

TWC/2020/0518

Land adjacent NFU Mutual, Agriculture House, Southwater Way, Telford Town Centre, Telford, Shropshire

Erection of 46no. dwellings with landscaping and associated access ***Amended plans and documents received***

APPLICANT

NuPlace Ltd

RECEIVED

22/06/2020

PARISH

Great Dawley

WARD

Malinslee and Dawley Bank

THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE AS IT IS A MAJOR APPLICATION AND INVOLVES THE COUNCIL AS LANDOWNER AND INCLUDES FINANCIAL CONTRIBUTIONS AND AFFORDABLE HOUSING SECURED BY A MEMORANDUM OF UNDERSTANDING

Online planning file: <https://secure.telford.gov.uk/planning/pa-applicationsummary.aspx?applicationnumber=TWC/2020/0518>

1.0 SUMMARY RECOMMENCATION

1.1 It is recommended that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to GRANT FULL PLANNING PERMISSION subject to conditions, informatives and a memorandum of understanding to secure financial contributions and affordable housing.

2.0 SITE AND SURROUNDINGS

2.1 The site subject to this application is located within Telford on Southwater Way. The site is a brownfield site having an area of approximately 1.08 hectares.

2.2 The site is located on the south western side of Southwater Way, to the south of the National Farmers Union Mutual office building. Asda is located to the east of the site, with the site being located opposite the service yard to the store. There is an extensive band of trees to the western boundary of the site separating it from residential development located in Coachwell Close. A footpath/cycleway runs adjacent to the southern boundary.

2.3 There is an existing vehicular access into the site from Southwater Way. The frontage of the site is an embankment with a large number of self-seeded trees and shrubs.

2.4 The highway verge adjacent to the Asda store and car park entrance has formal planting, including specimen trees. Beyond this the planting, on both sides of the road becomes more verdant, with thick planting on the western side of the road to the south of the site.

3.0 PROPOSAL

3.1 The application seeks full planning permission for 46 residential units for rent, including 24% affordable rent. This would be a mixture of 1 and 2 bedroom flats, and 2, 3 and 4 bedroom houses.

3.2 New planting is proposed along the eastern and southern boundaries.

4.0 Planning History

4.1 W2009/0945 - Proposal: Residential development and associated access (Outline) Land off, Southwater Way, Town Centre, Telford, Shropshire - Outline Granted - Decision Date: 25/1/2010

5.0 Relevant Policy Documents

5.1 National Guidance:

National Planning Policy Framework (NPPF)
Planning Practice Guidance

5.2 Local Development Plan

Telford & Wrekin Local Plan 2011-2031

SP1 – Telford

SP4 – Presumption in favour of sustainable development

HO1 – Housing requirement

HO4 – Housing mix

HO5 – Affordable housing thresholds and percentages

NE1 – Biodiversity and geodiversity

NE2 – Trees, hedgerows and woodlands

NE4 – Provision of public open space

NE6 – Green network

C1 – Promoting alternatives to the car

C4 – Design of roads and streets

C5 – Design of parking

BE1 – Design criteria

ER8 – Waste planning for residential developments

ER12 – Flood risk management

6.0 SUMMARY OF STATUTORY CONSULTATION RESPONSES

6.1 Great Dawley Parish Council: No comments received.

6.2 TWC Education: Support subject to contributions

The proposals will generate a requirement for education contributions amounting to £99,773 for primary education and £44,524 for secondary, totalling £144,296.

6.3 TWC Ecology and Green Infrastructure: Support subject to conditions and financial contributions

The site is immediately adjacent to a Green Guarantee site which is within the blue line of the planning application. The Preliminary Ecological Appraisal recommends enhancement and management works within this woodland area including tree works to restructure the woodland and works to improve the access arrangements to this land which will benefit residents in the proposed scheme.

The PEA does not provide significant detail on these proposals however this could be secured by condition and then implemented by the developer. This would be through the requirement for the submission of a detailed habitat and landscape management plan to then be fully implemented by the developer.

Given that it appears that a S106 will need to be attached to the development in order to address arboricultural concerns I would offer that as a route to also address the ecological works which need to occur in this blue line area which will, as a Green Guarantee site, remain in the ownership of the Council. In order to pursue this route the developer and their ecologists would need to provide a detailed proposal for the habitats within the blue line which would need to be fully costed and could then form the basis of the calculation of funding to be secured through the S106 agreement to cover ecology.

