

TWC/2019/0790

Land adjacent 1 Brook Cottage, Brick Kiln Bank, Lightmoor, Telford, Shropshire  
Outline application for up to 5no. dwellings with all matters reserved

**APPLICANT**  
Cannon Designs

**RECEIVED**  
03/10/2019

**PARISH**  
The Gorge

**WARD**  
Ironbridge Gorge

**THIS APPLICATION HAS BEEN CALLED TO COMMITTEE AT THE REQUEST OF CLLR JANE GREENAWAY AND CLLR CAROLYN HEALY.**

Online planning file: <https://secure.telford.gov.uk/planning/pa-applicationsummary.aspx?ApplicationNumber=TWC/2019/0790>

## **1. SUMMARY RECOMMENDATIONS**

- 1.1 It is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR UP TO 5NO. DWELLINGS** subject to conditions and informatives.

## **2. APPLICATION SITE**

- 2.1 The application site is located to the south of Brick Kiln Bank in Lightmoor and measures approximately 0.4ha. The site is described as being part of a wider immature woodland albeit the area of land proposed to be developed does not contain any trees other than on its boundaries. The site is located approximately 260m to the north of dwellings forming part of Woodside and 1.5 / 2km miles north-west of Madeley.
- 2.2 The site has natural boundaries of the Brick Kiln Bank to the north and the existing woodland to the south. To the east is a pair of traditional cottages with a modern housing estate diagonally opposite on the site of a former brick works. 'Lightmoor View' Care Home is situated beyond and accessed off Nightingale Walk. To the west is an older natural woodland growing on old industrial workings.
- 2.3 The site is partly located within the Lightmoor, Vane Coppice & Oilhouse Coppice Local Wildlife Site and falls wholly within the Borough's Green Network designation.

## **3. APPLICATION DETAILS**

- 3.1 This application seeks outline planning permission for the erection of up to 5no dwellings with all matters reserved.

3.2 The application is supported by the following documents:

- Design & Access Statement
- Desk Study & Initial Site Assessment
- Coal Mining Risk Assessment
- Stability Report Declaration Form
- Appraisal of Slope Stability and Foundation Feasibility
- 'SiteCheck' Assessment
- Environmental Assessment
- Arboricultural Impact Assessment & Tree Protection Measures
- Protected Species Report (2017)
- Protected Species Report (2019)
- Woodland Management Plan
- Surface Water Drainage Strategy
- Surface Water Drainage RAMs
- Green Network Report
- Visual Impact Assessment
- Quality & Design Commitment

#### **4. PLANNING HISTORY**

4.1 TWC/2018/0930 - Outline application for the erection of 5no. dwellings to include access with all other matters reserved \*\*\*AMENDED DESCRIPTION & AMENDED PLANS RECEIVED\*\*\*

This application was refused under delegated authority for the reasons discussed below which relate to insufficient information relating to drainage, ecological impact, slope stability and impact on the Green Network.

#### **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

HO1 Housing Requirement

NE1 Biodiversity and geodiversity

NE2 Trees hedgerows and woodlands

NE6 Green Network

C3 Implications of development on highways

BE1 Design

BE9 Land stability

ER11 Sewerage systems and water quality

## 6. COMMUNITY CONSULTATION RESPONSES

6.1 The application has been publicised through a site notice, press notice and direct neighbour notification.

6.2 The Local Planning Authority received neighbour representations both supporting and objecting to the scheme. The contents of all comments are available in full on the planning file, but key points have been summarised as follows:

### Objection:

- No need for additional houses in this location
- Adverse impact on local wildlife sites, ecology and trees
- Detrimental impact on highway and pedestrian safety - history of accidents
- Increase in congestion – exacerbate existing problems
- Adverse impact on the living conditions of neighbours
- Proposal will amount to overdevelopment of the site
- Increase risk of localised flooding, exacerbating existing flooding problems
- Concerns regarding land stability
- Development will not bring benefits to the local or wider area
- No play facilities locally for children
- Lack of on-site car parking proposed
- Detrimental impact on character of Brick Kiln Bank/local environment
- Development will restrict access for emergency vehicles including those accessing the nearby Care Home
- The site is Green Network and should not be lost to development
- Destruction of landscape and local wildlife
- Lack of public consultation undertaken
- Negative impact on property prices
- Loss of views

