

TWC/2014/0671

Land adjacent to Cheshire Cheese, Doseley Road, Doseley, Telford, Shropshire
Outline application for the erection of 13no. dwellings with associated access (all
other matters reserved) ****AMENDED RED LINE BOUNDARY****

APPLICANT

Bluemark Projects Ltd & Punch Taverns Ltd, Peter Eakers

RECEIVED

14/01/2015

PARISH

Dawley Hamlets, Great Dawley

WARD

Dawley Magna, Horsehay and Lightmoor

OFFICER

Libby Harper

OBJECTIONS RECEIVED: Yes

MAIN ISSUES: Principle of development, Green Network, Highways Issues, S106
Contributions, Drainage, Ecology

THE PROPOSAL:

This application seeks outline planning permission for the erection of 13 dwellings on
the site. Permission is sought at this stage for access, with all others matters
reserved for consideration at a later stage.

The residential development would be accessed through modification of an existing
track running at the side of the public house to create a new access from Doseley
Road to form a cul-de-sac, notably an area has been left free of development with
potential to provide access to further possible sites for development to the east.

Whilst siting is a reserved matter, an indicative layout of the 13 dwellings has been
provided as part of the submission comprising 3 pairs of semi-detached 3 bedroom
houses, with 7 detached 3 bed dwellings (NB. the Design & Access Statement
incorrectly references provision of 4 bed units also).

Notably the neighbouring Cheshire Cheese Public House is to be retained further to
development.

This application is accompanied by a Design & Access Statement and Planning
Statement, Transport Statement, Coal Mining Risk Assessment, Ecology Survey,
together with a Reptile and Amphibian Report.

SITE AND SURROUNDINGS:

The application site comprises rough grassland with areas of rubble measuring 0.53
hectares located just off Doseley Road, split between two paddocks forming part of
the extended curtilage of the Cheshire Cheese Public House, with previous usage in
part as an extended beer garden and casual storage of materials. The site is now
described as surplus to requirements within the Design & Access Statement, at the
time of a pre-application enquiry and latter site visit the majority of the site was used
for the grazing of wildfowl. Notably, the site has been modestly reduced in size from
0.583ha at the submission stage with a non-developed area removed from the red
line boundary representing a potential access route should development on

neighbouring land come forward in the future. The site is somewhat undulating sloping up from the track, down east to west across the top of the site towards the disused railway embankment, and then downwards north to south across the bottom part of the site.

The majority of the application site excluding the access area is designated as Green Network on the adopted Proposals Map, the remainder being whiteland. To the north lies the Cheshire Cheese public house itself with residential properties off Fylingdales Drive and Wheeldale Close beyond - principally comprising two storey semi-detached properties. To the immediate west lies a substantial mature tree lined embankment accommodating a disused railway line. This line continues along properties to the rear of St Lukes Road and grazing land beyond the site in a southerly direction, whilst to the north this links through to the Telford Steam Railway depot off Bridge Road, Horsehay.

To the south sits an area of woodland sitting adjacent to a number of fields used for grazing, looping around to the east of the site. A Right of Way runs along the access track sitting to the north linking with a network of paths leading north (including a connection to the Captain Webb Primary School) / east and south, one of which runs along part of the eastern boundary of the site linking through to St Lukes Road with mainly inter-war period houses. On the opposite side of St Lukes Road sits a number of residential units, and Doseley Industrial Estate with Doseley Pipeworks beyond. This latter site having been granted outline permission for up to 460 dwellings (ref. TWC/2012/0650).

The site is bound by a mature hedgeline along the western, southern boundaries and eastern boundaries, with the northern edge adjacent to the track comprising a post and wire fence which is also dotted elsewhere around the site. Substantial banks of vegetation (bushes) are located towards the southern and eastern edges. The context of the surrounding landscape is therefore a mix of open space, residential properties and employment uses.

The site is approximately 1.3 kilometers from a range of facilities and services in Dawley High Street including the Phoenix Academy providing secondary education, 0.7 kilometers from the Captain Webb Primary School (via roads rather than aforementioned footpaths) and 0.8 kilometers from Horsehay with a number of services and facilities available including newsagents / village stores and public houses.

