and stepping stones by which wildlife can move through, and thrive within, urban environments;
- v. To maintain, protect and enhance the unique geological and archaeological features within the borough as a legacy of its early place in the Industrial Revolution;
- vi. To provide open space linkages through which footpath, cycleways and ecological corridors can connect different parts of Telford or Newport forming accessible 'green ways' through urban areas

8.2.13 The land is identified on the Council's Proposals Map to provide woodland, open space and grassland features, as part of the Green Network's wider designation in this location.

8.2.14 The land is privately owned and as such, there is currently no right of access over the land itself. The site was formerly occupied by Woodside Social Club but the building has been demolished and the parcel of land fronting Woodside Avenue largely comprises of hardstanding with the site bound by paladin fencing. The site extends back where the topography falls away steeply towards Rough Park. The site previously saw some self-seeding vegetation develop however, since 2019 most of the site has been cleared and amenity grassland has developed. There are no protected trees on site.

8.2.15 The LPA considers the site to be contained in nature given that it is largely surrounded by existing vegetation and the topography of the site slopes from south to north and as such it would have a limited impact on the Green Network. The site is surrounded by Council owned open space, comprising Rough Park and Rough Park Way running east/west to the north. As such, the development of this site would not result in the loss of separation between built up areas and open spaces. The site would be visible from Woodside Avenue and Rough Park Way to the north (interspersed with vegetation). However, given the extent of the woodland within the vicinity, this would therefore cause some level of harm due to its visibility. However, this is considered low in the context of the existing water pumping station and wider residential development to the north.

8.2.16 As mentioned above, the wider Green Network in this location largely captures Council owned land to the north, east and west of the site. However, the application site is privately owned and therefore does not currently provide open space to members of the public. The proposal would provide some level of amenity to users of the development to meet the requirements of the development, however, this would continue to be privately accessed.

8.2.17 Owing to the nature of the development, the amenity area is required to be secured and therefore the application cannot facilitate links through the site. Notwithstanding this, the existing footpath, directly to the west of the site, providing access from Woodside Avenue to Rough Park Way would remain and as such the LPA do not feel the need to provide additional routes. Furthermore, the site could provide active overlooking of the footpath and open space to the north which is considered a benefit.

8.2.18 Comments from the Council's Ecology Officer have been considered in this assessment. These comments conclude that overall the site has little ecological value, with common species and little suitable habitat for protected species.

8.2.19 In assessing the harm, this must be weighed against the following benefits of the scheme:

- I. Provision of 3 no. bat boxes. 5 no. woodcrete nesting boxes suitable for bird species such as robin, blackbird and tit species, 4 no. nesting boxes suitable for house sparrow and 5 no. nesting boxes suitable for bird species such as swallows, house martins and swifts;
- II. Biodiversity Net Gain Monitoring Plan (for on-site management);
- III. Financial Contribution of £25,650 towards off-site biodiversity mitigation;
- IV. Financial Contribution of £14,400 towards off-site tree replacement planting;
- V. Planting of 5 no. hedgerow and 39 no. trees on site;
- VI. Creation of sensory gardens on site;
- VII. Provision of 3 no. Electric Vehicle Car Charging Points; and
- VIII. Financial Contribution of £19,640 towards bus stop improvements.

8.2.20 The LPA attach some weight towards the harm caused by the proposal against criteria (i and iv) of the Green Network through the erection of a three storey building upon an areas of undeveloped Green Network and the loss of low-value amenity grassland and tree planting. However, it is considered that the harm identified to the Green Network is outweighed by the benefits of the scheme (as listed at I–VII) as well as the delivery of a long-standing partly, previously developed site, in a sustainable location for a specialist nursing care, where there is an identified demand within the Council's Specialist Accommodation Strategy for services that provide high level specialist nursing care for service users with complex needs. The LPA consider that the proposal is compliant with Policy NE6 on balance.

