

TWC/2020/0047

Lawley Phase 11, Lawley, Telford, Shropshire

Reserved Matters application pursuant to Outline planning permission

TWC/2010/0828 for the erection of 600no. dwellings (Use Class C3), public open space, associated drainage and infrastructure, together with details of layout, scale, appearance and landscaping *** AMENDED AND ADDITIONAL INFORMATION RECEIVED IN RESPECT OF: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN, GEOTECHNICAL INFORMATION, LANDOWNERSHIP, DRAINAGE, LOCATION OF AFFORDABLE HOUSING, AND LAND ADJACENT TO STEAM RAILWAY RAILWAY LINE ***

APPLICANT

Lawley Village Developer Group

RECEIVED

24/03/2021

PARISH

Great Dawley, Lawley and Overdale

WARD

Horsehay and Lightmoor, Ketley and Overdale, Malinslee and Dawley Bank

THIS APPLICATION HAS BEEN CALLED TO COMMITTEE AT THE REQUEST OF CLLR JAYNE GREENAWAY

Online Planning File:

<https://secure.telford.gov.uk/planning/paapplicationssummary.aspx?applicationnumber=TWC/2020/0047>

1. SUMMARY RECOMMENDATION

- 1.1 It is recommended that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to GRANT RESERVED MATTERS subject to no further representations being received during the consultation period (to advertise the land ownership) which raise new material considerations, Condition(s), Informative(s) and Completion of Deed of Variation to Section 106.

2. APPLICATION SITE

- 2.1 The site lies to the west of Telford Town Centre and south of Martingale Way and the newly developed Lawley Centre. Phase 11 is bound to the north by a fence separating the site from the existing residential estate Lawley Bank (not part of Lawley Village development), which fronts onto the site. The eastern boundary is met by Station Road which runs alongside the site, the southern boundary is met by existing residential development, and the western boundary is adjacent to an arm of the Telford Steam Railway which is currently used during the Christmas period for 'Polar Express' tourist attraction trains. Beyond the railway tracks is Phase 7 of the Lawley development.
- 2.2 This 22.3 hectare site lies within the redline application boundary for the Lawley Sustainable Urban Extension (SUE). The site, as well as the preceding Phases of Lawley SUE, was previously used for mining works and

there are a number of mineshafts still on the site which require filling in. There are no buildings currently on site, however there is a Restricted Byway which runs across the southeast of the site named 'Ladygrove.'

- 2.3 A landscape feature known as Martingale Circle sits in the middle of the northern boundary of the application site and features a circle of trees planted to mark the millennium.
- 2.4 The site has a marked slope in a south-easterly direction with a rise of approximately 32 to 33 metres from the northern boundary. A strip of woodland sits along the western portion of the southern boundary.

3. APPLICATION DETAILS

- 3.1 This is a Reserved Matters application for Phase 11 of Lawley Sustainable Urban Extension (Lawley SUE) for the construction of 600no. dwellings and formation of new accesses onto Concorde (to the south) and into Phase 7 (to the west). The application is pursuant to Outline Planning ref.: W2004/0980 (amended by ref.: TWC/2010/0828).
- 3.2 Lawley SUE comprises circa. 3,300 dwellings, employment, commercial and leisure facilities, a new Primary School and associated recreational space and landscaping and is being built out in phases over some 20 years (albeit not in numerical Phase order) - the Outline Consent for the whole SUE having been approved in 2005. The Lawley SUE Development Framework 'Masterplan' as part of the Outline Consent shows the areas of the various Phases. Phases 1a, 1b, 2 (Lawley Square and associated retail units), 3, 4, 6, 7 and 8 have been completed or are largely completed with Phases 5, 9 and 10 under construction and partially occupied. An Extra Care home has been built opposite Lawley Square and is now occupied. To date, circa. 2,700 dwellings have been built or are under construction, as has Lawley Square and the associated retail units, Morrison's supermarket and a children's nursery. The new Lawley Primary School has been completed and is operational.
- 3.3 Phase 11 will provide an overall housing mix of 122no. x 2-bed (houses and apartments), 320no. x 3-bed, 139no. x 4-bed and 19no. x 5-bed units. No Affordable Housing units are proposed. There will be a mix of house types (terraces, semis, detached, apartments) mainly two-storey with some two and a half units. Barratt Homes will deliver a total of 221no. dwellings (approx. 37%), Persimmon will deliver a total of 196no. dwellings (approx. 33%) and Taylor Wimpey will deliver a total of 183no. dwellings (approx. 30%).
- 3.4 The focal point of Phase 11 is the retained circle of trees at the northern edge of the site which is proposed to be dedicated as Public Open Space (POS). Either side of Martingale Circle sit 2no. attenuation ponds with a retaining embankment measuring approximately 3 to 3.5 metres in height across the length of the north-western boundary. From Martingale Circle several streets radiate out towards the edges of the application site boundary to provide a network of streets with a legible hierarchy. A smaller retaining wall is proposed along Station Road adjacent to the property, Glenholme. Within the

development 2no. pocket parks are proposed.

3.5 The layout has been informed by the engineering works required for the remodelling of the site's topography as well as by existing landscape features such as Martingale Circle. The existing mineshafts that are distributed across the scheme, have been incorporated into open space. A central Green Street provides a spinal route through the site linking access from Lawley Common Roundabout in the West to Concorde in the East. A network of Neighbourhood Streets create a permeable grid throughout the development allowing for easy pedestrian movement across the site. There is a predominance of semi-detached dwellings along Neighbourhood Streets in response to on-plot parking requirements. Regular plotting creates a formal townscape pattern along with regularly planted boulevard trees set within a landscaped verge. There is a peripheral road network around the development providing a connected and permeable grid of street and lanes. A key green space at Martingale Circle forms a nodal and recreation space for the wider development and provides links to further green spaces along the northern edge of the site. Homes face onto Station Road, the Ironbridge Way and open spaces to the north, creating positive frontages, and also helping to provide natural surveillance of the site.

