

TWC/2019/0503

Land south/west of Donnerville Drive, Admaston, Telford, Shropshire

Erection of 5no. detached dwellings and garages with associated access, public open space and landscaping ***AMENDED PLANS RECEIVED***

APPLICANT

Pertemps Investments Ltd.

RECEIVED

19/06/2019

PARISH

Wellington, Wrockwardine

WARD

Admaston and Bratton

**THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE AS IT
SUBJECT TO A S106 AGREEMENT TO SECURE FINANCIAL CONTRIBUTIONS**

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 in to a S106 Agreement to secure financial contributions.

2. SITE AND SURROUNDINGS

- 2.1 The application site measures approximately 0.9ha and is situated to the west of Donnerville Gardens in Admaston which lies approximately 2km north-west of Wellington. The land is privately owned and comprises an area of recently ploughed land with trees, scrub and woodland.
- 2.2 To the north, south and east of the site are large areas of residential housing with intervening areas of parkland. To the west, the landscape is more rural and continuous with the woodland on site is further woodland that follows the alignment of a disused railway line that is now used as a footpath/cycleway known as the Silkin Way. A small and heavily vegetated stream runs close to the eastern boundary of the site.
- 2.3 Neighbouring developments situated off Donnerville Gardens and Donnerville Drive were mostly constructed in the early 1990's. Donnerville Hall, a Grade II Listed 19 Century Hall is located to the north-east off Donnerville Drive. Previous planning permissions have been granted for residential development within the grounds of 'Richmond House' immediately south-east of the site and beyond at 'The Acorns,' the latter having been recently built out.
- 2.4 The application site falls within the Borough's Green Network designation. It is bound predominantly by mature trees and hedgerows with intermittent sections of fencing. A group of trees to the far north-eastern corner of the site are subject to a Tree Preservation Order (TPO).
- 2.5 Within 250 metres of the site is a bus stop which provides frequent connections between Telford, Wellington, Oakengates and Shawbirch. Within 500 metres of the site is a Post Office, Convenience Store and Public House.

3. PROPOSAL

- 3.1 The application seeks Full planning permission for the erection of 5No. detached residential dwellings. The proposal also includes the creation of a new access point, provision of garages together with an area of Public Open Space (POS) with a formally dedicated pedestrian footpath connecting Donnerville Drive with the Silkin Way.
- 3.2 Amendments have been submitted during the course of the planning application following submission of additional supporting information including an Ecological Appraisal and a Heritage Assessment. The application is also supported by a Landscape Appraisal, an Arboricultural Report and a Flood Risk Assessment.
- 3.3 Each dwelling will provide 200 sq. metres of living accommodation set across two floors. Spacious living accommodation will be provided at ground floor level with 5 bedrooms provided at first floor. The dwellings have a traditional appearance being built beneath pitched roofs with chimneys, window detailing and porches to the front. The rear elevations will be more contemporary with bi-folding doors serving the open plan kitchen/breakfast room. Plots 1, 3 and 4 each have a detached garage with Plots 2 and 5 having attached garages. Each house will be provided with large private gardens to the rear amounting to between 500 sq. metres and 700 sq. metres.
- 3.4 A large area of public open space is to be provided amounting to 0.35ha. This represents a significant proportion of the site and has been specifically located to reduce any visual impact from the nearby Grade II Listed Building. A public footpath will be provided leading from Donnerville Drive traversing the site until it meets the Silkin Way foot/cycle path to the South.
- 3.5 A small number of trees covered by the group Preservation Order will be removed in order for the access to be provided. These consist of an Irish Yew, a Hazel, a Holly and a Goat Willow. These have been subject to damage or their health identified as being poor. Even with this small loss the vast majority of trees bordering the site will be retained. The Applicant has also confirmed that a Holly tree, sited in close proximity to the proposed access and subject to a TPO is to be retained.

4. PLANNING HISTORY

- 4.1 W2004/0389 - Erection of 5No. detached dwellings, alterations to existing vehicular access, creation of new vehicular/pedestrian access and construction of a new estate road - Full Refused 04 June 2004

Planning permission was refused in 2004 for three reasons, namely (i) that the proposed development did not represent an appropriate 'windfall site' for development purposes; (ii) the site being designated a Green Network and there being no convincing argument why the proposal should be treated as an exception to Policy; and (iii) the development would result in the loss of a series of important trees at the entrance to the site.

5. RELEVANT POLICY DOCUMENTS

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

6. NEIGHBOUR REPRESENTATIONS

Members are advised that at the time this report was prepared a further round of consultation was being undertaken. Members will be provided with an updated consultation response ahead of the Committee meeting.