PLANNING HISTORY:

No planning application history is recorded for this site.

Pre-application enquiries:

PE/2013/0375 – Proposed residential development

PE/2012/0379 – Proposed residential development relating to the site and wider area

PLANNING POLICY CONTEXT:

National Planning Guidance:
National Planning Policy Framework

Wrekin Local Plan:

EH14 Land Stability
UD2 Design Criteria
H6 Windfall Sites in Telford and Newport
H22 Community Facilities
OL3 Green Network
OL4 Development in the Green Network
OL11 Woodland and Trees
LR4 Outdoor Recreational Open Space
LR6 Developers Contributions to Outdoor Recreational Open Space Provision within New Residential Developments

Core Strategy:

CS1 Homes
CS3 Telford
CS9 Accessibility and Social Inclusion
CS11 Open Space
CS12 Natural Environment
CS15 Urban Design

CONSULTATION RESPONSES:

Standard consultation responses

Great Dawley Parish Council: No comment

Dawley Hamlets Parish Council: No comment

Highways: Comment

No objection in principle subject to imposition of conditions requiring pre-commencement construction details for offsite highway works at the proposed access off Doseley Road including visibility splays, footways, pedestrian crossing and any other associated works, and that works are implemented prior to 1st occupation; details of the design and construction of any new roads, footways, street lighting, accesses and surface water to a suitable outfall with agreed details to be fully implemented prior to occupation; details of the parking, turning, loading and unloading of vehicles; a scheme for Public Right of Way improvement works with works completed prior to 1st occupation; and an informative relating to the need for a S278 agreement to be entered in to for the highway improvement works.

Ecology: Comment

Initially objected to the scheme since it was not possible to conclude that the proposal would not cause an offence under the Conservation of Habitats and Species Regulations (2010), with a requirement for additional information relating to reptiles and great crested newts due to a number of records in close proximity to the site, and the presence of a number of ponds within 500 metres of the site respectively.

Following the submission of a great crested newt Habitat Suitability Index assessment and reptile surveys, and a number of subsequent letters clarifying a boundary change and habitat creation proposals, the representation has been amended to a comment, requesting conditions to ensure no development, storage of materials or access to take place within the western buffer zone to protect sensitive habitat features; provision of an ecological management plan; provision of a series of nesting/roosting bird boxes for birds; submission of a lighting plan to minimise disturbance to bats; together with informatives for nesting wild birds to ensure timely vegetation clearance with legislative context applying, and a second relating to trenches.

Parks & Open Spaces: Comment

The development will contain a number of properties which will contribute to the need of recreational facilities for the area. There are some nearby play / proposed recreational facilities for children and young people which could be upgraded / enhanced in order to maximise the capacity and meet the need arising out of this development. Suggest that should development (if successful) provide 2 or more bedroom properties; that they meet this need through conditioning of WLP Policies LR4 and LR6, an appropriate sum to request is identified as £600 per property.

This site is identified on the Local Plan as land designated as Green Network. The proposal does not provide any details as to why this is an exceptional circumstance for the loss of this resource or that the proposal is complimentary to the aims of the GN or confirms what environmental benefits are proposed as part contribution towards this loss of land. This needs to be confirmed by the applicant. Given the scale of loss I would anticipate a reasonable contribution towards offsite environmental improvements. Again, should the above request not be confirmed acceptable, Parks & Open Spaces wish to object to the application as it is not contributing to the loss of GN and it is contrary to policy OL4.

There appears to be open space proposed (to side of the roadside) within the development but no indication as to how and who is to manage this. Can it be confirmed whether the applicant requires the Council to adopt this land or an alternative management regime is proposed.

The site is near to the disused railway line which was at some stage considered by the Horsehay Steam Trust as a potential extension. I would suggest that they are requested to comment upon this application.

Education: No objection

Advice that given the number and type of dwellings, a contribution would be sought to primary school provision in the vicinity of the development amounting to £29,868, no contribution is sought towards secondary school provision.

