

TWC/2015/0369

Land off Garfield Road, Red Lake, Ketley Bank, Telford, Shropshire

Outline application for the erection of up to 45no. dwellings with all matters reserved

**APPLICANT**

S Jones

**RECEIVED**

06/05/2015

**PARISH**

Ketley

**WARD**

Ketley and Overdale

**OFFICER** Matthew Thomas

**OBJECTIONS RECEIVED:** Yes

**1.0 THE PROPOSAL**

1.1 This is an outline application for 45 dwellings on a 1.2 hectare site off Garfield Road in Ketley Bank with all matters including access, appearance, layout, scale and landscaping reserved for later consideration.

1.2 Whilst the application is outline, the applicant has submitted an indicative layout showing that 45 dwellings can be accommodated on the site with a mix of detached, semi-detached and terraced dwellings with parking and arranged around a new single access point off Garfield Road leading to a central estate road and cul-de-sacs.

1.3 An EIA is not necessary. Whilst the nature of the development is a 10b 'Urban development project' under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, it does not meet the criteria and thresholds set out in Schedule 2 of the Regulations, as the development is for less than 150 dwellings and the overall site area is less than 5 hectares. However, the application has been submitted with the following documentation:

- Planning Statement including Design & Access Statement
- Highways & Drainage Statement
- Landscape & Visual Appraisal
- Noise Climate Assessment
- Phase 1 Environmental Survey
- Phase 1 Geo-Environmental Report & Mining Risk Assessment
- Tree Report

1.4 A Viability Assessment has also been submitted to the Local Planning Authority. Whilst the applicant has agreed to provide the S106 contributions requested by the Council, due to the findings of this report, no affordable housing is proposed.

**2.0 SITE AND SURROUNDINGS**

- 2.1 The 1.2 hectare triangular site is located approximately 3 miles to the north west of Telford town centre and just over 1 mile to the south-west of the District town of Oakengates where there are supermarkets, shops, local schools and a bus station. The application site is also located on the No.4 bus route which has pick-ups every 10-15 minutes at peak times and hourly in between providing excellent connections to Telford and the wider area.
- 2.2 The site lies within the built up boundary of Telford's urban area, as defined on the Wrekin Local Plan Proposals Map however it does fall within the Borough's Green Network designation. The site comprises undulating scrubland, part of which has long been used for the open storage of concrete pipe sections and other building materials. Immediately to the east, the applicant operates a small group of light industrial/business units from their adjoining house at Peacock Grove Farm however the location is predominantly residential in character.
- 2.3 The land falls some 5m from north to south. There is no significant vegetation within the main part of the site but there are trees and hedges around its periphery, most notably adjacent to the tree belt on the M54 embankment and along the frontage with Garfield Road.
- 2.4 There are residential properties to the west, north and east of the site and Mossey Green Way lies a short distance to the east. A corridor tree belt screens the embankments to the M54, to the south, and there is also green space and woodland on the northern side of Shepherd's Lane.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 W77/0509 – Erection of one dwelling – Outline Refused (14/09/1977)
- 3.2 W90/1081 – Erection of a single dwelling – Full Refused (07/02/1991)

### **4.0 PLANNING POLICY CONTEXT**

- 4.1 Core Strategy:
- CS1 Homes
  - CS3 Telford
  - CS9 Accessibility & Social Inclusion
  - CS11 Open Space
  - CS15 Urban Design
- 4.2 Wrekin Local Plan:
- UD2 Design Criteria
  - H23 Affordable Housing
  - T22 Planning Obligations
  - OL3 Green Network
  - OL4 Development in the Green Network
  - OL6 Open Land
- 4.3 National Planning Guidance:

## 5.0 SUMMARY OF CONSULTATION RESPONSES

### Standard consultation responses

- 5.1 Ketley Parish Council: Comment
- The Parish Council do not object to this application in principle they do have concerns about the increase in traffic along Shepherds Lane and Garfield Road and feel that these roads would need to be widened
- 5.2 Highways: Support subject to conditions
- Details of design and construction of new roads and footways
  - Visibility Splays – 2.4m x 43m
  - Access to the site to be limited to one main access point off and a maximum of two other direct driveway accesses off Garfield Road
  - Existing vehicular access to Mossey Green shall be permanently closed before any operations are commenced – details to be approved with LPA
  - Details of new 2m wide footway along the site frontage with Garfield Road linking to Shepherd's Lane – details to be approved with LPA
  - S106 contribution of £15,000 towards improvement of the bus infrastructure
  - Include Highways informative
- 5.3 Highways England: No Objection
- 5.4 Drainage: Support subject to conditions
- Scheme of foul and surface water drainage
  - Run off rates
  - Scheme for surface water treatment
  - SUDS Management Plan
- 5.5 The Coal Authority: Support subject to conditions
- The Coal Authority concurs with the recommendations of the Phase 1 Geo-Environmental Assessment and Mining Risk Assessment Report and recommends that the LPA impose a planning condition requiring site investigation works to be carried out prior to commencement of development
- 5.6 Contaminated Land (Environmental Health): Comment
- Include conditions requiring a noise model to be produced for the development and details of proposed noise mitigations (acoustic barrier, glazing ventilation etc) to be agreed to the satisfaction of the LPA.
- 5.7 Parks & Open Spaces: Comment
- S106 contribution of £600 per dwelling towards upgrading of nearby recreational/play facilities for children and young people
- 5.8 Aboricultural: Comment – recommend following conditions