6.1 The application has been subject to two rounds of public consultation, the first of which raised 8 objections comprising the following summarised comments:

- Adverse impact on the historical setting of Donnerville Hall, a Grade II Listed Building with more of the original open space surrounding the Hall lost to further development;
- Existing access roads are narrow and unsuitable to accommodate the increased traffic that will be generated from the proposed development and further future development at 'Richmond House';
- Roads are unsuitable for use by construction traffic and refuse vehicles and concerns re. highway and pedestrian safety due to lack of pedestrian footways and damage to existing verges;
- This area is designated as Green Network providing an important visual separation between the existing built development, open countryside and the Silkin Way. This application does nothing to preserve the Green Network and its functions;
- Loss of trees to accommodate the development - some of which are protected by Tree Preservation Orders;
- Development will have an adverse impact on local wildlife/ecology including fox and badger setts and variety of birdlife;
- Site is an important part of the Beanhill Brook corridor. This Brook supports a wide range of wildlife including Otters and Water Shrews. Birds using the brook include Kingfishers, Grey and Pied Wagtails;
- Previous planning refusals on this site;
- Adverse impact on local community;
- Concerns that an approval will set a precedent for other speculative forms of development.

7. STATUTORY REPRESENTATIONS

7.1 Wellington Town Council: **No Objection**

7.2 Wrockwardine Parish Council: **Comment**

- Concerns regarding amount of additional traffic generated by the development and adverse impact on narrow estate road leading to the site

7.3 Highways: **Comment**

- The application site does not fall on part of the Adopted Highway Network and the proposed development will not adversely affect any part of the adopted highway network in terms of safety or inconvenience to road users.

7.4 Drainage: **Support** subject to pre-commencement conditions in respect of:

- Foul and Surface Water Drainage;
- Surface water run-off restrictions;
- SUDS and Watercourse Management Plan - to include details on future Ownership and Management responsibilities.

7.5 Ecology: **Support** subject to conditions in respect of:

- Ecological Mitigation Strategy and Reasonable Avoidance Measures Method Statement;
- Erection of artificial nesting/roosting Boxes;
- Habitat Creation and Management Plan;
- Landscaping Design;
- Lighting Plan.

7.6 Shropshire Fire Service: Comment - to include Fire Authority Informative.

7.7 In relation to Built Heritage Conservation and Healthy Spaces, Officers note that verbal support has been offered from the relevant departments. *Members will be provided with an updated consultation response ahead of the Committee meeting.*

8. APPRAISAL

8.1 Having regard to the Development Plan Policies and other material planning considerations, including comments received during the consultation process, the planning application raises the following main issues:

- Principle of Development
- Green Network Designation
- Heritage Issues
- Design and Layout
- Impact on Neighbouring Amenity and Living Conditions for Occupiers of the Proposed Dwellings
- Highway Matters
- Ecology and Trees
- Flood Risk and Drainage
- Planning Obligations

Principle of Development

- 8.2 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In this instance, the Development Plan consists of the Telford & Wrekin Local Plan (TWLP). The National Planning Policy Framework (NPPF) sets out policy guidance at a national level and is a material consideration in planning decisions.
- 8.3 At a local level, Policy SP1 confirms that Telford will be the principal focus for growth to meet the borough's housing and employment needs. The site is located within the Telford urban area and is therefore suitable in principle for residential development, subject to overcoming all relevant technical considerations. In addition, Policy SP4 sets out a presumption in favour of sustainable development, reflecting National Guidance in the NPPF.

Green Network Designation

- 8.4 The application site falls within the borough's Green Network designation as identified on the Adopted Proposals Map of the TWLP. Policy NE6 sets out to protect, maintain and enhance the Green Network and new development will only be supported within the designation where it identifies, protects and enhances 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 functions.
- 8.5 Land within the Green Network is expected to perform the following functions:
- To provide significant visual amenity value;
 - To provide separation between built up areas;
 - To provide an appropriate supply of open land to meet recreational needs;
 - To maintain, protect and enhance the borough's ecological value;
 - To maintain, protect and enhance the unique geological and archaeological features with the borough; and
 - To provide open space linkages through which footpath, cycleways and ecological corridors can connect different parts of Telford or Newport.
- 8.6 The application site is privately owned and is currently gated - the site therefore offers very little in terms of delivering public benefits. Whilst the site has recently been ploughed, it does offer a degree of visual amenity in respect of its trees, some of which are protected by Tree Preservation Orders (TPO's), and therefore provides a degree of amenity when viewed from Donnerville Drive and the Silkin Way. This helps to provide separation between built up areas locally and contributes towards the setting of the nearby Grade II Listed Building. However, the site does not meet any recreational need. Notwithstanding comments from local residents, surveys and assessment by the Council's Planning Ecologists have established that the site offers

limited ecological value and is not known to meet the functions of protecting any geological or archaeological features. Neither does the site, in its current form, provide strong linkages with local footpath or cycleways. Accordingly, the site offers little in terms of meeting the functions and aspirations of local sites designated as Green Network.