### 8.3 Design and Visual Impact of the Development

- 8.3.1 Policy BE1 of the adopted Local Plan is concerned with securing high quality design in new development. It is criteria based and expects new development to be influenced by and respond positively to its context, demonstrating an integrated approach to design and layout, respecting landscape and creating a sense of place. New development should be energy efficient and promote sustainable building techniques.
- 8.3.2 The layout of the development incorporates an 'L' shaped building at the rear of the site, whilst parking is located towards the site frontage and private amenity garden space located to the rear and sides of the building.
- 8.3.3 This proposal contains 3no. self-contained units of 11 residents per floor. The reception and entrance is located at the side of the building with associated back of house facilities and a resident's hub. Each bedroom contains an en-suite (measuring c. 20- 21 sq. m in total), whilst a communal lounge, kitchen/dining and assisted WCs are provided on each floor. Internally, level access will be provided at the main building entrance, means of escape doors, delivery doors and external doors to living spaces. Floor levels run uninterrupted by internal steps throughout the building and two lifts are proposed to be incorporated accessing all floors.
- 8.3.4 In terms of the scale, the proposed development incorporates part three-storey, part two-storey elements with some smaller areas of single storey. The three-storey element at the rear of the site houses the three 11-bed care units and is positioned into the northern portion of the site to maximize separation distances to any adjacent development and retain the existing openness along Woodside Avenue. The building wraps around and contains a two-storey element towards the front, which largely contains the reception area and associated back of house and ancillary services. The LPA consider that the setting back of the development responds well to the surrounding context and retains the open spaces either side of Woodside Avenue, whilst also allowing residents to maximise views to the north, over Rough Park.
- 8.3.5 In terms of appearance, light brick and render with artificial roof slates are proposed, taking into consideration the material palette of the immediate surrounding area. In order to add visual interest and to reflect the wooded/parkland nature of the surrounding area, some elements are proposed to be clad in timber effect boarding.
- 8.3.6 The site levels drop from the existing entrance by approximately 4 metres to the northern site boundary, with a fall of around a metre to roughly the centre of the site after which the levels fall more progressively. As a result, the site levels to the north elevation of the proposed building is 1.5 to 2 metres lower than ground floor level. As such, a raised external area is proposed adjacent to the living spaces to the rear of the building with level access, for the amenity of residents. There would be a lawned area that is to be set down from a terrace

utilising the existing levels, and other areas of the gardens would include parts intended for viewing rather than use.

- 8.3.7 The proposal provides c. 650 sq. m of useable amenity space in the form of three raised decking areas to the north and west of the main building, comprising paths, herb gardens and ornamental planting. A sensory garden and seating area is located on the eastern boundary. Whilst this is below the quantity of private amenity space that the LPA typically request, it is acknowledged in this instance that it is suitable for the end users and that the perception of open space would be greater given the surrounding site context, with the sloping grassland and Rough Park open space to the north, east and west of the application site.
- 8.3.8 Officers expressed concern with the erection of a 2.1 metre timber fence surrounding the entire site during determination as this would negatively impact the character of the area, suggesting a low level boundary or proposed hedgerows only around the car park and site frontage. The Applicant has agreed to this approach, however, a revised boundary plan has not been provided at this stage - should this plan not be provided, this element of the proposal would be conditioned.
- 8.3.9 On balance, the scale of the proposals are considered acceptable in that they meet an identified need for the proposed function as a specialist Care Home whilst respecting and responding positively to its context and enhancing the quality of the local built and natural environment. The proposal is therefore considered to meet criteria iii of Policy HO7 and Policy BE1 of the Telford and Wrekin Local Plan.

#### 8.4 Highway Impacts

- 8.4.1 Access into the site is proposed from the existing access point from Woodside Avenue, to the south.
- 8.4.2 During the determination period, the Local Highway Authority (LHA) requested an increase in the parking provision. As outlined within 'Proposed Site Layout Plan,' the applicant has now maximised the amount of parking spaces being provided within the site with the provision of 36 no. parking spaces (previously 26). However, there remains a shortfall of 10 no. spaces from what the TWLP Parking Standards outline for an establishment of this type.
- 8.4.3 The application is accompanied by a Transport Statement. The Applicant has also demonstrated within the submitted Transport Statement that the number of spaces being proposed should be adequate to cater for the parking demands of staff, by comparing the proposed site with existing Care Homes of similar size, and in similar locations.
- 8.4.4 The Council is currently rolling out a programme for bus shelter regeneration. As a result of the shortfall in car parking numbers and the proximity of the