Drainage: Support subject to conditions

Arboricultural: Support subject to conditions

Tree related issues require full consideration and where necessary contribution for ongoing and future maintenance. Shading is an issue on this site and requires careful consideration.

Affordable Housing: Comment

Advice that saved policy H23 states that a proportion of affordable housing will be sought on sites that come forward. The general threshold for the provision of affordable housing is a site area of 0.5 hectares or above or 15 dwellings or above. This site exceeds the site area threshold. However, no reference is made in the Design & Access Statement to the provision of affordable homes.

Built Heritage Conservation: No comment

The Coal Authority: Comment

Initially objected to the scheme, advising that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority information indicates that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mining at shallow depth. This has been confirmed by the Ground Stability Report which has been submitted as part of the supporting documentation for this planning application.

The applicant has submitted some coal mining information to accompany the planning application; however, The Coal Authority does not consider this adequately addresses the impact of coal mining legacy on the proposed development and require the submission of a Coal Mining Risk Assessment Report or equivalent.

A Coal Mining Risk Assessment Report, prepared by a competent body has subsequently been submitted correctly identifies that the application site is likely to have been subject to past coal mining activity has been informed by an appropriate range of sources of information; including a Coal Mining Report, BGS borehole records and OS historical mapping. Based on this review of existing sources of geological and mining information the Report concludes that shallow mining may pose a risk to the proposed development that cannot be entirely discounted.

Recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

Telford and Wrekin Local Access Forum

The main access to the site is by a road adjacent to the Cheshire Cheese that carries a public right of way – Footpath. Due to the use of this road for traffic to the development when previously it would have had none or very little it is imperative that the developers look to putting in a suitable surface and route that is not shared with motorised traffic to protect lawful users of the right of way who may range from those on foot to those with reduced mobility in buggies or wheelchairs. No restrictive

furniture should be put on the right of way to reduce or restrict access of these lawful users. Strongly advise the developers to engage with the TWC Senior Rights of Way Officer to deal with this matter at the earliest stage. The site is also surrounded by a public right of way and it appears that the development will not affect this in any negative way, as it appears to be outside of the development curtilage.

Local Representations

The Local Planning Authority has received seven letters of objection, and three comment representations. The issues/concerns raised in relation to the application are summarised below:

- Importance of site and Doseley – historically, green area, removal wildlife area, enough development already
- Highways safety – Doseley Road South busy thoroughfare subject to accidents including a fatal RTA, steepness and narrowness of roads including around railway bridge – damaged by lorries using road, speed of existing traffic, lack of street lighting, impact of delivering services – disruption/noise/nuisance, need for traffic calming
- Antisocial behaviour already along track
- Better sites – non-green sites
- Land unstable – Lightmoor deep coal seam runs across the area, sinking whole nearby
- Destruction of woodland
- Detriment to Public Right of Way
- Landowner of triangular parcel to north and east of site - development should not obstruct any of the existing rights of access over the lane to the north of the application site including vehicular; any layout plan finally approved on the should allow for the provision of a future means of access on to neighbouring in order to open it up if needed for any future development.

PLANNING CONSIDERATIONS:

Principle of development

The application site is located within the built-up area of Telford, where Core Strategy policies CS1 and CS3 assert that the majority of new homes should be located. At both national and local levels of planning, an emphasis exists on housing growth and the National Planning Policy Framework (NPPF) identifies a presumption in favour of sustainable development. The site is located approximately 0.8 kilometers from Horsehay with a number of services and facilities available including newsagents / village stores and public houses available, with a broader range available approximately 1.3 kilometers away along Dawley High Street including the Phoenix Academy providing secondary education; the Captain Webb Primary School (via roads rather than aforementioned footpaths) is 0.7 kilometres to the north east. A bus stop sits approximately 110 metres to the north along Frame Lane serviced 2 hourly by the 99 route. The site is therefore considered accessible and sustainable and the principle of development acceptable. It is further acknowledged that the existing pub has its own car park and beer garden area which are not affected by the proposal, whilst the pub is presently vacant, the application material identifies the retention of the pub through development.