3.6 This Reserved Matters application has also been prepared in general accordance with the Lawley Design Codes. As part of the Outline Consent, a Development Framework Plan and a set of Design Codes were prepared and approved that set down the principles of the layout and design of Lawley SUE, with the intention that each Reserved Matters application should follow it. In 2014, the three key stakeholders (the former Homes and Communities Agency (HCA), Telford and Wrekin Council, and the Consortium of three national house builders - Taylor Wimpey, Barratt Homes and Persimmon (known as the Lawley Village Developer Group)) agreed to initiate a review of the Design Codes which was chaired by HCA with MADE commissioned as the independent review body. Whilst MADE advised that the development delivered to date created a high quality built environment, they considered there was a need to create:

- A more distinctive street hierarchy - as many routes appeared similar even though they were intended to be different;
- The need for greener streets - with more landscaping to be featured and positively integrated;
- Better connectivity - and the restriction of private drives and cul-de-sacs;
- Increase the range of parking options - to include greater use of on plot parking and integral garages and a reduction of rear parking courts.

These points were subsequently discussed at a series of pre-application design meetings and Stakeholder Workshops with a view to using this information to improve subsequent phases.

3.7 The 2015 Reserved Matters Consent for Phase 8, ref.: TWC/2015/0233 followed the new design philosophy and the current proposal follows suit.

- 3.8 The Outline Consent was the subject of an Environmental Impact Assessment under the then Town and Country Planning (Environmental Impact Assessments) Regulations 1999. The Environmental Statement helped shape the Development Framework and the overall design concept of the Lawley SUE so that areas of ecological importance have been retained as open space and new development directed to less sensitive areas. The impacts were fully assessed by the LPA and the conclusions reached were that any outstanding environmental effects can be satisfactorily mitigated with the use of planning conditions.
- 3.9 Junction improvements to the M54 have already been undertaken and new road infrastructure installed to accommodate the traffic requirements of the entire Lawley development.

4. RELEVANT PLANNING HISTORY

- 4.1 There is an extensive planning history relating to the Lawley development, the most relevant for the purposes of this particular application being:
- 4.2 W2004/0980 – Outline Planning Permission to include access for Lawley Sustainable Urban extension comprising of 3300 dwellings, employment, commercial and leisure facilities, a new school and associated recreational space and landscaping – Outline Granted 21 October 2005
- 4.3 TWC/2010/0828 – Variation of Conditions on Outline Application W2004/0981 with regards to timing of works to motorway junction improvements – Outline Granted with Amended Decision Notice 13 December 2011
- 4.4 TWC/2018/0346 – Carry out of engineering/enabling works including re-profiling of land to facilitate residential development and involving the importation of materials from other phases of the Lawley Sustainable Urban Village Development – Withdrawn 9 January 2020

5. RELEVANT PLANNING POLICIES

- 5.1 The National Planning Policy Framework (NPPF), June 2019 is not the Development Plan for Telford and Wrekin but it is a material consideration in this case because all of the Borough's Development Plan policies have to be viewed in the light of this more recent national guidance.

5.2 Telford & Wrekin Local Plan 2011-2031:

- SP1 Telford Spatial Strategy
- SP4 Presumption in Favour of Sustainable Development
- HO1 Housing Requirement
- HO2 Housing Site Allocations
- HO3 Housing Trajectory
- HO4 Housing Mix
- HO5 Affordable Housing Thresholds and Percentages
- HO6 Delivery of Affordable Housing

NE1 Biodiversity and Geodiversity
NE2 Trees, Hedgerows and Woodlands
NE4 Provision of Public Open Space
NE5 Management and Maintenance of Public Open Space
NE6 Green Network
C1 Promoting Alternatives to the Car
C3 Impact of Development on Highways
C4 Design of Roads and Streets
C5 Design of Parking
BE1 Design Criteria
BE9 Land Stability
BE10 Land Contamination
ER8 Waste Planning for Residential Developments
ER11 Sewerage Systems and Water Quality
ER12 Flood Risk Management

5.3 Lawley Design Code and associated Addendum

6. PUBLIC REPRESENTATIONS

6.1 124no. letters of **objection** were received originally (from 100no. addresses) with a further 48no. letters of **objection** (from 39no. addresses) received upon re-consultation, which can be summarised as follows:

Impact on Trees and Landscape

- Loss of trees;
- Lawley Common is used extensively by dog walkers and as a play area for families – a great deal of money was spent creating it, to then remove it;
- The land known as Phase 11 is common land;
- A tree buffer should be planted to disguise the retaining slope.

Highways and Transport

- Parking seems woefully inadequate with no provision for visitors, tradesman or emergency vehicles;
- New development adjoins boundary with existing properties and blocks informal accesses from existing properties' gardens to the road;
- Unacceptable increase in traffic;
- Tax payers will have to pay for road damage caused by construction traffic and increased vehicular users;
- Station Rd is used as a rat run and Milner Lane used as a short cut to Telford Town Centre;
- No footway proposed on Station Road;
- Lawley needs better bus services;
- A Restricted by-way named Ladygrove runs across the south-east corner of the site and there is no right for the public to use it with motor vehicles;
- The current use of lorries to go over the bridle way of Ladygrove is beyond contempt to the residents of that lane and the surrounding areas;

- Request that a lockable gate or bollard be placed part way along Ladygrove to prevent non-residents using it.

Amenity

- Lawley (and surrounding areas) is already over-populated (Schools/GP surgery are struggling to cope with demand);
- Disturbance, vibration and mess caused by shifting earth onto Phase 11 from other phases;
- Disturbance from piling on Phase 7 has been a constant noise nuisance;
- Building new homes is creating anti-social behaviour and increases in litter and crime;
- Houses are being on the boundaries of existing properties causing overlooking and loss of privacy.