6.4 TWC Highways: Support subject to conditions and financial contributions

This site will attract a payment towards the Strategic Highway Network improvements. Based on the size of the development this has been calculated as £39,178.73 to be secured through a Memo of Understanding.

6.5 TWC Healthy Spaces: Support subject to conditions and financial contributions.

Healthy Spaces believe it is essential that all new developments make full provision for the infrastructure/amenities and services which they create. New residents to the area will increase demand upon the existing recreational resource. The development will contain a number of properties which will contribute to the need of recreational facilities for the area. The proposed development does not trigger a need for an onsite facility and therefore to meet the need arising from this development an offsite contribution towards improving a nearby facility is required in accordance with TWLP policy NE4. A nearby children's equipped play facility can be enhanced to meet this need and it is requested that a contribution of £650 per 2 bed dwelling to go towards this improvement. There are no sports pitches / Leisure facilities proposed and limited open space provided. In accordance with TWLP policy NE4 there is a need arising from the proposal for such provision. As such, Healthy Spaces would request that an offsite contribution towards maximising nearby Leisure / sports facilities be provided and agreed in a S106. A suitable contribution would be £650 per dwelling. There appears to be incidental areas of landscaping / Open Space proposed such as between and around car parking bays and adjacent highway in the development. Clarity of who is to maintain this open space is required. A condition would be required to provide a long term landscape management and maintenance plan in accordance with TWLP policy NE5 which identifies what is to be maintained, how maintenance is to be financed (e.g. service charge) in addition to how it is to be maintained. The long term landscape management plan (hard and soft of all areas outside resident ownership) needs to identify, who is to manage the site (e.g. resident management company), how this is to be managed and how this is to be funded (e.g. service charge). There are rear gardens (plots 1-14) at the bottom of a sloped embankment and which may have the potential for flooding from run off from the adjacent land. Is there to be field drainage along this area? The boundary details are not clear and do not show the detail of the proposed boundary. Can the plan be amended to include examples (particularly the retaining feature) of what is proposed to ensure this is able to be more clearly evaluated as it appears there are a lot of retaining features across the site? It is noted that the flats have no garden space / communal area. This should be considered, as there is limited space on a balcony for drying and this can place increased pressure on nearby Public Open Space.

6.5 Further consultation responses from TWC Trees, Drainage and Affordable Housing will be provided in a written update to the report to be provided prior to the committee.

7.0 NEIGHBOUR CONSULTATION RESPONSES

7.1 This application has been the subject of public consultation and 2 representations have been received, one objecting and one raising concerns. The issues raised have been summarised below:

- Will devalue property.
- Noise pollution and dust during construction.
- Site opposite Asda service yard and development will be subject to noise associated with this.
- Noise Impact Assessment needed to protect future residents and enable Asda to continue operations.

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
- Layout and Design
- Highways and Access
- Flood Risk and Drainage
- Trees and Ecology
- Other Issues
- Planning Obligations

8.2 PRINCIPLE OF DEVELOPMENT

8.2.1 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.

8.2.2 The application relates to a full application for 46 residential units, being a mix of flats and houses. The range of unit sizes will be between 1 and 4 bedroom. It is also proposed to close off the existing access and create a new access point to enable a better layout for the site.

8.2.3 The site is located within the built up area of Telford and has no formal designation, although the site abuts the Green Network. The principle of residential development is acceptable in this location and would comply with Policies SP1 and SP4.

8.2.4 The mix of housing proposed is as follows:

House type	Number of units
1 bed flat	4 (2 market rent/ 2 affordable)
2 bed flat	6 (4 market rent / 2 affordable)
2 bed house	12 (7 market rent / 5 affordable)
3 bed house	16 (14 market rent / 2 affordable)
4 bed house	8 (8 market rent)

8.2.5 The affordable housing provision would be 24%, a shortfall of 1% from the requirement set out in Policy HO5.

8.3 Layout and Design

8.3.1 The proposed layout has been amended following concerns raised by various consultees and officers, predominantly in respect of the relationship of the proposed dwellings with the existing trees and also with regards to the car parking layout. The revised plans have overcome the issues in respect of car parking.

8.3.2 In order to address the concerns regarding the relationship of the proposed development with the existing trees, further information has been given in respect of the trees to be removed. These are largely self-seeded trees along the rear boundary of the site, and self-seeded trees and shrubs along the frontage of the site. In order to mitigate the impacts of the proposals additional planting along the frontage is now proposed. This will ensure that the site helps to retain the softer edge to development that is characteristic along Southwater Way. Issues around loss of trees are discussed further in section 8.6 below.