### Support

- Suitably designed properties – sympathetic to local area
- Suitable site for development – sustainable location
- Site is currently used for fly-tipping and is overgrown – development will improve the character of the area
- Improvements offered to local wildlife as part of the proposals
- Appropriate density for size of the plot of land
- Suitable for families with children
- Development will help meet Telford & Wrekin's housing targets
- Management of woodland in accordance with Shropshire Wildlife Trust

- Proposal will reduce anti-social behaviour locally
- Development of 5 dwellings will not significantly affect existing conditions
- Development will support existing services/facilities
- Scale of development will not affect highway/pedestrian safety
- Sites of this scale/design are very popular in current property market

## 7. SUMMARY OF STATUTORY CONSULTATION RESPONSES

### 7.1 The Gorge Parish Council – **Object:**

Loss of ecological habitat, risk of traffic generation and to highway safety, loss of public visual amenity, potential impact on watercourse.

### 7.2 Cllr Jayne Greenaway – **Object**

- Impact/loss of Green Network
- Impact on wildlife site
- Increased flooding impact downstream and on adjacent neighbours
- Slope stability concerns
- Poor viability on existing road bend
- Highway safety

### 7.3 Cllr Carolyn Healy - **Object**

- Impact/loss of Green Network
- Impact on wildlife site
- Increased flooding impact downstream and on adjacent neighbours
- Slope stability concerns
- Poor viability on existing road bend
- Highway safety

### 7.4 Highways, Arboricultural, Ecology, Coal Authority, Drainage, Healthy Spaces and Shropshire Wildlife Trust – **Support subject to conditions**

### 7.5 Archaeology – **no comment**

### 7.6 Shropshire Fire Service – **Comment:**

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" document.

### 7.7 West Mercia Police – **Comment:**

Provided general design guidance.

## 8. 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
- Green Network & Biodiversity
- Drainage
- Geotechnical
- Other Matters: Highways, Trees etc
- Previous refusal

## 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 development plan sets out a strategic approach to the delivery of housing in the Borough with TWLP Local Plan Policy SP1 identifying the Telford urban area as the primary focus for housing and employment development over the plan period. Policy HO1 of the Plan sets out the housing requirement it considers necessary to meet the development needs of Telford & Wrekin over the period until 2031. Meanwhile, Policy SP4 seeks to ensure that development is sustainable by balancing economic, social and environmental objectives.

8.2.3 In this instance, the application site comprises a 0.4ha parcel of undeveloped land which forms part of a wider immature woodland although part of the site has been cleared and is left to scrub/vegetation. The site is located within the built up area of Telford and Wrekin, as defined on the proposals map.

8.2.4 The site is approximately 1.5 / 2km north-west of Madeley. Whilst the site is located within the urban boundary, it is wholly located within the Borough's designated Green Network (GN) and partly within a Local Nature Reserve and as such, further consideration of the constraints is discussed below.

## 8.3 Green Network & Biodiversity

8.3.1 Policy NE6 of the TWLP advises that the Council will protect, maintain, enhance and, where possible, extend the Green Network (GN). The Council will only support new development within the GN where it identifies, protects and enhances the GN 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 GN and its functions.

8.3.2 Meanwhile policy NE1 of the TWLP confirms that biodiversity and geodiversity assets will be protected, maintained and enhanced. The Council will seek

positive improvements to the quality of the natural environment through sustainable development which will result in net gains for biodiversity across the borough. The Council will not support development which harms an irreplaceable habitat or priority habitat for nature conservation which cannot be mitigated or compensated.