Drainage

- Attenuation ponds will destroy habitat and are too large;
- Ground is waterlogged and ponds will make ground conditions worse;
- Drainage on the northern boundary has never been looked at or cleaned up by land owner and it has been left to residents to deal with impacts of flooding;
- Risk of flooding in future as drainage is already inadequate with the brook running behind Farriers Green;
- The culvert alongside Horseshoe Paddock isn't maintained or big enough;
- Will the attenuation ponds be safe for children to be around;
- Application does not reference historic right of septic tank easements;
- As part of previous planning applications regarding the enabling works at Lawley Common certain assurances were given with respect to mitigation measures being implemented regarding flooding issues caused by the inadequate capacity of the existing ditch and culvert running from Lawley Common to the Lawley Village Academy. This included the provision of temporary balancing ponds together with regular maintenance and repair of the existing ditch to provide stability. These assurances appear to be missing from this application;
- The topsoil strip and other earthworks operations currently in process have resulted in a quicker water run-off from Lawley Common into the existing ditches. The ditch from Lawley Common to the Lawley Academy continues to flood adjacent properties;
- Do not feel that retention pools and retaining walls will cope with force of future predicted storm surge.

Land Stability

- There are mineshafts on site which require filling in;
- Mineshafts may be filled with contaminated waste;
- The highwall is in place due to known multiple shafts in the area and shallow mine working in the 1940's. The removal of the high wall will destabilise Ladygrove a restricted byway;

- Proposed amendments to levels immediately adjacent to Glenholme, which are proposed to change from 179.7 - AOD - to. 177.65, constituting a significant change in levels of approximately 2.05 metres. This measurement does not reflect the true depth of excavation as footings need to be taken into account also;
- Concerned about size and 55-degree slope of bank. What provision is being made for safety? A simple wooden fence (as seen protecting drops on other phases) will not stand the test of time and be an expense for the Council to maintain in the future.

Design and Layout

- Too many houses are proposed and Lawley has enough housing already;
- Application shows limited detail of structural design or materials;
- More innovative technology should be included such as electric vehicle charging points or solar panels;
- Design is not in-keeping with character or aesthetics of surrounding area;
- Lack of outdoor sports facilities;
- Site is high density compared with surroundings.

Built Heritage and Archaeology

- Slag wall on Ladygrove needs to be protected.

Ecology

- Site is inhabited by wildlife and birds and habitat will be destroyed.

Affordable Housing

- Affordable Housing is under consultation to be reduced to 0% and this is unacceptable.

Other

- None of the considerations from the public engagement event held in September 2019 have been included;
- This development should not be permitted until all other phases have been completed;
- Development is for profit only;
- Development will cause a fall in house prices;
- Development has already started on site;
- Nobody in the Council cares;
- No community provision;
- The recent engineering work around Lawley has been handled with a total disregard for the existing residents.

6.2 Ramblers Association: **Object:**

- The concerns of The Ramblers relate particularly to the restricted byway (RB) known as Ladygrove. It is proposed that the RB will be crossed by three internal estate roads. Concerns that this will result in a change of surface to the RB that will be incompatible with use by horses and horse-drawn vehicles, and also with the rural character of this lane. It is not clear whether it is proposed to re-surface the length of the RB, or whether the surface will be changed just at the crossing points. It is important to retain the rural character of this lane and ensure compatibility with horses. In relation to the surface treatment we would ask that further consultation is undertaken to clarify plans for the surface of the lane;
- Concerns about the overall character of this part of the RB. This is a rural lane with the usual informal mix of shrubs and trees bordering it. The Design and Access Statement recognises the existence of the RB, but whilst mention is made on page 34 of a 'planted edge' along Ladygrove, this is not clarified on the 'Green Infrastructure' plan on page 35. Suggest strongly that existing trees and shrubs should be retained and enhanced where necessary with further native planting;
- It is unclear how access to the RB will be restricted to legally acceptable users. We are concerned that Ladygrove could be used as a cut-through by motor vehicles from the estate. A plan to keep it accessible to those entitled to use it whilst restricting access to those not entitled to use it should be explained.

6.3 Lucy Allan MP: **Object:**

- Coal Authority objected on 12 February 2020;
- Loss of amenity for the whole community of Dawley Bank, Lawley, Lawley Village and Ladygrove as well as specific individual properties closet to the site;
- Septic tank easement/live sewage outflow into Lawley Common;
- Failure to follow proper planning process by obstructing a Restricted Byway (Ladygrove);
- Failure by developers to properly consult or heed justifiable concerns of residents;
- This application has been under consideration for almost 50 years.

6.4 Ladygrove Lane Residents Association: **Object:**

- Ladygrove is an ancient trodden pathway;
- Dry slag stone wall includes a bench mark stone. The wall is crucial to prevent flooding of adjacent properties;
- Ladygrove is a restricted byway, home owners have access rights;
- Green Lane status and vista of Ladygrove is adversely affected by proposed highway network;
- LHA will never be liable to for maintenance of crossings over Ladygrove
- Council has not advertised any intention to change Ladygrove;

- In consideration of 2005 Outline Plan; prior to consent; it is the duty of Local Authority to ensure unowned land within surrounding area is not in conflict with application. Failure to adhere to this policy in respect of Restricted Byway would invalidate 2005 Outline Plan. Similarly TWC/2020/0047 has not been subjected to public consultation before submission;
- Wildlife;
- National Coal Board state that land will never be safe for development;
- Pollution.

6.5 A third round of consultation has commenced in response to the Local Planning Authority receiving an amended land ownership certificate in respect of the Restricted Byway known as Ladygrove. During the course of the application the applicants have located the land owner and served notice on them of the planning application and provided the LPA with the appropriate Certificate B to state this is the case. The current round of consultation expires 19 May 2021.

6.6 At the time of writing the report 4no. further objections have been received in response to the consultation from residents who have previously commented. No additional material considerations have been raised that have not already been presented under para. 6.1, above. Any further public representation received by the time of the planning committee meeting will be presented to Members via a written update.

7. STATUTORY REPRESENTATIONS

7.1 Cllr. Jayne Greenaway: **Object:**

Due to the differing needs of residents and the complexities and conditions onsite such as rights of way, drainage, amenity, highways access and associated highway, ground conditions and contamination.

Drainage & Flooding

Over a long period of time there have been a number of flooding episodes affecting resident's properties of Martingale Way and Horseshoe Paddock. Over the last 12 months they have experienced an increase of flooded gardens not just water damage but clay laden silt covering car parking areas, gardens and doorsteps, two inches deep in places which was extremely dangerous when trying to exit their homes or access their cars. It took three days to clear most of the debris washed down by flood water.