Residential development on designated Green Network land

The site falls within the Green Network as shown on the adopted Proposals Map. Specifically, Policies OL3 and OL4 of the Wrekin Local Plan relate to the intrinsic value of the Borough's Green Network as well as providing guidance to development within this designation. Policy OL3 sets out the 6 aims of the Green Network which include maintaining Telford's image as an attractive place to live and work, the separation of the built up areas with green wedges, to provide informal recreation and open space and to protect the Borough's ecological and archaeological heritage. The NPPF however asserts the local green space designation should only be used where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife.

It is argued within the application material that the purpose of the Green Network is not reflected within this application site which in its current state is not accessible to the general public meaning there would not be any loss of open land that would be suitable for recreational purposes, is deemed to consist of a visually poor environment that does not make a positive contribution to wider open countryside due to both being neglected and more importantly by sitting within a dip in the landscape flanked by a railway bank which obscures the site from view. The proposed development will provide public greater access into the site and will enhance its overall appearance. The trees on the disused railway bank will become more prominent and will form an attractive backdrop to the houses which will create a visual link with the immediate surrounding buildings but not be obtrusive to the openness of the wider landscape including the surrounding fields and play areas. The material defined that it will create a lush and pleasant living environment which will add positively to the experience of the wider surrounding landscape. Further, that the ecology report indicated that there is nothing of any value on the site due to the fact that it has been poorly maintained and has been used to 'store' materials over long periods of time. There are no particular features on the site as far as geology is concerned but the main feature of the wider area, i.e. the disused railway elevated above the landscape will remain the dominant feature of the area. It is also defined that the main elements of the infrastructure of the area, the disused railway line and the public footpaths, will remain as existing. There is therefore no loss of linkage into the wider open landscape or between separate parts of the town.

Given the case made, that the site is inaccessible to the public and the fundamental features of the site worthy of retention in terms of the established hedgerows and higher value trees across the neighbouring disused railway line will be unaffected by development through appropriate siting of dwellings and planning controls over the construction phase. Further, that built development is positioned to the north of the site whilst being a fairly discrete parcel of land within the wider landscape and therefore would not create harmful visual impact and would not have a detrimental impact on the Green Network; thus the principle of development on this site is acceptable.

Highways issues

Policy H6 necessitates that a new housing site can be adequately accessed and parking provided. At the pre-application stage dialogue arose between the applicant

and Highways Authority with particular regard to sizeable development coming forward in the locality (the Doseley Pipeworks site for instance) necessitating the submission of a Transport Statement, as well as the relationship between the new access for the proposed development and existing right of way at the north of the site. Provision of an access for the site through modification to the existing access and track is proposed with a tactile pedestrian crossing to be provided towards the entrance and then a transition feature upon entering the shared surface to be provided for the access road. A grassed service margin is proposed at the front of properties. The block plan also evidences an autotracked route of a refuse lorry within the site, again indicating the site can accommodate the number of units proposed.

No objection has been raised by the Highways Authority subject to conditions for construction details for offsite highway works including visibility splays, footways, pedestrian crossing and any other associated works and that works are implemented prior to 1st occupation; details of the design and construction of any new roads, footways, street lighting, accesses and surface water to a suitable outfall; details of the parking, turning, loading and unloading of vehicles; a scheme for Public Right of Way improvement works – noting the comments of the Local Access Forum in such a respect and local representations to secure the integrity of the route; and an informative relating to the need for a S278 agreement to be entered in to for the highway improvement works.

On the basis of the recommended conditions and no objection stance of the Highways Authority, it is considered that the site can be adequately accessed and parking provided in accordance with policy H6.

Drainage

The means of conveyance of drainage from the site has been identified as mains sewer for foul and soakaway for surface water drainage. There are no objections from the Council's Drainage Engineer subject to conditions being applied to the development regarding submission of a scheme for foul and surface water drainage, provision of a soakaway test and controls over the location of any soakaways.