- 8.7 Meanwhile, the proposal offers benefits to the wider public through the creation of an important area of public open space which will provide opportunities for habitat creation and future management, the provision of a public footpath which will connect the Donnerville Gardens development with the nearby Silkin Way and the provision of five well planned family homes.
- 8.8 The footpath is proposed to be created by way of a formal dedication as a Public Right of Way (PRoW) pursuant to a Planning Condition. It is acknowledged that approximately 4No. Trees will be lost to facilitate a new access, however the majority will be retained and the development of the site will, in turn, support the maintenance and upkeep of the trees to be retained. An Ecological Appraisal has been carried out and confirms that the site offers a limited function in relation to wildlife and provides recommendations as to how the proposal can deliver benefits locally through the creation and management of a new habitats and enhancing opportunities for wildlife through erection of wildlife boxes and carefully designed landscaping plans. The developer, at the request of the Local Planning Authority, will provide contributions towards improvements to local recreational facilities and further contributions towards a local nature reserve, Bean Hill Valley.
- 8.9 The proposed development will deliver notable benefits to its locality and the applicant has worked closely with the Local Planning Authority to put forward a development which would positively influence its setting and provide an area of public open space which is not currently provided. The scale of development for a site like this is to be considered to be low and this will allow for the creation of an area of public open space which will occupy approximately 50% of the developable site. Accordingly, whilst the site is designated as Green Network, the Local Planning Authority is satisfied that the benefits to be delivered by the proposal outweighs the harm of development. The proposal therefore satisfies the requirements of Policy NE6 of the TWLP.

Heritage Issues

- 8.10 In close proximity to the site is the Grade II Listed Donnerville Hall which has previously been sensitively converted to provide units of residential accommodation. The significance of the Hall is principally derived from its evidential and aesthetic values. The setting of the Hall also contributes to its significance and it is best appreciated from Donnerville Drive, where its architectural quality and scale in comparison to the surrounding buildings can be appreciated. The late 20th century residential development surrounding the Hall has severed the visual connection with these elements. The Hall would have historically been visually prominent, as a detached dwelling set within an open landscape interspersed with trees. Due to the extent of residential development this sense of isolation has been lost and former views of the Hall from the wider landscape have been removed or altered.
- 8.11 The development proposals introduce further built form in the vicinity of the Hall, however this will not impact upon the elements of its physical surroundings which positively contribute to its significance. There is also presently no public access to the site and opportunities to observe the Hall from within the site are limited. The proposed development includes the introduction of Public Open Space and a public

footpath connecting with the Silkin Way thereby increasing the opportunity for the Hall to be observed and appreciated.

- 8.12 The proposed development will change the landscape to the south-west of the Hall. The proposed site access will require the removal of large trees, however these are not considered to be components of the historic landscaped grounds, although at present they prevent clear views between the site and the Hall. By removing the trees, it is likely that elements of the proposed dwellings will be partially observable in the background of views of the Hall from Donnerville Drive. Such views already include elements of modern residential built form in the Hall's immediate vicinity, and the partial visibility of the proposed development will not appreciably alter the character of the views. As such, the important elements of the setting of the Grade II Listed Building will not be altered by the proposed development, and its significance will not be harmed.
- 8.13 The Local Planning Authority is satisfied that the scheme pays due regard to the heritage asset present in the locality, thus satisfying the requirements of the TWLP, and Section 16 of the NPPF with particular regards to the Setting of Listed Buildings, as further required by Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990.