It is not clear from the documentation how and when the installation of the pools will take place and what the intermediate timeline is in relation to the transfer into the public storm water system and adoption by Severn Trent Water (STW). Request that a phased plan is included and conditioned to address the vagueness of the information.

It is vitally important to residents affected that they should not be put at further

risk from ongoing flooding incidents from the Phase 11 site during the development period up until adoption by STW and that all requests for conditions attached to this planning application be included to ensure that the temporary/intermediate silt trap-pools maintenance will be regularly inspected and maintained as approved and that any deviation or breach can be enforced through this procedure.

Stability

There must be a clearly defined maintenance agreement that protects the integrity of the slope structure stability throughout the lifetime of the development and any conditions tied to the Reserved Matters application to ensure the integrity of the slope and avoid future damage to nearby properties.

Slope engineering drawings do not currently include a ground level (Martingale Way) cross-section but ends at the front edge of the intermediate pool. This does not give a clear indication of height differences and visual impacts to residents along Martingale Way as they sit adjacent to the site.

Biodiversity

An opportunity exists here to incorporate plans for improved planting of the pool areas. This would soften the impact upon visual amenity following the development period of the pool areas but would give better value long term for public amenity and much needed biodiversity benefits.

Highways

The cumulative impact on the local highway network will be felt due to the number of vehicles from this large development taking the shortest route and using Station Road as a Rat Run. This road has no footpaths for pedestrians but is used regularly by residents of Dawley Bank accessing services in Lawley. It is also a narrow single vehicle width road in places. We have been made aware that discussions have taken place but as yet have not seen any clear proposals to introduce traffic calming measures for Station Road.

The proposals are to build an adoptable highway and two internal estate roads crossing the Ladygrove Restricted By-Way. It does not include any details that reflects the status of the highway, how materials will be used on surfaces and how current residents and users will be protected from through traffic. The status must be reviewed and publicly consulted on with all the relevant orders in place before the development can begin although permission can be granted.

Land Contamination

As the site has previously been mined and partly opencast it may require further work and possible changes to layout through construction due to the mapping of old mine shafts and stand-offs required.

CEMP

The current construction environmental management plan does show working hours agreed but does not refer to site wheel washes on access points. The impact has been felt on the local highway network from large deposits of mud making roads unsafe during wet periods on a regular basis from groundworks. Road brushes have proven ineffective at controlling this which is why the vehicles need to ensure that no mud deposits enter the highway network and that it is dealt with prior to leaving site.

7.2 Cllr. Mark Boylan: **Object:** Object to application TWC/2010/0828:

- Overdevelopment and the current infrastructure in the area cannot cope with the current developments and established residents;
- Coal Authority object to the application;
- The findings of intrusive site investigations to locate both the mine entries and high walls should be used to inform the layout of the development;
- There is an unidentified provision of full and detailed Construction Environmental Management Plan (CEMP) which has been proven to be failing and inadequate already on Lawley Drive. Impacts of this being lack of parking for onsite workers, lack of unloading and loading provision for movement of waste and building materials. Lack of management of both contractors and sub-contractors alike;
- The impact on residents and highways in the surrounding areas will be ongoing as it has been for years;
- The provision and planning for drainage on the site has not been fully outlined and the impact on residents also not been made suitably addressed and made available for comment;
- Concerns raised by the Police Commissioner have been raised and need to be addressed in the planning of this Reserved Matters application;
- The Historical Value has not also been investigated on the site. A programme of archaeological work could be undertaken in respect of Condition 26 of permission TWC/2010/0828;
- The design needs to be addressed further. The properties are all built at different periods and add character to the area.

7.3 Lawley and Overdale Parish Council: **Object:**

The Parish Council concur with the points raised by Ward Member Cllr Jayne Greenaway.

7.4 Highways: **Comment:**

This development already has Outline approval under the Lawley Sustainable Urban Extension consent and it has to be remembered that this current application is Reserved Matters in nature; in that access principles, connections and street hierarchy have already been set in the Lawley Design Code. The proposals meet the requirements of the Local Plan or can be appropriately handled with relevant planning conditions.

7.5 TWC Drainage: **Support subject to Conditions**: The proposals can be supported in principle subject to detailed design.

7.6 TWC Built Heritage: **Comment**: The application has been referred for built heritage comment due to the presence of a slag wall adjacent to an ancient pathway identified to the east of Ellerslie, Dawley Bank. The feature is worthy of consideration as a non-designated heritage asset. As the layout of the site does not necessitate its removal, TWC Built Heritage recommends that it is retained and repaired in situ.

7.7 TWC Arboricultural Officer: **Comment**: Support subject to conditions

7.8 TWC Healthy Spaces: **Support subject to Conditions**:

The amended landscape drawings are acceptable to Healthy Spaces. However, the fencing along the railway has not been confirmed and needs to be conditioned. There is no on-site children's play area proposed to meet the needs of the residents on this development. This is proposed to be built on adjacent steam railway land, but no detail of this has been provided. Healthy Spaces request that a condition be placed that no overlooking properties (on Persimmon build route 1-7) are occupied prior to the completion of the play area to ensure new residents are aware of the location and detail of the play facilities prior to occupation.

7.9 TWC Ecologist: **Support subject to Conditions**.

7.10 TWC Housing Team: **Comment**:

- The proposed Affordable Housing scheme includes 60no. affordable two bedroom houses. This represents 10% of the total homes to be provided on this development phase;
- The proposal is for all of the affordable dwellings to be for discounted home ownership (30%) – these may switch to provision as part of the government's 'First Homes' scheme as and when this commences. The actual start date of 'First Homes' has not yet been announced;
- An Affordable Housing scheme for rent and shared ownership would be preferred. This proposal will be less affordable and accessible, while higher income levels and higher deposits will be required for 'First Homes' compared to Shared Ownership;
- If the discounted home ownership proposal is considered acceptable this should be provided following all of the principles of 'First Homes', as published. This includes meeting eligibility criteria, giving initial priority for local people, value and income caps, occupancy requirements and resale arrangements (including ensuring the discount continues to be applied in perpetuity). This will help to ensure that there is a seamless transition when First Homes commences;
- In addition the developer must be responsible for the sale and administration of these homes, and for ensuring that the conditions are met. They must also ensure that appropriate arrangements and funding are

