

TWC/2019/0104

Land between Hartfield House/41, Pool Hill Road, Horsehay, Telford, Shropshire
Outline application for the erection of up to 36no. dwellings and access with all other
matters reserved ***AMENDED DESCRIPTION***

APPLICANT

Homes England, Catherine Hawksworth

RECEIVED

04/02/2019

PARISH

Dawley Hamlets

WARD

Horsehay and Lightmoor

THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE AS THE COUNCIL ARE THE APPLICANT AND IS SUBJECT TO A MEMORANDUM OF UNDERSTANDING RELATING TO FINANCIAL CONTRIBUTIONS AND A MEMO/CONDITION RELATING TO AFFORDABLE HOUSING

1.0 SUMMARY RECOMMENDATION

1.1 It is recommended that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to GRANT OUTLINE PLANNING PERMISSION subject to conditions, informatives and a Memo of Understanding.

2.0 SITE AND SURROUNDINGS

2.1 The application site comprises 3.135ha of grazing land (horse grazing) located in the existing residential area of Dawley. The site sits to the west of Pool Hill Road and to the north west of Doseley Road South. Immediately to the west of the site is the Heritage Railway Line which is lined by mature trees at the bottom of an embankment.

2.2 The nearest residential dwellings are located to the east of the site including five located off a small cul-de-sac off Doseley Road South and ten located off Pool Hill Road. The site also adjoins Hartfield House, a large Victorian guest house also accessed off Pool Hill Road. This is surrounded by trees, a number of which are protected.

2.3 The site rises gradually in level from south to north (an overall rise of approximately 11m). There are several trees dotted across the site as detailed on the submitted plans.

3.0 APPLICATION DETAILS

3.1 This application seeks outline planning permission for up to 36 dwellings on the site, together with associated access. All other matters are reserved for later consideration. The application has been made by Telford and Wrekin Council on behalf of the Authority and Homes England as joint landowners.

3.2 The application is accompanied by the following supporting documents: -
- Design and Access Statement

- Flood Risk Assessment and Outline Drainage Strategy
- Transport Assessment
- Tree Survey
- Ground Investigation Report
- Protected Species Survey Report

3.3 The application confirms that 25% of the number of units proposed will be affordable with the allocation to be determined at reserved matters stage.

4.0 RELEVANT HISTORY

4.1 Housing Site Allocation – Telford and Wrekin Local Plan (2011-2031) Site Ref H3 (Plot D, Pool Hill Road, Dawley. Indicative Yield – 40 Dwellings

4.2 TWC/2011/0187 - Extension of time period for implementation of extant Outline Planning Permission W2007/0810 for residential development – Relates to Home England owned land (formally Housing and Community Agency) on north east of application site. Application approved subject to S.106 (Application Expired).

4.3 Pre-Application Advice – PE/2017/0395

5.0 RELEVANT POLICY DOCUMENTS

5.1 National Guidance:
National Planning Policy Framework (NPPF)

5.2 Local Development Plan:
Telford & Wrekin Local Plan

6.0 SUMMARY OF CONSULTATION RESPONSES

Local Member & Town/Parish Council Responses:

6.1 Dawley Hamlets Parish Council: No Comments Received

Standard Consultation Responses

6.2 Highways: Support subject to conditions
Proposed Conditions include:
Visibility splays of 2.4m x 43m at the access,
Gradient of the access from Doseley Road not to exceed 1.35 for a distance of 5m,
Details of parking, turning, loading and unloading of vehicles, and
Details of the design and construction of any new roads, footways, accesses together with a scheme of street lighting and details of the disposal of surface water.

A contribution of £19,285 towards improvements to the Pool Hill Road/Doseley Road junction and associated works are requested.

- 6.3 Drainage: Support subject to conditions
- 6.4 Trees: Object
Further information required in relation to the impact upon trees onsite and on neighbouring land.
- 6.5 Ecology: No objection
No objection subject to conditions and informatives
- 6.6 Urban Design: Support Subject to conditions
Conditions requested that the indicative site layout is not approved and that a design framework should be submitted prior to the submission of reserved matters.
- 6.7 Healthy Spaces: Support Subject to conditions
Requests a financial contribution of £600 per 2 or more bedroom property, towards the upgrade of a nearby play facility at Shirefields Way or Dawley Park.
- 6.8 Education: Comment
Requests a contribution of £108,587 towards primary school provision and £46,776 towards secondary school provision.
- 6.9 Affordable Housing: Comment
The proposal for at least 25% affordable homes on site meets the Council's Planning policy (HO5). 80% of the affordable homes should be for Social Rent with 20% for Shared Ownership – these homes should also be retained as affordable in the long term.