8.3.3 In terms of design, the proposal relates to a mix of dwellings and flats, with a feature building being located on the southern frontage of the site. This is proposed to be three storey. The remainder of the development is predominantly two storey, although there will be some 2 ½ storey dwellings. Along the street frontage a different design approach is being taken to properties to enable a high quality, urban approach is being taken to reflect the character of other developments in the area. The proposed mix of materials, brick and render with tiled roofs, is considered to be appropriate for this location.

8.3.4 Garden sizes comply with the Council's stated guidelines for each of the properties, with the exception of plot 30 which has a shortfall of around 8.5sqm. This plot is a 2 bedroom property and the garden is slightly curtailed in size due to the requirement to provide the parking to the flats and footpaths to the cycle store.

8.3.5 There is no communal space for the proposed flats, but the site is in relatively close proximity to the Telford Town Park which does allow for outdoor recreational activities.

8.4 Highways and Access

8.4.1 Access to the site will be from a new access point Southwater Way, with the existing blocked up. The access can provide the appropriate visibility splays and Highways raise no objections to the proposal in this regard.

8.4.2 Initial concerns were raised in respect of the layout and positioning of some of the car parking spaces, and the deficiency in the turning bays to the frontage plots. These have now been addressed with the submission of revised plans. The proposals meet the parking standards for the location, with each dwelling having 2 spaces each. In addition, the proposals include a parking space for each flat, plus 6 additional spaces, exceeding the required 1.5 spaces per flat. Secure cycle storage is provided for the proposed flats. In this regard the proposals comply with Policy C5.

8.5 Flood Risk and Drainage

8.5.1 The site falls within Flood Zone 1, the area least prone to flooding. It is predominantly brownfield and covered in hardstanding following its previous use as a storage yard.

8.5.2 The application is accompanied by a Flood Risk Assessment and initial concerns were raised in respect of the drainage of the site, in particular the lack of above ground or open-air SUDS features. Additional information has been submitted detailing the technical issues preventing the use of such features within the site. Additional amendments have been made to the proposed drainage including an area to intercept any surface water runoff at the top of the proposed retention, land drainage at the base of the retaining wall and land drainage to intercept any flows from back garden to end of patio areas. Informal discussions regarding these issues have been undertaken with the Drainage Officer and official confirmation that this is acceptable is awaited. In principle, the proposals can comply with Policy ER12.

8.6 Trees and Ecology

8.6.1 The site has a strong landscaped western boundary with a mix of semi-mature trees and self-seeded specimens. An Arboricultural Survey has been undertaken and a total of 102 individual trees and groups of trees have been assessed. These consist of a mix of Ash, Scots Pine, Field Maple, Sycamore, Silver birch, Common beech, Aspen poplar, Alder, Willow, Holly, London Plane, and a large number of Goat willow.

- 8.6.2 All of these trees are proposed to be removed in order to facilitate the development, with the exception of 4 groups of trees near or on the northern boundary and 12 trees along the western boundary, predominantly Field Maple, Scots Pine and a couple of Ash and Oak trees. The semi-mature woodland growing on the bank between the site and the existing residential development at Coachwell Close will be retained. It is noted that a representation has been received regarding the removal of trees and the impact on the existing residential development, but the retention of this woodland will ensure that there will be no adverse impacts.
- 8.6.3 Initial concerns were raised in respect of the proposals when the retention of a significant number of the trees along the western boundary was proposed. The concerns related to the amount of shadow that would result to the rear gardens to the properties adjacent to this boundary, and the long term health and viability of the trees in such close proximity to dwellings, resulting in requests to remove or cut back the trees.
- 8.6.4 Additional planting is proposed to be carried out predominantly on land adjacent to the southern boundary, to the north of the cycle/footpath from Coachwell Close to Southwater Way. This area of land is adjacent to a Green Guarantee site and designated as the Green Network, and would potentially bring benefits to the area. These proposals are being assessed.
- 8.6.5 In terms of ecology, the application is accompanied by a Preliminary Ecological Appraisal and additional surveys. These have identified that there are no protected species likely to be adversely affected by the proposals. As such the proposals comply with Policy NE1.