- provided for the administration of future resales (net of specific funding from government). These should all be provided for in the s.106 Agreement.
- The proposed draft variation to the s.106 scheme does not appear to be as comprehensive as First Homes and also appears to place the responsibility for administering the scheme on the Council. The variation also appears to give discretion to the scheme owner about whether to switch to First Homes.
 - The respective bed spaces are not indicated on the layout plan;
 - Based on these assumptions, the dwellings would achieve between 80% and 85% of the NDSS requirement.
 - 100% of the 60no. Affordable Homes are 2-bed - in comparison only 20% of the total dwellings in this phase are 2-bed, with 53% 3-bed and 26% 4-bedrooms and above. It is unusual for an affordable scheme to include only one dwelling type. An alternative mix which better reflects the borough's housing needs and the dwelling mix of the scheme itself would be preferred. One option would be to include some three bed houses (five persons) to replace the smaller 2-bed houses (3 persons). Some of the latter could also be substituted by a small number of 1-bed 2 person apartments with individual access.
 - The Affordable Homes are provided in nine clusters of between two and eleven homes (notwithstanding any subsequent 'off the shelf' sales to affordable housing providers). Clusters of six to eight homes are preferred but, on balance this proposal is considered acceptable.
 - Car parking is a mixture of drive way and frontage parking. However Plot B41 (mid terrace) does not have this benefit and driveway or frontage parking would be preferred.

7.11 The Coal Authority: **Comment:** No objection to this Reserved Matters submission. Would wish to see the further works, remedial and mitigation measures recommenced, both in respect of the highwall and mine entries on site, implemented on site prior to commencement of the development, or as necessary.

7.12 Severn Trent Water: **Comment:** No Objection

7.13 Shropshire Council Archaeology: **Comment:** Support subject to condition relating to slag wall heritage asset.

7.14 Shropshire Fire Service: **No objection:** subject to a Fire Safety Informative.

7.15 West Mercia Police: **No objection:** Requests the applicant aims to achieve the Secured by Design (SBD) award status for this development.

8. PLANNING CONSIDERATIONS

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

- Geotechnics and Land Stability
- Highway Safety and Access
- Drainage and Flood Risk
- Design Issues
- Impact upon Built Heritage and Archaeology
- Residential Amenity
- Impact upon Arboriculture and Landscaping Issues
- Impact upon Ecology
- Affordable Housing
- Other Matters

8.2 Principle of Development

- 8.2.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The Council has an up-to-date Local Plan that was adopted as recently as January 2018.
- 8.2.2 The National Planning Policy Framework (NPPF) sets out the Government's commitment to a Presumption in Favour of Sustainable Growth and Development. In terms of decision-making, this means approving developments that accord with the Development Plan 'without delay' and, where the Development Plan contains either no relevant policies or where the policies which are most important for determining the application are out-of-date, granting planning permission unless 'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'
- 8.2.3 The NPPF does not change the statutory status of the Development Plan as the starting point for decision-making.
- 8.2.4 The revised NPPF is, however, a material consideration that needs to be given weight. Para. 12 of the Framework states that 'where a planning application conflicts with an up-to-date development plan permission should not usually be granted...local planning authorities may take decisions that depart from an up-to-date Development Plan, but only if material considerations in a particular case indicate that the Plan should not be followed.' Section 70(2) of the Act provides that in determining applications the Local Planning Authority 'shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations.'
- 8.2.5 The Development Plan consists of the adopted Telford and Wrekin Local Plan 2011-2031. The Development Plan for the Borough is up to date and consistent with the Framework. The Council is able to demonstrate a 5-year housing land supply which is sufficient to address the Framework's 5-year Housing Land Supply requirements.

- 8.2.6 The issue of principle, therefore, concerns the compatibility of the proposed development with the Planning Policy Framework and in particular, consideration of whether or not it constitutes Sustainable Development that should be granted planning permission. The proposed development will be considered against these policies in more detail in this section of the report, against each of the main issues listed above.
- 8.2.7 This Reserved Matters application for 600no. dwellings relates to Phase 11. The principle of housing development on these two Phases has already been approved and established by the grant of Outline Consent for the Lawley SUE back in 2005 (ref.: W2004/0980) and the acceptance that there would be a series of Reserved Matters applications as the development was built in Phases over the coming years.
- 8.2.8 The Council's current 5-year Housing Land Supply position (March 2019) has already taken account of the Lawley SUE as a 'commitment' and the phased timescale for building the 3,300 dwellings. Therefore Members need not consider the 5-year housing land supply issue in relation to Lawley SUE and this Reserved Matters application.
- 8.2.9 The principle of residential development on this site is therefore considered to be acceptable.

8.3 Geotechnics and Land Stability

- 8.3.1 There are two key considerations in respect of geotechnics and land stability for this site. The first is the ground considerations and mining legacy and the second is a design and specification of the retaining slope proposed along the northern boundaries of the site sitting immediately behind the 2no. large attenuation ponds.
- 8.3.2 Policy BE9 of the Local Plan states the Council will support development proposals within the Mining Consideration Area, areas of suspected slope instability or where it is suspected there is poor ground conditions provided that the proposal demonstrates that:
- i. Its structural integrity will not be compromised by slope instability;
 - ii. Where active systems exist, the development does not exacerbate any instability;
 - iii. The development can tolerate the ground conditions by special design; and
 - iv. There is long term stability of any structures built on filled ground.

A technical design has been submitted for the structure of the retaining slope, which has been reviewed by the Council's Geotechnical Specialist. Following discussion with the Applicant's consultants further ground investigations have been carried out which have confirmed that the amount of made ground, or fill,

upon which the retaining slope will be built is deeper than initially thought. The Applicant's consultants have reviewed the design in light of this information and confirm that the design and serviceability of the reinforced soil slope is still within the limits to be expected from such a structure. Any outstanding details can be secured by planning conditions.