- 8.3.3 During the course of this planning application the applicant has submitted a suite of supporting documentation to demonstrate how the proposals comply with the above policies. This includes a Protected Species Survey Report (John Morgan 2017), an updated Protected Species Survey Report (John Morgan 2019), and a Woodland Management Plan 2019 to 2039 – (Pearce Environmental 2019)
- 8.3.4 The Council's Ecologist has considered this supporting documentation against the relevant planning policies and has also reviewed the submissions relating to the Green Network designation, the mechanics of securing the biodiversity enhancements and woodland management, as well as the document titled 'Biodiversity Plan.'
- 8.3.5 In planning terms, despite the history of the site, the site is part of the Green Network which has been Examined in Public by the Planning Inspectorate and adopted by the Council and therefore Policy NE6 applies. However, the planning application proposes a scheme of mitigation for loss of the Green Network land for the construction of up to 5 houses in the form of appropriate management for a 20 year period of the Local Wildlife Site woodland area and the provision and management of the reptile mitigation area on the site.
- 8.3.6 The delivery of those elements of the scheme will appropriately compensate for the small loss of Green Network land to development and the scheme is acceptable on the basis that the condition of the Local Wildlife Site will be significantly improved. On that basis, with the 20 year woodland management plan in place, the Ecology Team is satisfied that the planning application accords with policies NE1, NE2 and NE6 of the Local Plan.

#### **8.4 Drainage**

- 8.4.1 This application was submitted in September 2019 and there has been ongoing liaison with the Council's Drainage Team to find an appropriate solution following investigation (CCTV) which concluded that the drain crossing Brick Kiln Lane was a highways drain. TWC do not normally permit new connections to highway drains, however the developer subsequently submitted a revised point of connection to the highway system to drain to the weir downstream of the highways pipework.
- 8.4.2 Updated consultee comments from TWC Drainage are available online (dated 08.01.2021) and confirm that they are satisfied with the proposed drainage layout in principle, subject to detailed designs being conditioned. The condition requires a drainage model for the system up to its point of outfall, details designs and a pre-commencement condition requiring observation before any diamond drilling takes place.

8.4.3 This development will not increase the volume of surface water only the rate of discharge. As such the connection to the stepped weir be limited to 1l/s, which is substantially less than the standard 5l/s rate equivalent to existing greenfield, usually conditioned. These rates will be achieved by the use of hydro brakes and attenuation tanks. As such, it is considered the rate of flow will not exceed that currently experienced in this location and would represent a betterment. As such, the impact on surface water runoff is negligible and the LLFA believe that all reasonable steps can be taken to avoid any risk of surface water flooding caused by this development.

8.4.4 With respect to foul drainage, a foul pumping storage area is positioned at the far east of the site with a connection to the existing foul drainage in Brick Kiln Bank. The applicant has a legal right to connect to this. The foul drainage discharge will therefore have no impact on the surface water drainage or stepped weir.

## 8.5 **Geotechnical**

8.5.1 As with all potential developments interacting with the ground it is necessary for the developer to fully establish, investigate and resolve through design, any and all geotechnical related aspects and issues created by the proposals. In Telford and specifically within any area of the Ironbridge Gorge, these geotechnical issues will include not only the usual contamination and foundation elements, but also mining and land instability.

8.5.2 This planning application is supported by the following documents:

- Desk Study & Initial Site Assessment
- Coal Mining Risk Assessment
- Stability Report Declaration Form
- Appraisal of Slope Stability and Foundation Feasibility
- 'SiteCheck' Assessment

8.5.3 It is acknowledged within the reports and confirmed by the Coal Authority that the site is likely to be affected by shallow mineworkings. The Coal Mining Risk Assessment report recommends that intrusive site investigations should be undertaken to determine the exact ground conditions and the presence or otherwise of shallow workings beneath the application site. The report authors state that if workings are encountered it may be necessary to undertake a scheme of remediation such as drilling and grouting. An appropriate condition has been imposed to undertake site investigations and set out any remedial measures if necessary.

8.5.4 An Appraisal of Slope Stability and Foundation Feasibility has been prepared by a Structural Engineer which advises on the following points:

- Underground workings – in order to achieve a suitable foundation design exploratory borehole investigation will be necessary.

- Slope Stability – it is acknowledged that due to the 45 degree slope to the rear of the site boundary, slope stability may not be reliable and any foundation solution must not put additional load to the top of the slope which could potentially mobilise slip planes or circles within the slope. Clearly, any instability induced within the slope would result in instability in any foundation located within the displaced areas. A piled foundation could be adopted, designed to place the building loads beneath any zone likely to affect slope stability. The depth of such a foundation would require the input of a specialist Geotechnics Engineer to carry out the necessary slope stability assessment.
- It appears likely that contamination will be present. Remediation may be necessary and may require excavation and removal of deleterious material or encapsulation and venting. The use of standard remediation techniques may have implications for design but does not preclude the construction of foundations. Such remedial works are likely to have been adopted in the construction of the recent development to the north of Brick Kiln Bank.