- Tree Survey (B122)
- Landscaping Design (B121)
- Tree Protection Plan (B130)
- Tree Soil Levels (C71)

5.9 Ecology: Comment – recommend following conditions/informatives

- Erection of artificial nesting/roosting boxes
- Landscaping Design
- External Lighting Plan
- Informatives – nesting wild birds, storage of materials, trenches/pipework

5.10 West Mercia Police: No comments received

5.11 Shropshire Fire Service: No Comment

#### Neighbour consultation responses

5.12 Following neighbour consultation, two letters of objection were received and the issues raised are summarised below:

- Number of new vehicles will vastly increase traffic on an extremely busy and dangerous junction of the B4373
- Existing speed limit of 40mph rarely adhered to and local traffic uses part of Shepherd's Lane as a short cut
- Proposed access to the site is unsuitable as the junction of Shepherd's Lane and Garfield Road is too narrow. Large vehicles and buses have difficulty manoeuvring. Access should be repositioned off Mossey Green
- Adverse impact on the living conditions of No.1 Garfield Road, a low lying bungalow, as a result of increased traffic movement, light pollution, additional noise and dust during construction
- Potential adverse impact on local wildlife
- Why is this application being considered when Council has demonstrated a 5 year land supply

## **6.0 PLANNING CONSIDERATIONS**

6.1 Having regard to the development plan policy and other material considerations, including comments received during the consultation process, the planning application raises the following main issues:

- The principle of residential development on this site
- Land stability considerations
- Impact on the Borough's Green Network designation
- Impact on the character and appearance of the area and consideration to the living conditions of neighbouring properties and future occupants
- Financial Contributions/Affordable Housing

#### Principle of residential development on this site

- 6.2 The National Planning Policy Framework (NPPF) advises that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and encourages Local Planning Authorities (LPA's) to deliver a wide choice of high quality homes identifying the size, type and range of housing that is required in particular locations. The guidance seeks the development of brownfield land first and gives weight to strong designs, advising LPA's to refuse development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.3 At a local level, policy CS1 of the Local Development Framework Core Strategy seeks to provide every household in the Borough with an affordable, decent and appropriate home with the type, size and tenure of new and improved homes to meet local need and be delivered in a way that creates locally inclusive sustainable communities. Policy CS3 advises that Telford is to be the focus for new development and as the site is located within Telford's urban boundary, the principle of residential development is acceptable. Policy CS9 aims to improve social inclusion and accessibility by making sure that everyone is afforded reasonable opportunity to access homes, work, schools, recreation and open space, sports facilities, healthcare, food shops and other key services. Development should promote sustainable forms of transport, be located in existing centres to minimise the distance people travel and include measure that minimise the negative environmental impacts of travel.
- 6.4 When considering the previous and existing use of the site, being used for the storage of open storage of concrete pipe sections and other building materials, it can be argued that this is in fact a brownfield site. The National Planning Policy Framework encourages the effective use of land 'by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value'. When considering its location within the built up boundary of Telford's urban area and in a sustainable location with excellent public transport connections the LPA is satisfied that the principle of development can be supported on this site subject to the proposals satisfying other local planning policy.

#### Land Stability

- 6.5 Policy EH14 of the Wrekin Local Plan advises that development will be permitted within the Mineral and Mining consideration areas where it is demonstrated that the proposed development can tolerate the ground conditions and structural integrity is not compromised.
- 6.6 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. A Phase 1 Geo-Environmental Assessment and Mining Risk Assessment accompany this application, prepared by Sladen Associates, an independent environmental consultancy. The report confirms that the recorded mine entry and unrecorded shallow

mine workings may pose a potential risk to development. Accordingly, the report proposes further investigations to establish any necessary remedial measures to treat potential shallow working and also proposes further investigations to locate and stabilise the recorded mine entry.