8.3.3 With respect to the ground conditions arising from the mining legacy of the site, the Coal Authority have been consulted and, further to additional information provided by the Applicant's detailing the location of mine entries, their depths and proposed remedial measures, confirm they have no objection to the proposals.

8.3.4 Therefore, subject to the comments of the Council's Geotechnics Specialist and the inclusion of appropriate conditions to secure details of the design and construction of the retaining slopes, the development is considered capable of meeting the requirements of Policy BE9.

8.4 Highway Safety and Access

8.4.1 Lawley SUE already benefits from Outline Consent and access principles and street hierarchy were agreed and established at the Outline Stage. The Council's Highways Engineer has confirmed this application is consistent with the details already approved.

8.4.2 In the first instance it is considered appropriate to outline some key points of reference and commentary to eliminate any ambiguity which may surround the Local Highway Authority (LHA) opinion of this application.

8.4.3 Phase 11 has in principle already received planning consent under the wider Lawley SUE Outline Consent and therefore the general highway considerations were already made at that point, including all the requisite off-site traffic impact modelling. This cannot now be revisited and therefore this Reserved Matters application is assessed, in highway terms, against that context already set. The merits of Concorde as a primary access into the site were clearly established some 15 years ago and this matter is for no further debate or scrutiny.

8.4.4 The Lawley Design Code has always clearly identified the access strategy, street layout and hierarchy for Phase 11 and this application is in keeping with that detail. It is noted however that the Lanes and Park Edge side roads have not been identified as being in a contrasting finish to the tarmac of the higher order roads. This however is not a material consideration at this time and can be resolved with the approval of the subsequent highway construction detail, which would follow any planning consent given.

8.4.5 The legibility of some of the pedestrian crossing points on the Neighbourhood and Green Street are a little misplaced but it is noted that these are

highlighted by the applicant as subject to later engineering detail approval. The LHA is satisfied with this approach.

- 8.4.6 An inclusive appraisal of the car parking provided has established the provision of 1,404 spaces. This is an excess of 40 spaces, when benchmarked against the standards expected in the Local Plan for suburban developments. To note, the 1,404 figure is on plot allocation and does not take account of on street parking availability or the ability to park on extended driveway crossovers on the Green Street.
- 8.4.7 The Lawley Design Code established the requirement for off-site traffic calming solutions to be provided on and around Milners Lane and Station Road; primarily to deter any driver temptation to cut through these lower order routes. The Developer Consortium will be required to deliver such schemes as a Condition of this application.
- 8.4.8 The LHA has had sight of a number of highway engineering drawings, which have been produced but do not form part of the planning submissions itself. For the avoidance of doubt the comments of the LHA for this Reserved Matters application are based on the planning submission and any approval of engineering drawings, for construction purposes, will fall under separate highways acceptance outside of the planning process.
- 8.4.9 The LHA is now of the overt understanding that the ownership of Ladygrove is on a path to resolution. This is a civil matter outside of planning control, however, is one that needs to be resolved for the next stage of legal matters and the s.38 adoption.
- 8.4.10 The comments of the LHA are given on the understanding that any consent given will present no opportunity for the full unimpeded vehicular link between Phase 7 and Concorde to be defaulted on and therefore will not result in the delivery of just one principle access into the site, which would be from Lawley Common Roundabout via Proctor Avenue.
- 8.4.11 Therefore, based on the information available and the higher level planning opinion provided to the LHA at this time, the LHA is in not in a position to take any particular exception to the proposals, providing the requested conditions are attached to any consent.
- 8.4.12 On the basis of the above discussion, it is considered that this Reserved Matters application is consistent with the Outline Consent and that all relevant highways matters are either compliant with the Local Plan or can be appropriately dealt with by Condition.

8.5 Drainage and Flood Risk

- 8.5.1 The Outline Planning Consent set a number of development principles, including strategic drainage plans for the wider Lawley development. Since then a number of drainage and site iterations for this Phase have been seen although drainage proposals for Phase 11 remained broadly unchanged.

- 8.5.2 The Phase 11 proposals include two large site attenuation basins at the bottom (north-western end) of the site. No source control or SuDS management trains were proposed in 2004 or with the current application for this site. Instead the system relies on two very large end-of-pipe solutions. Whilst this is not an ideal SuDS the LPA and Local Lead Flood Authority (LLFA) appreciate the difficulties with this site in relation to layout and levels.
- 8.5.3 Flooding at Martingale Way has been an ongoing issue since the Martingale phase of development was first constructed and a number of properties flood from a watercourse that passes through land owned by Homes England. Most flooding in the area is considered to have been largely the result of a temporary grille that was subject to frequent blockage, however in the August 2020 flooding event, which saw a major summer storm event impact large areas of northern Telford, this ditch and downstream systems appear to have been overwhelmed and unable to cope with the volume of flow they received.
- 8.5.4 Development of this site, which will remove runoff from the Phase 11 area from the watercourse flowing along the western extend of the Martingale way development, will therefore provide a betterment to this situation.
- 8.5.5 Ultimately, the new development will discharge to the public sewer within Martingale Way, which was sized as part of the strategic development. The LLFA welcome the removal of Phase 11 runoff from the vulnerable watercourse system running along the west side of the Martingale Way development site. The LLFA also welcome the system being designed so that the 1 in 100 plus climate change storm rainfall is restricted over and above what was agreed as part of the original strategic proposals.
- 8.5.6 To date, the LLFA has received sufficient information assess the strategic drainage design and support the application. The remaining detail can be secured by planning conditions and officers advise members that it would be appropriate to do so.
- 8.5.7 As referenced in para. 8.5.3, it is known that flooding issues have occurred in the vicinity of Horseshoe Paddock and Farriers Green. An increase in run-off has been partially the result of the applicants removing vegetation and scrub from the Phase 11 site but in the main has been due to wider issues within the drainage network. As there would be a time lag between any grant of planning permission and the final drainage design being create and fully operational, the applicants are proposing an intermediate drainage scheme to deal with increased surface water run-off and potential flooding during the construction period.
- 8.5.8 The intermediate scheme proposed involves creating one of the two large attenuation basins (the western one) and releasing water into the watercourse that runs alongside Horseshoe Paddock and Farriers Green until such a time as the full scheme can be delivered, at which point water will be diverted into the public sewer. A phasing plan has been submitted that states the site will

be drained into the Martingale Way sewers prior to the commencement of any permanent impermeable areas of development. This means that provision has been made to drain any surface run-off occurring during construction away from the Horseshoe Paddock watercourse.