An appropriate S106/Memo agreement will be required to secure the affordable housing and confirm that the above development standards will be achieved. A Local Lettings & Sales Plan will also need to be agreed between the Council and the Registered Provider. Whilst the Design and Access Statement states that the dwelling mix will be determined at reserved matters stage, the affordable housing scheme - including dwelling type, tenure, bedroom sizes, location and space/development standards – should be agreed in principle with the Council prior to the submission of an application for Reserved Matters. The affordable homes should be transferred to an appropriate Registered Provider.

- 6.10 The Coal Authority: Support subject to Conditions
The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically both actual and probable shallow coal mine workings, thick coal outcrops and recorded mine entries (shafts and adits).

The Coal Authority considers that the content and conclusions of the Desk Study & Ground Conditions Report (July 2018, prepared Telford & Wrekin Council) are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of conditions to secure the above.

6.11 Shropshire Fire Service: Comment

Requires consideration to be given to advice provided in Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications"

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.

7.0 SUMMARY OF PUBLIC RESPONSE

7.1 3 objections received from members of the public. The comments are available in full on the planning file, but key points have been summarised as follows:

- Loss of Light
- Loss of Privacy
- Highway Safety and insufficient existing road network
- Loss of habitat and green corridors for wildlife
- Concerns over noise and disruption during construction period

7.2 1 of the objections received relates specifically to a diagnosed medical reason (severe allergy to building materials such as tarmac; bitumen; industrial glue, and acrylate).

7.3 2 comments have been received in support of the development, however, both comments seek assurance that no more than the 36 units are proposed.

8.0 PLANNING CONSIDERATIONS

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
- Highways and Access
- Flood Risk and Drainage
- Trees and Ecology Issues
- Ground Conditions
- Other Matters
- Planning Obligations

Principle of Development

- 8.2 The site sits in the built up area as supported by Telford & Wrekin Local Plan Policy SP1. The site is allocated under Policy HO2 for housing development and is known as Site H3 with an indicative yield of 40 units. The Council's development plan is therefore in full support of housing on this site subject to the usual technical constraints. Allocated Housing Sites under Policy HO1 contribute towards the Council's housing requirements during the plan period.
- 8.3 During the lifecycle of the application, the applicant has agreed amendments to the development description to indicate that the site should contain 'up to' 36 dwellings rather than for explicitly for 36 dwellings. This acknowledges the constraints of the site and that, notwithstanding the indicative site plan, a lesser number of dwellings may be appropriate. In any case, the proposed number of units will remain lower than the indicative figure of 40 units for this site suggested on Table 21 of the Local Plan.
- 8.4 The application is for Outline consent including Access with all other matters reserved. As such, the internal layout, landscaping and design of the proposed dwellings is to be considered at Reserved Matters Stage. Officers are therefore satisfied that the principle of development is acceptable and in accordance with the development plan.

Highways and Access

- 8.5 The Council's Highways Officer has considered the proposed development which has been supported by a Transport Statement. They have raised no objections to the proposal subject to a number of conditions but have also raised a number of design issues that any future Reserved Matters submission will need to consider.
- 8.6 These considerations include the need to manoeuvre an 11.347m length refuse vehicle to allow it to access and egress in forward gear and ensuring that in order for the roads to be considered suitable for future adoption, internal gradients must be no steeper than 1:20 and no slacker than 1:100.
- 8.7 At present, the indicative layout does not include a suitable turning head provision at the end of the road, and the loop road shown is not geometrically adequate to allow for the routing of the refuse vehicle. Further consideration is also required for pedestrian links through the site. An informative can be attached to the outline decision providing the Local Highways Authorities advice and in addition, it is hoped that any future applicant will seek pre-application advice prior to the submission of reserved matters where such issues can be explored further.
- 8.8 Main vehicular access to the development will be provided from the south of the site off Doseley Road. Officers are satisfied that the proposed access position and layout is acceptable. A second small access is proposed off Pool Hall Road and has been designed to serve a smaller number of units off a private drive. This is an existing access to stables and Officers are also

satisfied that the position and layout of this access is acceptable. This access arrangement was an amendment at pre-application stage where it was originally proposed that all movement was made via Pool Hill Road. This was not supported by the Local Highways Authority.