Ecology

Policy CS12 seeks to protect biodiversity, including habitats from development. The application was accompanied by a Preliminary Ecological Appraisal at the submission stage. This recommended the retention of boundary hedgerows, potential for nesting wild birds, no evidence of badger setts, with negligible potential for roosting bats within the site and potential on the neighbouring disused railway line with trees retained. The context of great crested newts - with a number of ponds within 500 metres of the site, and a number of reptile records in close proximity, was however not fully addressed, leading to an Ecology objection and additional information required relating to these species in order to demonstrate the position necessitated by CS12 could be secured. Following the submission of additional survey information, including amended plans relating to retention of a proposed buffer of semi-improved grassland for the benefit of reptiles along the western boundary, the Ecology representation has been revised to a comment.

Recommendations coming out of the surveys include retention of hedgerows, a method statement for construction works to avoid killing and injury of reptiles and amphibians, provision of a nest box and bat box scheme. On this basis, a number of conditions are recommended to control provision of a western buffer zone to protect the sensitive habitat features for reptiles; the submission of an ecological management plan for the site to include native tree and shrub planting; the erection of artificial nesting/roosting boxes – as recommended by the surveys, for a range of birds; and, provision of a lighting plan to minimise disturbance to bats. Accompanying informatives are recommended advising of the protected nature of nesting wild birds, and means of approaching trenches and pipework to prevent wildlife becoming trapped. Through taking forward these recommended controls, it is considered that biodiversity can in turn be protected, recognising the concerns over wildlife raised in a number of representations, and indeed be enhanced, in line with local and national policy, as well as European legislation.

Scale, Character and Design of Development

The application has considered the context of the proposed design of the scheme in a notable level of detail for an outline application with all bar access being proposed reserved matters. In terms of principles, it is considered that the indicative layout points that the proposed number of units can be accommodated within the site boundary such that an appropriate level of parking can be provided, that each property would benefit from an appropriately sized rear garden (including an indication of patio areas shown) and modest front garden.

Indicative elevations have been submitted, indicating a mix of 2 and 2½ units providing a mix of gabled frontages, roof dormers, brick and render combinations, and some variation within the proposed materials with usage of brick and render finished units. It is appreciated that a range of architectural styles and periods of housing stock are present in the locality including older, mainly Victorian houses and new traditional style houses ranging from single storey dwellings, dormer bungalows and 2 dwelling houses. The application material also suggests the presence of 2½ storey dwellings also in Doseley. Nonetheless, a feature missing from the proposed properties and nearby 1990s development which the proposed development may well thus far be taking a lead from, is the provision of chimneys. These are a particular feature of the older properties nearby, and should be introduced should this outline application be successful to add further variety to the roofline.

Additionally, the units nearest Doseley Road should be mindful of the need for active and feature led frontages facing both the internal service road as well as Doseley Road leading through to the track to the north – Plot 1 as it stands presents a fairly standard side elevation as is. Whilst the provision of 2½ storey units is considered in this location bearing in mind the mix of units in the locality, with particular reference to The Dingle along Frame Lane, the Local Planning Authority would expect revisions to the elevational treatment of units at the reserved matters stage, the present proposal is not acceptable, this includes in relation to the carport suggested, a reduced overhang, and a mix of porches proposed.

An acknowledgement is also made to the shadow path figures submitted and the revisions made to the scheme from the pre-application stage with a potential conflict significantly minimised and would be further considered at the reserved matters

stage. Additionally, the plans identify an intention to cut back the existing boundary and any gaps be planted with native hedge species along the eastern boundary, and retention of the existing mature hedgeline is suggested along the southern boundary, these are welcomed features of the proposal and would be controlled through condition as well as protection of these hedges and neighbouring trees during the construction phase. A condition is also recommended in respect of a landscaping management plan to ensure appropriate future maintenance of open space within the site.

The position related to the disused railway line has been raised by Parks & Open Space, which was at some stage considered by the Horsehay Steam Trust as a potential extension. In this respect, it is considered appropriate that as part of a reserved matters stage where the detailed design would be considered and the need for potential noise mitigation measures.