8.5.9 In summary, the overall drainage scheme proposed for Phase 11 is expected to help reduce the existing problems with surface run-off and flood risk to properties in and around the area of Horseshoe Paddock. All remaining details can be satisfactorily secured by planning condition.

8.6 Design Issues

8.6.1 Section 12 of the NPPF is concerned with promoting good design and re-affirms previous national guidance that permission should be refused for development of poor design.

8.6.2 It is necessary for new development to function well, establish a strong sense of place, have a suitable balance between built form and space, respond to local character and history, create a safe and accessible environment and be visually attractive. It also states, however, that permission should not be refused for development because of concerns about incompatibility with an existing townscape (notwithstanding effects on designated heritage assets, which may justify a refusal), especially where that development promotes high levels of sustainability. It requires that new developments make a positive contribution to their surroundings.

8.6.3 Policy BE1 of the Local Plan seeks to ensure that developments are designed to respect their surroundings and contribute positively to the character of the area, having particular regard to the layout, density, design, scale, height, massing, appearance, materials and landscaping prevalent in the area. New development should also be compatible with the local character and encourage local distinctiveness through the use of appropriate and high-quality building materials, architectural detailing and boundary treatment.

8.6.4 The Lawley Design Code and Addendum were prepared to provide additional detailed guidance to the development framework and set out a vision for the development to be built in a number of phases over a 20-year period. The Codes are mandatory and comprise four residential neighbourhoods, namely Newdale Valley, Newdale Village, Lawley Bank, and Newdale together with a new Local Centre provided at its heart. Phase 11 comprises Lawley Bank Neighbourhood.

8.6.5 In order to guide development appropriately the Design Codes provide a statement for each neighbourhood, with Lawley Bank envisaged as *‘the topography of Lawley Bank is one of a regular bowled slope or bank which is*

north facing providing clear views across Newdale Valley and onto northern Telford beyond. The south-east of Lawley Bank is a continuation of the ridgeline which 'holds' all of the Lawley area. This topography and the resulting views to and from the area provide a distinctive context for the neighbourhood and must be respected in the design of development. The slope gradient is used to positive effect with the creation of open space terraces and linear forms of residential development traversing the slopes.' The layout of Phase 11 focusses on Martingale Circle as a central public open space with several radial streets stretching out from the circle to give the layout its structure and connectivity.

- 8.6.6 There is a clear street hierarchy with housing types appropriately located along streets of different characters, which create a sense of legibility throughout the scheme. The design of housing units is consistent with the Lawley Design Code Addendum and reflects the architecture and appearance approved in more recent Phases of Lawley SUE, namely Phases 7, 8, 5 & 9, and 10.
- 8.6.7 The site layout provides for a living environment where each of the dwellings has the benefit of a private amenity area of a size considered acceptable to meet the needs of each dwelling. There are 2no. pocket parks proposed within the layout where the location of mineshafts prohibits built development.
- 8.6.8 On the basis of the above discussion, the proposals are considered to meet the requirements of Policy BE1 and the NPPF in terms of design.
- 8.6.9 With regards to the Nationally Described Space Standards (NDSS) and Policy HO4 of the Local Plan, Members are advised that this scheme is exempt as the Outline Planning Permission pre-dated the NDSS.

8.7 Impact upon Built Heritage and Archaeology

- 8.7.1 The site is limited in terms of its built heritage and archaeological merits, however, there is a slag wall present at the eastern end of the Restricted Byway known as Ladygrove. The Council's Built Heritage Specialist and Shropshire Archaeology have both assessed the submitted information, and, as the layout of the site does not necessitate its removal, recommend Conditions to see the wall repaired in situ under a Written Scheme of Investigation.

8.8 Residential Amenity

- 8.8.1 Local Plan Policy BE1 is concerned with ensuring new development proposals respects the amenity of existing residential properties and their occupiers. The new dwellings would maintain acceptable separation distances

to all existing residential development and therefore the levels of privacy, outlook and light to be achieved are considered satisfactory.

8.8.2 The LPA understands there is concern amongst residents regarding levels of disruption and disturbance during the construction period. In itself this is not a material planning consideration and cannot be taken into account in determining the merits of this application. Condition 22 of the Outline Consent requires the applicants to submit a Construction Environmental Management Plan for each phase, which details hours of operation on site and other factors concerned with site operations. Whilst this is normally undertaken post-decision through an application to discharge conditions, the applicants have taken the decision to provide some of this information as part of the application, which has allowed for public consideration and comment. The LPA would like to draw Members' attention to the hours of operation proposed for construction working on this site which are Monday - Friday 0800-1700 and Saturday 0800-1300. Under Condition 18 of the Outline Consent the Applicants are permitted to work on site Monday - Friday 0700-1830 and Saturday 0800-1300 yet they have voluntarily proposed to reduce this for Phase 11 in order to address some of the concerns residents have about disturbance.

8.8.3 Further details would be required to discharge Condition 22 of the Outline Consent fully for this phase, including the location and type of wheel-washes at the site entrance/exit points.

8.8.4 Taking all of the above into account, it is considered that the development is compliant with Policy BE1.

8.9 Impact upon Arboriculture and Landscaping Issues

8.9.1 The site contains two key areas of existing tree planting. The first is the circle of trees located on Martingale Circle and the second is the strip of woodland along the southern boundary. It is important to note in planning terms that none of these trees are the subject of Tree Preservation Orders and therefore the Applicants could legitimately remove them without requiring any form of permission or consent.

8.9.2 There are 2no. trees on site which are the subject of Tree Preservation Orders: a sycamore to the south and a sycamore to the north-east adjacent to Station Road. Both of these trees have been retained as part of the scheme and the layout of the site designed around them.