development to the bus shelters along Woodside Avenue, the LPA have requested Financial Contribution(s) towards two upgraded shelters, directly adjacent to the site. The contributions would be spent on 2 no. 3 bay shelters with lighting to minimise anti-social behaviour. There is currently a small open side shelter on the east-bound side of Woodside Avenue, whilst the west-bound side only has a lamppost. Both bus stops would be upgraded to be of a similar appearance and it is envisaged that the existing open shelter will be relocated elsewhere in the borough, where required, until the full bus stop improvement roll out has been completed.

8.4.5 The LHA note the site's location is a factor to consider. The Care Home would sit within the residential area of Woodside, where a proportion of the staff associated to the care home could possibly reside. As well as the bus facilities already outlined, there is also very good pedestrian and cycle connectivity from the area to the site itself. Overall, the LHA accept the departure from the Parking Standards in this instance due to the contribution the planning department have requested towards the bus shelter regeneration programme. The contribution will improve the bus facilities in close proximity to the site which should in turn encourage more staff and visitors associated to the care home to travel by a more sustainable mode of transport.

8.4.6 The proposal provides 3 no. disabled parking bay together with 3 no. electric vehicle charging points (with one of these spaces being disabled). A secure bike shelter is located on the site frontage providing a total of 10 no. cycle parking spaces.

8.4.7 The LHA have also requested that a Travel Plan be produced by the Applicant which encourages staff associated to the Care Home to use more sustainable modes of transport to travel to and from the establishment. The Travel Plan would be monitored by the Authority for a set period of time to make sure progress towards the set-out targets are in turn achieved and a fee of £5,000 has been requested to cover this monitoring.

8.4.8 On balance the LHA consider that the small shortfall of parking spaces would not lead to an overspill of vehicles associated to the care home, out onto the adopted highway in the vicinity of the site. Accordingly, the LHA have no objection to the proposal subject to the Condition(s) and Financial Contribution(s).

## 8.5 Residential Amenity

8.5.1 A Noise Assessment has been submitted with the application. The Council's Environmental Health Specialist has reviewed the assessment and is supportive, subject to amendments and Condition(s).

8.5.2 The Assessment applied appropriate methodology and referred to current guidance quoting appropriate noise level limits for internal noise levels in habitable rooms including L<sub>Amax</sub> noise levels at night. It concludes that in order

to ensure reasonable noise levels are found inside habitable rooms in the proposed residential units within the care home facility that the glazing and ventilation specification would be necessary - the proposed mitigation is considered satisfactory. It is also noted that should additional ventilation units be required the noise attenuating properties may need to be revised - it is proposed that these aspects be Conditioned.

8.5.3 The LPA are satisfied that noise emanating from the nearby BMX track would not have a significant adverse impact upon the development. The track is a public facility and meets with the standards of children's play provision. This includes meeting and exceeding the guideline on proximity to residents of 30 metres to prevent nuisance - the proposed building would be double the guideline for this buffer zone distance. There are the occasional small scale event at this site (training/mini competition), however the facility is used by bicycles (BMX's) and not motorcycles with little or no noise.

8.5.4 The Council's Environmental Health Specialist noted that the initial assessment did not provide an assessment of the external amenity areas of the site. An updated Noise Impact Assessment has been submitted with the application taking into consideration external amenity areas and any formal comments from the Council's Environmental Health Specialist will be updated.

8.5.5 A detailed lighting plan has not been provided at this stage, accordingly this element is proposed to be conditioned.

## 8.6 Ecology

8.6.1 The application is accompanied by a Preliminary Ecological Appraisal (PEA) which has been reviewed by the Council's Ecologist. The Council's Ecologist initially objected to the proposal due to insufficient assessments of Biodiversity Net Gain.

8.6.2 This site previously saw the establishment of self-setters develop however, since 2019 most of the site has been cleared and amenity grassland has developed. Overall the site has little ecological value, with common species and little suitable habitat for protected species.