8.5.5 The Desk Study & Initial Assessment advises that:

*“The available information suggests that the site may have been used for the historic deposition of a wide range of waste materials, particularly as a majority of the site formed part of a larger landfill site operating in the 1960s and 1970s. Accordingly a wide range of potential contaminants could be present on the site. No former industrial uses are recorded on the site, although an access track and tramway are shown crossing the site on early OS Plans. The more recent (1992) use of the site associated with the adjacent Ibstock Brick Works is unlikely to have results in any significant soil contamination.*”

8.5.6 A number of pre-commencement conditions are imposed to cover all aspects of slope stability, foundations, retaining structures and contamination.

## 8.6 Other Matters

### *Highways*

8.6.1 The illustrative layout demonstrates that adequate provision of on-site car parking space could be achieved in order to be compliant with the standards as set out in Appendix F of the TWLP.

8.6.2 The Local Highways Authority (LHA) has assessed the proposals and has raised no concerns in relation to highway or pedestrian safety and offer support for the proposals subject to the inclusion of conditions and submission of acceptable details at Reserved Matters.

## *Trees*

- 8.6.3 An Arboricultural Impact Assessment has been submitted to support the application and its recommendations would be conditioned to any decision notice.
- 8.6.4 Due to the loss of some tree specimens to facilitate development, any proposed landscaping scheme should look to provide on-site native tree planting in lieu of those lost to the development. This has been specified within the landscaping condition and agreed with the applicant.

## *Indicative Site layout/Design*

- 8.6.5 Although only indicative at this stage the accompanying site layout plan demonstrates how up to 5 dwellings could be accommodated on site, demonstrating 5 no detached dwellings with attached garages, offering 3 parking spaces per dwelling in excess of the TWCLP parking standards.
- 8.6.6 The indicative site plan appears acceptable in terms of density, layout, private amenity and on-site car parking.
- 8.6.7 Further consideration with regard to layout, scale and appearance would be required at a later stage. In order to comply with policy BE1 of the TWLP any future proposal would need to demonstrate that there would be no significant adverse impact on the character and appearance of the area or on the living conditions presently enjoyed by neighbouring properties.

## **9 CONCLUSIONS**

- 9.1 On balance, subject to the conditions being satisfactorily addressed, it is considered that the principle of development is compliant with relevant policies of the Telford & Wrekin Local Plan 2011-2031 and represents a sustainable development within the built up area. Up to 5 dwellings could be designed to respect and respond positively to the site and the wider area and be respective of the recently developed Lightmoor Brickworks to the north-east.
- 9.2 The proposal is therefore deemed to be compliant with the Telford & Wrekin Local Plan 2011-2031 and the guidance contained within the NPPF.

## **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 OUTLINE PLANNING PERMISSION** subject to:

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

Manager):-

A01 Time Limit Outline  
A03 Time Limit – Submission of REM  
B001 – Standard outline – all matters reserved  
B003 – General Details required  
B010 Details of materials  
B050 Shallow Mineworkings  
B057 Land Contamination  
B061 Foul and Surface Water Drainage  
B076 SUDS Management Plan  
B079 – Custom Drainage Condition (Outfall Connection Observation)  
B121 Landscaping Design  
B126 Landscape Management Plan  
B141 Ecology RAMS  
B145 Lighting Plan  
B150 SEMP  
B133 Replacement Trees  
B149 Custom (Bat & Bird Boxes)  
C013 Parking, Loading, Unloading & Turning  
C014 Visibility Splays  
C028b Geotech: Retaining Wall Design  
C028d Geotech: Foundation Design  
C040 No approval of layout  
C074 Tree Protection  
C094 In accord with AIA  
C038 Development in accordance with plans

*Informatives:*

I11 Highways  
117a Coal Authority – High Risk Area  
I25m Nesting Bird (vegetation)  
I32 Fire Authority  
I40 Conditions  
I41 Reason for Grant  
RANPPF1 Approval - NPPF