8.9.3 The Lawley Design Code included an indicative layout for Phase 11 which included the removal of half of the trees within Martingale Circle, leaving a

semi-circular feature. Due to significant public objection during the consideration of TWC/2018/0346 the applicants have listened and elected to retain Martingale Circle and the existing trees in full. The Design Code also shows a significant proportion of trees retained along the southern boundary and the Applicants have designed the layout of the scheme to reflect this. Therefore the layout is considered to be consistent with the arboriculture shown in the Design Code.

- 8.9.4 The landscaping and arboriculture of the proposals has been amended throughout the application process in discussion with the Council's Arboricultural Officer and Healthy Spaces Specialist and both consultees support the application subject to Condition(s).
- 8.9.5 There is no on-site children's play area proposed to meet the needs of the residents on this development. This is proposed to be built on the adjacent Telford Steam Railway (TSR) land, however, no detail of this has been provided and will be subject to discussions between the applicant, TSR and the Council's Healthy Spaces Specialist. Details of the fencing between Phase 11 and TSR have been provided and it will match the post-and-rail and mesh fencing proposed to enclose the woodland strip along the southern boundary of the site.

8.10 Impact upon Ecology

- 8.10.1 The NPPF places high importance on protection of biodiversity interests and new development should minimize impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided.
- 8.10.2 The Council's Ecology Specialist advises that the reports are up to date and the impact upon ecology is acceptable subject to Conditions.

8.11 Affordable Housing

- 8.11.1 This section should be read in conjunction with the report on the agenda for the Deed of Variation pertaining to outline consent TWC/2010/0828. Members will be aware that the applicants have applied to reduce the Affordable Housing on Phase 11 from 25% to 10% under a Deed of Variation to the s.106 agreement attached to the outline consent. This matter is subject to separate discussion under that particular agenda item.
- 8.11.2 The Applicants have submitted a Viability Report which confirms that, due to abnormal costs, the site is not viable and could justifiably provide no Affordable Housing. However, the Applicants have offered to provide 10%

discounted open market homes. These would be available at a discount of 30% and the Applicants have indicated they are prepared to have relevant clauses within the s.106 to restrict the sale of these units to first time buyers, key workers and people from the local area.

8.11.3 The obligations in the Deed of Variation will also ensure that the affordable dwellings will remain as such in perpetuity with clauses being imposed to ensure that subsequent disposals of the discounted market dwellings may only be sold at a discount and to those eligible.

8.11.4 A plan has been submitted with the Reserved Matters application indicating the location of these proposed affordable units on site.

8.11.5 Officers advise Members that it would be appropriate to include a Condition on any grant of permission to restrict occupancy of any housing units on site until the Deed of Variation has been completed.

8.12 Other Matters

8.12.1 Issues such as damage to property, property values and insurance claims are not material planning considerations and cannot be taken into account in determining the merits of this application.

8.12.2 Although the site has been frequently referred to as Lawley Common, the Applicants have advised the LPA that the site is owned by Homes England and it not public land as such. Homes England have allowed people to enjoy the benefit of walking or playing this land over time although they would have been within their rights as land owner to erect fencing and prevent access to the site at any point during the past since taking ownership.

8.12.3 Any disturbance caused by construction works on Phase 7, or any other Phase, is not a material consideration in the determination of this application.

8.12.4 Disturbance experienced by residents in relation to the transportation of earth from other Phases onto Phase 11 is not a material planning consideration for this application outside of the scope of the Construction Environmental Management Plan.

9. **CONCLUSION**

9.1 The principle of residential development has been established on this site via a pair of previous Outline Consents as have the principles of access, street hierarchy and connectivity. The purpose of the current application is to approve reserved matters relating to details of appearance, scale, layout,

access and landscaping. From the discussion above it is clear that the proposed development achieves a number of planning benefits.

- 9.2 The development is considered acceptable in terms of impact upon amenity for existing residents, highways, drainage and flood risk, heritage and archaeology, arboriculture and landscaping, and ecology, and would contribute 600no. dwellings towards the Borough's housing supply. The detailed design and layout contributes in part towards delivering the objectives of the Lawley Design Codes and creating a neighbourhood at Lawley Bank.
- 9.3 At the time of writing this report the LPA requires further assessment of information from the Council's Geotechnical Specialist. Subject to receiving confirmation that the submitted details are acceptable and the proposals present no risk to land and slope stability, the proposed scheme is expected to meet the requirement of Policy BE9. Other details can be secured by Condition.
- 9.4 The application is proposing 10% Affordable Housing through the s.106 in the format of discounted open market homes intended for first time buyers and key workers with a local connection.
- 9.5 Taking all these matters into account, therefore, the Local Planning Authority considers that when the advantages and disadvantages of the scheme are weighed against each other the benefits outweigh the detriments and the application is therefore recommended for approval.

10. DETAILED RECOMMENDATION

- 10.1 Based on the conclusions, it is recommended that **DELEGATED AUTHORITY** be granted to the Delivery Management Service Delivery Manager to **GRANT RESERVED MATTERS** subject to:
- a) No further representations being received during the consultation period to advertise that notice has been served on a landowner within the application site, which raise material considerations that are, in the opinion of the Development Management Service Delivery Manager after consultation with the Chair of Planning Committee, of such significance that the application should be reported back to Planning Committee for re-consideration and determination.
 - b) The Applicants entering into a Deed of Variation to the Section 106 legal agreement with the Council to provide 10% Affordable Homes on site as discounted market homes.
 - c) The following Condition(s) and Informative(s) (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

Condition(s)

Time Limit - Reserved Matters

Development in accordance with Deposited Plans

Drainage Details for Exceedance Flows

Details of SUDS landscaping for Attenuation Ponds

Ecology Conditions (as proposed by Council's Ecologist)

Tree Conditions (to be agreed with Council's Arboriculturist)

Submission of and compliance with Construction Environmental Management Plan

Site Investigation Conditions as proposed by the Coal Authority

Geotechnical Conditions (to be agreed with Council's Geotechnical Specialist)

Highways Conditions as proposed by Highways Engineer

Details of play area proposed for railway land

Restriction on occupancy of dwellings facing play area

Restriction on occupancy of dwellings prior to completion of Deed of Variation to Section 106