8.6.3 Following from the Preliminary Ecological Appraisal, bat surveys were undertaken on-site to establish local bat activity and confirm an absence of roosts in trees surrounding the site. A dusk survey was completed on 01 August 2022, Noctule and Common Pipistrelle activity was recorded in the area, no bat roosts were identified and overall bat activity was low. Controls on artificial lighting and the erection of bat boxes are included as Condition(s) to protect bat activity and provide roosting opportunities on-site post-development.

8.6.4 During the determination, the LPA received updated Biodiversity Assessments to review. Biodiversity Assessments were carried out on this site using

UK Habitats classifications and a baseline biodiversity unit value established for the site using the Biodiversity Metric 3.0. A Biodiversity Metric was submitted with the application detailing proposed biodiversity enhancements on-site. After discussions with the Applicant's Ecologist, amendments have been made and a final unit loss of 1.35 Biodiversity units reached.

8.6.5 The developer has sought to compensate for the habitat loss off-site and the Council's Ecology Team have worked to assess and secure the required numbers of habitat units to satisfy the losses including addressing the trading rules within the DEFRA biodiversity metric and to assign a financial cost to carrying out the required habitat works and maintenance over a 30-year period as required.

8.6.6 The Section 106 Agreement for the site shall include a schedule on Biodiversity Net Gain to secure a financial contribution of £25,650. A Condition to secure a BNG Monitoring Plan is also proposed.

## 8.7 Arboriculture and Landscaping

8.7.1 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. Aged and Veteran Trees, Ancient Woodland and important hedgerows will be valued and protected.' Under this Policy, and specifically referencing trees, the Council expects developments to:

- I. Assess potential impacts on trees. Proposals that involve felling or removal of trees (including aged and veteran trees), or are considered likely to cause demonstrable harm will normally be resisted unless acceptable mitigation or compensation measures can be secured. Loss or damage to irreplaceable habitats, including Ancient Woodlands and Veteran Trees, cannot be practically compensated and will not be acceptable;
- II. Demonstrate that any proposed removal or damage to trees is outweighed by the wider benefits of the scheme and that the trees cannot be retained without prejudicing the economic viability of the development. However where a development will cause significant harm to an irreplaceable habitat (including ancient woodland and veteran trees) which, by its nature, cannot be mitigated or compensated for permission will be resisted;
- III. Provide replacement and enhancement planting which maintains local amenity, character of the local area and biodiversity value and should primarily include native species of local provenance;

- IV. Incorporate trees as an integral part of a scheme and ensure protection measures before and during construction and appropriate management, maintenance and protection thereafter;
- V. Provide replacement planting both in terms of habitat and amenity value where tree woodland loss is unavoidable.

8.7.2 An Arboricultural Impact Assessment accompanies the planning application. The Council's Arboricultural Officer has reviewed the application and comments that the proposal is contradictory to Planning Policy NE2 as the proposal would result in the loss of 20 no. Trees.

8.7.3 The Applicant is prepared to make a financial contribution towards the off-site replacement of these Trees, secured by means of a s.106 Agreement, calculated at £14,400.

8.7.4 The application is accompanied by a Landscaping Plan, comprising tree, hedge and shrub planting. The planting plan focuses on the site boundaries, largely on the northern and western boundaries, whilst some planting is located on the site frontage. The planting plan includes 39 no. trees (16-18 cm girth) and 5 no. hedges.

8.7.5 The Council's Healthy Spaces Officer initially objected to the proposal requesting enhancements designed to meet the needs of the proposed residents through the provision of sensory and seasonal planting. A revised planting plan was received during the determination period which included:

- A herb garden (within raised planters);
- A sensory garden including a path away into the lawn area to create an alternative circulation route , passing through plants with colour / scent / movement / attractive to butterflies / seasonal change with a couple of benches either side of the path set in the middle of the planting;
- Raised Planters/Kitchen Garden - For growing herbs/salad/vegetables etc. (wheel chair friendly);
- Ornamental Planting - A shrub bed is provided adjacent to the seating area with colour/movement and seasonal change;
- Movement Plants - Layered ornamental grasses for movement/colour and seasonal change.