- 8.9 In regards to local impact upon the highway network, the Council's Highways Officer recognises the need to make improvements to the Pool Hill Road/Doseley Road Junction. As such a contribution of £19,285 is requested.
- 8.10 On the basis of the above, Officers are satisfied that this outline proposal satisfies the requirements of local plan policy C3.

Flood Risk and Drainage

- 8.11 The application has been accompanied by a Flood Risk Assessment which confirms that the site is located in wholly in Flood Zone 1. It confirms that areas of potential surface water flooding have been identified, which are associated with land drainage features where development will need to be avoided. The site is considered to be at low risk of flooding from all other sources.
- 8.12 The report also includes preliminary proposals for draining surface water runoff post-development. It suggests that flows could be attenuated within one of two attenuation ponds, oversized pipework and attenuation tanks before discharging into the public sewerage system at greenfield runoff rates. Storage can be provided for all storm events up to and including the 1 in 100yr event, plus an allowance for climate change. Other opportunities to integrate Sustainable Drainage Systems (SUDS) into the development should also be explored. The existing land drainage system will be diverted through the site via the existing ditch along the western boundary, which will ultimately outfall to the public surface water sewer as existing.
- 8.14 Foul water flows generated by the development will be directed to an existing public foul water sewer intersecting the site.
- 8.15 Officer's concur that should the site be implemented with this strategy, the development will remain safe from flood risk and can be suitably drained for the development lifetime. The Council's Drainage Officer raises no objections and supports the Outline proposal subject to conditions for the submission of a Foul and Surface Water Scheme, a condition for additional modelling to consider future urban creep, and a condition requiring the submission of a SUDS management plan.
- 8.16 Officers are therefore satisfied that the application complies with policies ER11 and ER12 of the local plan.

Trees and Ecology

- 8.17 Trees: The application has been accompanied by a Tree Survey and Arboricultural Impact Assessment which have categorised the trees on site in

terms of their quality, condition and suitability for retention and indicated root protection and shading areas where development should not be provided.

- 8.18 The Council's Trees Officer raises concerns about encroachment into the RPA's of retained trees and tree shadowing over proposed dwellings and gardens. Officers are satisfied that such issues can be fully considered during the submission of a Reserved Matters Application and that the submitted layout plan is indicative only. Conditions will ensure that a full survey of trees, including those along the railway-line embankment is carried out prior to the submission of a reserved matters application as this will be important to inform the layout of any proposed development including roads. The applicant has acknowledged the concerns raised by the Council's Tree Officer with an amendment made to the description and have demonstrated that where Trees are required to be removed, in order to achieve a layout along these indicative lines, that these are of a lesser classification.
- 8.19 At this stage, Officers are satisfied that the proposal will not result in the loss of trees or hedgerows with significant amenity value and the Outline application therefore complies with local plan policy NE2.
- 8.20 Ecology: The application has been accompanied by a Protected Species Report undertaken by Shropshire Wildlife Surveys (October 2018). The Council's Planning Ecologist has identified the site as poor semi-improved grassland, ruderal vegetation, scattered scrub and semi-mature to mature trees. There are more diverse habitats with plantation woodland and larger waterbodies in the surrounding area and associated with the adjacent disused railway line. There are no habitats of principal importance for nature conservation present on the site though there is potential for protected and priority species to be present.
- 8.21 The Council's Ecologist was initially unable to support the proposal and required an up-to-date survey of an off-site pond to establish the presence of great crested newts. This has now been carried out and it is confirmed that there is no presence of newts. As such, the Ecologist raises no objections subject to a number of conditions to ensure the protection of species and habitat improvements. These include conditions for a reasonable avoidance measures method statement, pre-commencement inspections for barn owls and badgers and the erection of bird and bat boxes.
- 8.22 Accordingly, it is considered that the proposal complies with local plan policy NE1.

Ground Conditions

- 8.23 The application is supported by a Desk Study and Ground Conditions Report (July 2018). The report confirms that Low levels of contamination are present across the site in the form of hydrocarbons. Locally Beryllium (in soils) and Nickel (in groundwater) are at elevated concentrations. In the South of the main site (CP13), asbestos in the form of Chrysotile was identified. These contaminants need consideration in the development proposals as currently

they represent a constraint to the development of the site. With regard to the exceedances noted in the soils, the report confirms that a clean cover system would likely be effective in breaking the pathway between source and receptor. The marginally elevated results when compared with the Drinking Water Standards are not considered an issue in the report as there are no potable groundwater abstraction points locally to the site. Asbestos was identified as a single fibre at one location at a depth of 2m and is not considered to be an issue with regard to development. The report recognises that care and diligence would be required if these soils were to be disturbed or excavated during the development of the site.