8.7 Other Issues

Noise

- 8.7.1 The site is located opposite the service yard to Asda, a store with 24 hour operations and includes a Home Delivery service. A noise attention barrier currently exists to the highway boundary, but this has been developed in accordance with the requirements for the store to mitigate its impacts when it was constructed. Paragraph 182 of the NPPF states that *“Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or the ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*

- 8.7.2 A Noise Assessment has been submitted with the application that recommends mitigation to the frontage properties with façade sound insulation measures. However, additional information is still awaited with regards to individual noise events to ensure that these do not exceed 60dB on more than 10 occasions. It is necessary to understand the impacts the operations at the existing Asda store could have on potential residential occupants of the new development. Any mitigation measures need to be appropriate to ensure the residential amenity, in particular night time amenity, is not adversely affected and appropriate measures can be secured by way of condition.
- 8.7.3 The site is located within a relatively sustainable location with easy access to retail, employment, services, public transport and public open space. The proposals comply with Policy SP1 which seeks to focus growth and development within Telford.
- 8.7.4 The proposals have been designed to accommodate inclusive access for all, including wheelchair users and blind or partially sighted people.

Climate change measures

- 8.7.5 The Design and Access indicates that the proposals will ensure that all plots are ready for Electric Vehicles providing wiring for the installation of a smart charger should the occupier require this.
- 8.7.6 Solar arrays are proposed to each plot, although details of these are not included in the application drawings. These can be secured by a condition.

8.8 Planning Obligations

- 8.8.1 The development meets the requirement to provide the following contributions:

Education

- 8.8.2 Local Plan Policy COM1 recognises that major new housing development will generate additional demands upon existing levels of education provision. As such, this proposals generates the requirement for £144,296 to contribute towards primary and secondary school provision.

Highways

- 8.8.3 Local Plan Policy C3 requires development to mitigate site specific needs and to ensure that the relevant cumulative impact of new developments on local and strategic road networks are mitigated in a co-ordinated and plan-led manner. Therefore, a strategic highway contribution of £39,178.73 is requested.

Children's Play/Recreation

- 8.8.4 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 meets the need for on-site equipped provision, which is not being provided. Therefore, a financial contribution towards off-site provision will be required as mitigation. This will equate to £650 for each 2+ bedroom unit. In addition, £650 for each 2+ bedroom unit will be required to mitigate the impacts on local sports provision.

Ecology

- 8.8.5 The Council's Trees and Woodlands Officer has indicated that the management of the woodland strip will require a financial contribution. Initial figures are between £6750 and £7250, and the final figure is to be confirmed.

Affordable Housing

- 8.8.6 Policy HO5 requires the provision of 25% affordable housing to be delivered on residential developments in Telford. This scheme falls slightly short with 24% being proposed. This would be a mix of flats and houses.

Contributions

- 8.8.7 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.
- 8.8.8 It is considered that the financial contributions required for this application meet the relevant tests and will be secured by Memorandum of Understanding as the Council are the applicant and cannot enter into a Section 106 Agreement. However, it should be noted that the applicant has submitted a Viability Appraisal as there are concerns regarding the viability of the proposals will the requirement to meet these contributions and other technical requirements on the site. This is currently undergoing an independent assessment and a written update with regards to these matters will be given prior to the committee.

9.0 CONCLUSIONS

- 9.1 This application seeks full planning permission for 46 residential units on a brownfield site located on Southwater Way, Telford. The site is located within the Telford urban area where the principle of residential development is considered acceptable subject to addressing relevant technical issues. The site occupies a sustainable location within Telford and within walking distance of retail, services, and public transport options as well as public open space.
- 9.2 Subject to final confirmation, there are no technical matters with drainage, trees, ecology or contaminated land.
- 9.3 The proposal triggers the requirement for financial contributions towards highways, woodland management, public open space and recreational facilities as well as education. In addition, a requirement for affordable housing is triggered.
- 9.4 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 in the Telford and Wrekin Local Plan.

10.0 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/landowners entering into a Memorandum of Understanding with the Local Planning Authority (subject to indexation from the date of committee with terms to be agreed by the Development Management Service Delivery Manager) relating to:*
- i) Highways contribution of £39,178.73
 - ii) Woodland management contribution of £TBC
 - iii) Playspace and public open space contribution of £27,300
 - iv) Sports and recreational facilities contribution of £27,300
 - v) Education contribution of £144,296
 - vi) Provision of 24% affordable housing

* In advance of receipt of the independent assessment of the Viability Assessment these are the figures that have been requested but these may be subject to change which will be reported in a Written Update in advance of the meeting, which may include an updated recommendation.

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

Full list of conditions to be confirmed.