8.7.6 The Tree Officer has also requested amendments to the planting plans submitted. At this stage, a revised landscaping plan addressing all of the concerns raise has not been provided and as such the LPA propose to Condition this detail in order to satisfy the Council's planting requirements, unless it is provided. Additionally, the LPA proposes to Condition details of the Landscape Management Plan to ensure these areas are managed appropriately in the future - this plan should include who is to manage these

areas, how on-going maintenance is to be financed, a schedule of maintenance operations, a monitoring and review schedule.

8.7.7 The Applicant has considered the Healthy Space Officer's comments regarding a roof garden however contends that this is not a viable option for Exemplar with the type of care they provide and the service users that would be in the home.

## 8.8 Drainage

8.8.1 The formal flood zone mapping shows the site to be located within Flood Zone 1 (low risk of flooding).

8.8.2 The Lead Local Flood Authority (LLFA) supports the application, subject to Condition(s) requiring the submission of the detailed drainage strategy prior to commencement.

8.8.3 Severn Trent Water have reviewed the application and support the application, subject to the inclusion of a condition requiring drainage plans for the disposal of foul and surface water flows. They also advise that there is a public 600mm surface water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. The clean water team at Severn Trent have also advised that they have apparatus in the area of the planned development. The applicant has shown the public surface water sewer on their Proposed Site Plan, as mapped and have already instigated discussions with Severn Trent in respect to the diversion of this pipe, in line with their standing advice.

## 8.9 Climate Resilience

8.9.1 Policy ER1 encourages developments to adapt to climate change and help reduce carbon emissions.

8.9.1 The development would provide a total of 3 Electric Vehicle Charging Points on-site (including 1 no. disabled EV Charging space). The LPA propose to condition the delivery of this provision.

8.9.2 The LPA requested that consideration be given to solar panels on the roof. However, Exemplar does not currently include Photovoltaic panels within their requirements and consider this to be unviable due to factors such as costs, payback periods and maintenance.

## 8.10 Contamination

8.10.1 The application is supported by a Phase 1 Ground Investigations Report. The Report has identified potential contamination sources on the site including Made Ground linked to the historical development on site, former use of parts

of the site as a car park, elevated Arsenic levels in urban soils and the adjacent water pumping station. The Report recommends that a further Assessment of the hardstanding is required to understand whether it contains coal tar as well as undertaking ground gas monitoring.

8.10.2 Given the slope on the site, the proposed building may need to be terraced or earthworks undertaking to level the site. Depending on the final loadings and development plans a slope stability assessment may be required. Additionally, intrusive investigations are recommended to address the issues raised within the Report. The LPA have Conditioned these elements.

#### 8.11 Financial Contribution(s)

8.11.1 Any planning consent would be conditional on the finalisation of a s.106 Agreement to secure the following:

- I. Public Transport Contribution of £19,640 towards bus stop improvements on the northern and southern side of Woodside Avenue to provide each stop with a new 3 bay arun shelter and lighting;
- II. Highways Contribution towards Travel Plan Monitoring: £5,000;
- III. Biodiversity Net Gain Contribution: £25,650;
- IV. Tree Replacement Standard of £14,400;
- V. Section 106 Monitoring Fee (1% of total value of contributions).

8.11.2 In determining the required Planning Obligations on this specific application the following three tests as set out in the CIL Regulations (2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development;
- c) Fairly and reasonably related in scale and kind to the development.

### **9. CONCLUSION**

9.1 The proposed development is located within the built up area of Telford and comprises a 33 no. Unit Care Home with associated landscaping and parking. It is considered the development falls within Use Class C2 and would meet the demand illustrated within the Specialist Accommodation Strategy (530-bed spaces by 2030/31) where there is an identified need for this level of care accommodation. As such, the proposal is considered compliant with Policy SP1 and Policy HO7 of the Telford and Wrekin Local Plan and Policy H2 of the Madeley Neighbourhood Development Plan.

9.2 The rear of the site is located within the Green Network - when assessing the proposal against Policy NE6, the LPA has attached limited weight towards the

low level of harm to criteria (i and iv) through the erection of a three-storey building upon an areas of undeveloped Green Network. However, it is considered that the harm identified to the Green Network is outweighed by the benefits of the scheme (as listed at I–VII of para. 8.2.19), as well as the development of a long-standing partly, previously developed site, in a sustainable location for specialist nursing care, where there is an identified demand within the Council’s Specialist Accommodation Strategy for services that provide high level specialist nursing care for service users with complex needs within the borough. As such, the application is considered compliant with Policy NE6.