Design and Layout

- 8.14 The applicant has notably sought to mitigate the scale and mass of the proposed development. The concept leading this approach is defined in the application material, this identifies that initial analysis of the local area highlighted that the building of most significance, the Grade II Listed Donnerville Hall. By understanding this building and distilling elements of the design, the applicant identifies that they have been able to develop a design language that can be considered and applied in a more modern way.
- 8.15 In turn, the layout of the proposed development has been amended in such a way that reduces the impact on the Hall significantly. From Donnerville Drive, the visual impact of the proposed development will be limited through the retention of the majority of existing trees which will define the boundaries of the site. The scale of development, at approximately 5.5 dwellings per hectare, is significantly less than the surrounding development and demonstrates the applicant's desire to provide a development that will protect the character and appearance of the local area as well as delivering benefits locally.
- 8.16 Details of finishing materials, hard landscaping and boundary treatments are to be considered at a later stage through the imposition of conditions and the Local Planning Authority will expect a high quality of finishes to ensure a quality development suitable for its setting. The retention of a significant level of open space remains a feature of the proposed development of the site which will, in turn, continue to provide a green buffer between the application site and the Silkin Way. The retention of existing trees will assist in breaking up the scale of the development overall, and will secure a more accessible form of open space than presently exists in the locality. A Landscape Maintenance Programme will be conditioned to ensure the long-term survival of existing and proposed features in order to enhance their biodiversity and amenity value.
- 8.17 On balance, the Local Planning Authority is satisfied that the proposed development provides a design quality that looks and functions in a manner in-keeping with its setting, according with the requirement of Policy BE1.

Impact on Neighbouring Amenity and Living Conditions for Occupiers of the Proposed Dwellings

- 8.18 The proposal represents a low level scale of development suitable for its context. Appropriate separation distances and relationships with existing properties, together with proposed properties is achieved with large rear gardens backing out to neighbouring dwellings. As such, there are no concerns of any significant adverse impacts on neighbouring properties by virtue of any loss of privacy, overlooking or loss of light.
- 8.19 It is noted that nearby neighbours have raised concerns in relation to disturbance during the construction of the proposed development. The Local Planning Authority acknowledges these concerns however this is a small scale development and any disturbance will be minimal and of a temporary nature. Nevertheless, a condition will be imposed to the permission requiring the developer to submit a Construction Management Plan and the LPA will expect that this is produced to minimise the impact on neighbours in terms of working hours, noise and dust.
- 8.20 The application has provided sufficient evidence to demonstrate that subject to appropriate conditioning that there would be no significant adverse impact on nearby properties in accordance with Policy BE1.

Highways

- 8.21 Representations received during the consultation process have raised highway concern related to increased traffic and congestion in the locality, the narrowness of the road particularly along Donnerville Drive and nearby the Grade II Listed Donnerville Hall and lack of pedestrian footpaths.
- 8.22 It is proposed to utilise and widen the existing gated access which branches off from Donnerville Drive following the removal of a small number of trees that currently impede the proposed access arrangement. The access drive will remain private and will serve five detached dwellings which will each have their own private driveway and garage. The Local Highways Authority has raised no objections to the proposed development in that it will not fall on part of the Adopted Highway Network and the proposed development will not adversely affect any part of the adopted highway network in terms of safety or inconvenience to road users.
- 8.23 The Local Planning Authority acknowledges the concerns raised by local residents but do not consider a scale of development of this size will significantly affect existing traffic flows through this residential development. The provision of large private driveways and garages will ensure ample on-site parking and therefore there will be no overspill of parking on the surrounding roads. Conditions can be imposed to any planning consent requiring a Site Management Plan be submitted to avoid any congestion from construction vehicles. Improvements will be made for pedestrians through the provision of a public footpath through the site which will provide direct connection to the Silkin Way located immediately south of the site. This footpath is going to be created by way of a formal dedication as a public right of way pursuant to a planning condition. Taking the above in to consideration the Local Planning Authority is satisfied that the proposal complies with Policies C3-C5 of the TWLP.