- 8.24 The report also confirms that due to variable ground conditions across the site, the foundation recommendations are complicated. The report recommends a mixture of strip, raft and piled foundation types to take account of the varying underlying ground conditions.
- 8.25 The report also assesses ground-gas across the site and recommends that a more detailed Quantitative Risk Assessment is carried out by specialists in the design of protective measures to evaluate the most applicable membranes and mitigation for proposed properties within the site.
- 8.26 Mineworking records indicate that there are five mine-entries contained within the site, one mine-entry on the site boundary and three mine-entries outside the site boundary to the east of the site. Based on the desk study information, and the current status of the mine-entries, it is recommended that the 'no-build' standoffs as set out in Table 16 of the submitted report are applied. These standoffs could be reduced by locating the mineshafts using probing techniques and then either partially treating the mineshafts (e.g. drill & grout and plug) or fully treating the mineshafts (excavate to rockhead and construct a reinforced concrete cap to a standard specification).
- 8.27 The Coal Mining Authority (CMA) raise no objections to the proposal, concurring with the findings of the submitted report. In relation to shallow mine workings, they request that a condition is attached to ensure that prior to the commencement of development there is the submission of a scheme of remedial works for approval, and the implementation of those remedial works. In relation to mine entries they recommend that prior to the submission of the reserved matters application, that intrusive site investigation works are undertaken in order to establish the exact situation regarding them.

With the reserved matters application, the CMA further require the submission of a report of findings arising from the intrusive site investigations including the results of any gas monitoring undertaken. The report should further include the submission of a layout plan which identifies appropriate zones of influences for the recorded mine entries on site, the definition of suitable 'no-build' zones, and the submission of a scheme of treatment for the recorded mine entries identified on site for approval. A condition should also require prior to the commencement of development the implementation of those treatment works.

- 8.28 Subject to the submitted report and recommendations, it is considered that there is no reason why the site cannot be developed for housing. Appropriate conditions will be attached to the decision to ensure that the site is made to an acceptable standard prior to the commencement of any development. Officers are therefore satisfied that the proposal complies with policies BE9 and BE10 of the Local Plan.

Other Issues

- 8.29 Layout and design: Members are reminded that the submitted site layout plan is indicative only and a detailed consideration of layout, scale and design will take place at the reserved matter stage. The reserved matters application will be subject to normal consultation procedures therefore local residents and interested persons will have the opportunity to comment, once an application has been submitted. The applicant is encouraged to engage with the Local Planning Authority prior to submission to ensure a high level of design across the whole site to ensure, proposed dwellings fit suitably into the character of the area and existing nearby dwellings.
- 8.30 Residential Amenity: Representations received have raised concerns over the likelihood of disruption and disturbance to local residents during the construction period. Whilst these concerns are noted, any development will be subject to a Site Environmental Management Plan which will impose controls on factors such as permitted construction hours, dust emissions and wheel washing, to ensure the quality of life of local residents is not unacceptably affected.

Officer's note the particular concern of a local resident who suffers with a severe allergy relating to building materials. Whilst this is not a planning consideration, an informative will be attached to the decision requesting that any developer takes this into consideration in their health and safety assessment of the site and for the construction phase. The Council's Estates Department further have a record on file with regard to any future purchaser of the site.

In regards to any concerns relating to loss of light and privacy, again, any impact will be assessed following the submission of reserved matters along with which there will be opportunity for local residents to comment on the application.

9.0 Planning Obligations

- 9.1 The proposed development meets the requirement to provide the following contributions: -
- 9.2 Education: Local Plan Policy COM1 recognises that major new housing development will generate additional demands upon existing levels of education provision. The application meets the trigger to provide a contribution of £108,587 towards primary school provision and £46,776 towards secondary school provision.