- 9.3 The proposal would result in a level of tree loss and biodiversity loss by virtue of the siting of the building and the limited availability of land for landscaping. However, the proposals provide financial contributions towards off-site mitigation to the value of £25,650 towards BNG and it is proposed that the on-site management of biodiversity would be conditioned. As such, the proposals are considered compliant with Policy NE1 in this instance.
- 9.4 The proposal provides a financial contribution towards the off-site replacement of trees to the value of £14,400. Whilst the proposal does contain an area of landscaping to the rear of the building and the planting of 39. no Trees and hedges around the site, the loss of the existing trees cannot be fully compensated for or replaced and as such Policy NE2 (i) and (v) cannot be wholly satisfied. In terms of para. 11 of the NPPF, the application does not accord with the Development Plan although para. 12 makes provisions for Local Planning Authorities to make decisions that depart from an up-to-date Development Plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 9.5 The development would result in a shortfall of 10 no. parking spaces when assessed against the Local Plan’s parking standards. However, the LHA are satisfied that this would not lead to an overspill of vehicles associated to the care home out onto the adopted highway in the vicinity of the site. Moreover, the LPA have requested financial contributions of £19,640 towards bus stop improvements towards the no. bus stops immediately adjacent to the site and the site’s sustainable location has been considered in this assessment. The LHA have no objection to the proposal subject to Condition(s) and Financial Contribution(s).
- 9.6 The scale of the proposals are considered acceptable in that they meet an identified need for the proposed function as a specialist Care Home whilst respecting and responding positively to its context and enhancing the quality of the local built and natural environment. The proposal is therefore considered to be compliant with Policy HO7 and Policy BE1 of the Telford and Wrekin Local

Plan.

- 9.7 Financial Contribution(s) totalling £64,690 are requested in relation to the Bus Stop Improvements in the vicinity of the site, Biodiversity Enhancement off-site, Tree Replacement Planting off-site, Travel Plan Monitoring and s.106 Monitoring Fees (as detailed at paragraph 10.1A).

## 10. DETAILED RECOMMENDATION

- 10.1 Based on the conclusions above, the recommendation to the Planning Committee is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:

- a) The Applicant/Landowners entering into a Section 106 Agreement with the Local Planning Authority (items (ii to iv) subject to indexation from the date of committee), relating to:
- I. Financial Contribution of £19,640 towards off-site bus stop improvements on the northern and southern side of Woodside Avenue to provide each stop with a new 3 bay shelter and lighting;
  - II. Financial Contribution of £5,000 towards Travel Plan Monitoring;
  - III. Financial Contribution of £25,650 towards off-site Biodiversity Net Gain;
  - IV. Financial Contribution of £14,400 towards off-site Tree Replacement Planting;
  - V. Section 106 Monitoring Fee (1% of total value of contributions).
- b) Submission of a replacement landscaping and planting scheme and boundary treatment scheme; in line with comments from the LPA.
- c) The following Condition(s) and Informative(s) (with authority to finalise Condition(s) to be delegated to Development Management Service Delivery Manager):

### **Condition(s):**

Time Limit

Full Site Environmental Management Plan (including on-site construction)

Foul and Surface Water

Surface Water Treatment Scheme

Sewer Build over Agreement

Landscaping (including boundary treatment)  
Landscape Management Plan  
Ground Conditions (Phase II)  
Ground Gas Monitoring  
Slope Stability  
Ecology Report Compliance  
Nesting/Roosting Boxes  
Lighting Plan  
Biodiversity Net Gain Management Plan  
Travel Plan  
Parking, Loading, Unloading and Turning  
Visibility Splays  
Access Drive and Material  
Cycle Parking Details  
Acoustic Barrier Detail  
Materials Details  
Ventilation Details  
Glazing Details  
EV Charging (Compliance)  
Tree Protection Plan  
Arboricultural Clerk of Works  
Tree Planting  
Approved Plans