Ecology and Trees

- 8.24 The application is accompanied by an Ecological Appraisal which has been subject to amendments following the request for additional information by the TWC Ecology who are supportive of its findings subject to the inclusion of a suite of conditions relating to the protection and enhancement of local habitat and wildlife.
- 8.25 There is one pond within 25 metres of the site and surveys concluded that it tested negative for GCN eDNA. There is an additional pond within 250 metres of the site however this was considered unsuitable for breeding Great Crested Newts (GCN) and no further works is required. The site is completely surrounded by trees, scrub and woodland edge and it is therefore likely to form a foraging resource and a commuting corridor for local bats. Bat transect surveys have been undertaken and results concluded that the level of bat activity was low and the site is therefore not considered to be a significant foraging or commuting resource. In relation to reptiles, a small population of grass snake has been recorded and a destructive search for reptiles will be undertaken prior to commencement of any works on site. A temporary reptile fence will be installed around the site to prevent recolonization following translocation exercise. No badger sets were recorded within 30 metres of the proposed development site. Bird boxes will be included within the site design to ensure opportunities for nesting birds.
- 8.26 The focus of the mitigation works will be to retain boundary features and create a new area of public open space which will cover approximately 50% of the site area. This area will increase the biodiversity of the site and retain the ecological functionality which currently exists. Public Open Space will include new wildflower meadow planting and tree/scrub planting. Deadwood piles will be created to provide invertebrate and reptile refuge. Suitable conditions will be imposed relating to the habitat creation and its management. Subject to the conditions as detailed below the proposal complies with Policies NE1 and NE6 of the TWLP.
- 8.27 In relation to trees the application is also supported by an Arboricultural Report. This report identifies a group of trees, all subject to a group Tree Preservation Order, which are to be removed to accommodate the new access. These include an Irish Yew Tree, a Hazel Tree, a Holly Tree and a Goat Willow Tree. The identified trees have been subject to damage or their health identified as being poor. This being said, the Council's Tree Officer queried the requirement for the removal of the Holly Tree subject to a TPO, given that it does not impede the proposed access and the applicant has since confirmed that this tree will be retained.
- 8.28 The access will be of a no-dig design to protect the trees to be retained and conditions will be imposed requiring the submission of service plans. The Council's Tree Officer was also previously concerned with potential shading of properties from the bank of trees located to the south adjacent the Silkin Way. Since then amendments have been submitted and the position of the proposed dwellings have been amended to ensure there will be no significant shading. Accordingly the proposal accords with Policy NE2 of the TWLP.

Flood Risk and Drainage

- 8.29 The Flood Risk Assessment (FRA) accompanying the application confirms that the site lies fully within Flood Zone 1 (land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding, the lowest classification of Flood Risk).

- 8.30 TWC Drainage have guided that they are happy with the drainage principles set out in the FRA and have recommended a number of Conditions to be imposed relating to the requirement for a scheme of foul and surface water drainage and submission of a SUDS and Watercourse Management Plan to ensure compliance with TWLP Policies ER11 and ER12.

Planning Obligations

- 8.31 Whilst the scale of the proposed development does not ordinarily meet the requirements to provide developer contributions in light of the requirement to offset any harm of the development of this Green Network site, a contribution of £3,000 will be made towards the upgrading and enhancement of existing community play / recreation provision together with a separate contribution of £3,000 towards the improvement of the nearby Bean Hill Valley Nature Reserve thus complying with Policies NE4 and NE6 of the TWLP.
- 8.32 In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations (Amended 2019), 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) fair and reasonably related in scale and kind to the development.

9. CONCLUSION

- 9.1 The application site is located within the Telford Urban area where new residential development is supported in principle. The application site is currently designated Green Network within the TWLP Proposals Map however, for the reasons as discussed above, it is considered that the site does not fulfil the aims and objectives of this designation. In turn, the LPA have assessed the benefits which will be delivered as part of the proposed development and consider that these benefits will outweigh any adverse impacts on the Green Network and its functions.
- 9.2 The proposal has been amended following discussions between the applicant and the LPA. The revised scheme pays due regard to the heritage asset present in the locality, thus satisfying the requirements of the TWLP, and Section 16 of the NPPF with particular regards to the Setting of Listed Buildings. Similarly, the layout will ensure there will be no significant adverse impact on the living conditions of existing and future occupiers.
- 9.3 Furthermore, the proposal is considered to be acceptable in terms of design, highways, trees and ecology. The principles of drainage set out in the Flood Risk Assessment are acceptable with further detail to be submitted via Conditions.
- 9.4 The proposal will provide financial contributions towards the upgrading and enhancement of existing community play / recreation provision together with separate contributions towards the improvement of the nearby Bean Hill Valley Nature Reserve which will be secured through a S106 Agreement.

9.5 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.

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 FULL PLANNING PERMISSION** subject to the following:

A) The applicant entering into a Section 106 agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to the following:

i. A contribution of £3,000 towards the upgrading and enhancement of existing community play/recreation provision within close proximity of the site and a separate contribution of £3,000 towards the improvement of the nearby Bean Hill Valley Nature Reserve.

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

Time Limit - Full 3 Years

Samples of Materials

Details of Windows and Doors

Provision of Public Right of Way (PRoW) Connecting to Silkin Way

On-site Construction

Foul & Surface Water Drainage

Surface Water Run-off Restrictions

SUDS & Watercourse Management Plan

Landscaping Design

Trees - Protective Fencing

Trees - No Dig Method

Trees - Replacements

Ecological Mitigation Strategy & Reasonable Avoidance Measures Method Statement

Habitat Creation Management Plan

Car Parking

Tree Protection

Erection of Artificial Nesting/Roosting Boxes

Lighting Plan

Development in Accordance with Approved Drawings

Removal of Permitted Development (PD) Rights