- 9.3 Highways: As required by Policy C3, the Local Highways Officer has confirmed the application meets the trigger to provide a contribution towards improvements to the Pool Hill Road/Doseley Road Junction. As such a contribution of £19,285 is requested.
- 9.4 Children's Play/Recreation: Local Plan Policy NE4 requires that the development provides a contribution towards the enhancement of public open space. The Council's Healthy Spaces Officer has confirmed the application generates a contribution of £600 per two or more bed dwelling towards the upgrade of a nearby play facility at Shirefields Way or Dawley Park (a maximum of £21,600).
- 9.5 Affordable Housing: Local Plan Policy HO5 requires that residential developments provide affordable housing at 25% within the Telford area. This will be imposed in a Memo of Understanding for the Council owned land and through an appropriate condition on the Homes England Homes land.
- 9.6 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.
- 9.7 In addition account has to be taken of the changes to the CIL Regulations in April 2015 that now restrict the "pooling" of financial contributions to no more than five contributions to a single type of infrastructure. It is considered that the financial contributions required for this application meet the relevant tests.
- 9.8 As the Council are unable to enter into a S.106 agreement with itself, the Council as part landowner of the site will be required to provide a Memorandum signed by Service Delivery Manager for Regeneration and Investment, agreeing that the Council as landowner will pay the contributions either upon the sale of any of the development land, or upon commencement of the development whichever is the sooner (precise terms to be agreed by the Development Management Service Delivery Manager). The Affordable housing element will be dealt with via the Memorandum for the Council owned land, and via a suitably worded condition for the Homes England owned land as indicated on the submitted Land Ownership Plan.

10.0 CONCLUSIONS

- 10.1 This application seeks outline permission for the erection of up to 36 units on land off Pool Hill Road, Dawley. The site is located within the Telford Urban area, has been allocated for housing development in the Telford and Wrekin Local Plan. Despite a number of constraints across the site, the principle of development on the site is considered acceptable in terms of technical drainage, trees, ecology and ground stability issues. Details of the

development layout, scale and design will be provided at the reserved matters stage.

- 10.2 The indicative plans confirm that up to 36 units can be accommodated on the site and the supporting Transport Assessment confirms that the proposal will have no material impact upon the normal operation of the highway network or highway safety. Officers are satisfied that the proposed vehicular access points will be acceptable.
- 10.3 The proposal generates the requirement for financial contributions towards education, children's play/recreation, highway improvements and affordable housing which will be secured through appropriate agreements.
- 10.4 Having regard to the above considerations, the proposal represents a sustainable form of development and complies with the National Planning Policy Framework, together with relevant policies within the Telford & Wrekin Local Plan.

11.0 RECOMMENDATION

- 11.1 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 OUTLINE PERMISSION** subject to the following:

A) The Council as part landowner of the site to provide a Memorandum signed by the Service Delivery Manager for Regeneration and Investment agreeing that the Council as landowner will pay the contributions i), ii) and iii) below, either upon the sale of any of the development land or upon commencement of the development whichever is the sooner (precise terms to be agreed by the Development Management Service Delivery Manager).

- i) Total Education contribution of £155,363 towards improvements to a local primary and secondary school,
- ii) Highways contribution of £19,285 towards improvements to the junction between Pool Hill Road and Doseley Road near to the site,
- iii) Children's Play/Recreation contribution of up to £21,600 based on £600 per 2 bed (or more) property,
- iv) Affordable Housing to be provided at 25%

B) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):-

- 1. A01 Time limit – Outline
- 2. A03 Time Limit - Submission of Reserved Matters
- 3. B002 Matters Reserved
- 4. B003 Reserved Matters Information

5. B034 Highways details
6. B050 Shallow Mineworking
7. B055 Treated Mineshafts (Location and Treatment)
8. B056 Soil Gas
9. B059 Retaining Structures
10. B061 Foul and Surface Water Drainage
11. B076 SUDS Management Plan
12. B076cust Urban Creep (Drainage)
13. B121 Landscaping Design
14. B126 Landscape Management Plan (long term)
15. B130 Protective Fencing Trees
16. B131 Trees – Service Route Protection
17. B132 No dig methods
18. B145 Lighting Strategy
19. B149 Reasonable Avoidance Measures
20. B150 Site Environmental Management Plan
21. BCustom Affordable Housing (Home England Land)
22. C014 Visibility Splays
23. C015 Access Gradient
24. C028d Geotechs – Foundation Design
25. C040 No approval of layout
26. C109 Artificial Bird Boxes/Bat Roosts
27. C109 Pre Badger/Barn Owl Inspection
28. C38 Approved plans
29. DCustom Max number of units