Mining legacy

Policy EH14 and paragraph 120. of the NPPF necessitate that the impact of historic mineral extraction are appropriately addressed through a planning application. For the Cheshire Cheese site, records held by The Coal Authority and the Coal Mining Risk Assessment Report submitted identify that the land parcel is likely to have been subject to past coal mining activity, and shallow mining may pose a risk to the proposed development that cannot be entirely discounted. The report recommends intrusive site investigation works be undertaken, with a recommendation for these to be conditioned by The Coal Authority. Through this protective control it is considered that any special design measures can be introduced to the design to ensure the development can tolerate the ground conditions in accordance with local and national planning policy requirements.

Planning Obligations

The application triggers the consideration of contributions towards education provision and parks & open space due to its size as a 10+ dwelling scheme. The development proposed falls below 15 dwellings and covers an area of 0.53ha thus on the cusp of the threshold for the for affordable housing; taking account of the number of units in a location where the green elements are sensitive, a request for affordable housing has not been pursued to ensure the viability of the site without increasing numbers nor artificially removing landscaping areas from the scheme. The development proposes a number of properties which will contribute to the need of recreational facilities for the area with the identification of some nearby play / proposed recreational facilities for children and young people which could be upgraded / enhanced in order to maximise the capacity and meet the need arising out of this development. The Council's Parks & Open Spaces Officer therefore seeks a contribution of £600 per dwelling towards offsite play and recreation to satisfy the requirements of saved Wrekin Local Plan policies LR4 and LR6. The Education Department have requested a contribution towards primary provision only and not secondary, as per unit amount would therefore to be sought through a Section 106 agreement.

Conclusion

The site is located within the built-up area of Telford, and whilst the majority of the site is designated as Green Network, the principle of development is considered acceptable having regard to the case made that the site fails to meet the aims of the designation. The proposal will provide community benefits in terms of contributions towards parks & open space improvements and primary education. The proposal with appropriate conditioning can be adequately accessed and the access arrangements are appropriate in highway terms.

All other matters except access are reserved, and can be suitably addressed by condition. Accordingly, the proposal complies with relevant national and local planning policies and is recommended to Members of Planning Committee for approval subject to a financial contribution towards recreation provision and appropriate conditions.

RECOMMENDATION: that DELEGATED AUTHORITY be granted to the Service Delivery Manager of Development Management to GRANT PLANNING PERMISSION subject to the following conditions:

- A) The Applicant entering in to a Section 106 Agreement with the Council relating to:
 - i. A contribution of £600 per dwelling (2 or more bedroom properties) towards offsite environment improvements for play and recreation
 - ii. £2,298 per dwelling (excluding one beds were this relevant) towards primary education

- B) The following conditions (with authority to finalise and impose additional conditions to be delegated to the Service Delivery Manager of Development Management):

A01	Time limit (outline)
A03	Submission of reserved matters
B02	Standard outline some matters reserved
B03	General details required
B10	Details of materials
B11	Samples of materials
B12	Sample Brick Panel
B35	Off-site highways (Details approved)
B42	Parking/Turning/Loading
B49	Details of the design / construction of any new roads, footways, Street Lighting, details of disposal of surface water to outfall
B49	Scheme of Public Right of Way improvement works
B50	Shallow Mineworking
B61	Foul and Surface Water
B64	Soakaway Test
B65	Soakaway more than 5m from building or boundary
B125	Details of Earthworks
B127	Landscape Management Plan (15 years)
B142	Management Plan

B149	Lighting Plan
C38	Development in accordance with deposited plans
C40	No approval of layout / elevations / floorplans
C70	Trees no burning
C72	Trees – materials storage
C73	Hedge Protection
C74	Tree Protection
C100	Bird Boxes
C109	Buffer zone - Habitat features
C109	Lighting plan
C38	Development in accordance with deposited plans

Informatives

I06	S106 Agreement
I11	Highways
I17a	Coal Authority – Development High Risk Area
I18	Landfill Gases
I25a	Nesting Birds
I25e	Trenches
I32	Fire Authority
I40	Conditions
I44	Outline permission
RANPPF1	Approval - NPPF