- 6.7 The Coal Authority has been consulted on the proposed development and has raised no objections subject to the inclusion of appropriate conditions to the decision notice, should the application be approved. It is recommended that should planning permission be granted, the site investigations as recommended within the report are undertaken prior to the commencement of development. In the event that the site investigations confirm the need for remedial works, this should also be conditioned to ensure that the site layout is amended to avoid the mine entry and to ensure that shall mine workings are undertaken prior to commencement of development. Taking the above in to account, subject to conditions, the LPA is satisfied that the proposal is compliant with policy EH14 of the Wrekin Local Plan.

#### Impact on the Borough's Green Network designation

- 6.8 The application site falls within the Borough's Green Network designation. 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 principle aims of the Green Network which include maintaining Telford's image as an attractive place to live and work, separating 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.
- 6.9 This application is supported by a 'Landscape & Visual Appraisal' which has been produced by PDP, an independent landscape consultancy with the aim to assess the impact of the proposed development on the Borough's Green Network. This report asserts that the site 'displays a low landscape sensitivity, being a neglected site within a suburban context, well screened and physically and visually separated from any open countryside by the M54 along its southern boundary'. The report acknowledges that the 'western and southern boundaries of the site are more sensitive features, but their retention will ensure that any landscape impact will be minimal'. The report continues that 'the site is extremely well screened' and 'few residential properties overlook the site directly, and the current condition of the land does not provide any aesthetic benefit'. In assessing the 6 principle aims of policy OL3, the report summarises the following:
- Development of this site would have no bearing on Telford's attractiveness as a place to work or live
  - The site provides no function in separating built-up areas, other than in separating two very small and disjointed groups of residential houses

- Development would not reduce the area's open space in terms of providing a "green lung"
- The site itself is of very low ecological value and contains no Biodiversity Action Plan species
- The site does not provide any linkage role within either the immediate or wider area and sits behind roadside verges with planting and as such has a low visibility in the landscape

6.10 A 'Phase 1 Environmental Survey' also accompanies this application, produced by 'Greenscape Environmental Ltd', an independent conservation consultancy. The report was produced to determine the presence or absence of protected species and potential for the damage or destruction of habitats of ecological value. The report advises that a thorough search of the site and surrounds was conducted however no evidence of protected species were found. A single pond located some 350m away from the site was assessed and was found to be dry and therefore no further surveys were conducted with reference to Great Crested Newts. The surveyor considered that the proposed 'development can proceed without the loss of habitat of significant value and without the loss of favourable conservation status of any protected species'. The report concludes with certain recommendations which have been confirmed by the Council's own Ecologist. This serves to illustrate that the site offers limited ecological diversity, which is one of the Green Network's primary aims.

6.11 Taking the above in to consideration, the LPA is satisfied that the purpose of the Borough's Green Network designation is not truly reflected within this site. It can be argued that the site is in fact a brownfield site given its previous and current use. Furthermore it is enclosed and inaccessible to the public and is generally featureless with no vegetation other than existing boundary treatments, which are to be retained. Furthermore, development can proceed without the loss of any significant habitat or impact on any protected species. For this reason, officers are satisfied that the proposed development is compliant with policies OL3, OL4 and OL6 of the Wrekin Local Plan.

Impact on the character and appearance of the area and consideration to the living conditions of neighbouring properties and future occupants

6.12 Whilst this planning application seeks outline consent only with all matters reserved for later approval, the applicant has submitted a Design & Access Statement which seeks to explain how the illustrative layout was devised. It is envisaged that the development will comprise of predominantly two and three bedroom, detached and semi-detached and terraced houses and apartments over garages, at a density of around 37 dwellings per hectare. Scale and appearance are reserved matters however it is suggested that the site could accommodate both two and three storey properties.

6.13 The illustrative layout plan demonstrates that vehicular access could be provided off Garfield Road in a similar location to the existing disused entrance to the site. The feasibility layout drawing also indicates that it would be possible to retain much of the screen vegetation along the Garfield Road,

where housing could flank the new entrance with dual aspect/corner units, with a dwelling positioned so as to enclose the vista from Garfield Road. Vegetation would also be retained along the southern boundary, atop the motorway embankment, where it is anticipated that noise barrier fencing to a minimum height of 2.5m will be required to provide attenuation against road noise emanating from the M54 motorway. It is further demonstrated that roadside vegetation could be retained and enhanced as well as the general landscaping of the site.

- 6.14 Officers have assessed the detailed supporting information provided however there are some reservations with regards to the density and layout of the proposed development as shown on the indicative drawings. Nevertheless, it is considered that further discussions with the applicant could overcome these concerns and as this application seeks outline permission with all matters reserved only, this could be achieved at Reserved Matters stage. However, should the application be approved, officers feel it would be necessary to impose a condition explicitly stating that no approval is given to the illustrative drawings accompanying this application.
- 6.15 The application site is self-contained, and other than the cluster of dwellings to the east, the site is situated at a reasonable distance from other neighbouring properties. The principle of residential development can be supported on this site however further consideration will be required at reserved matters stages as to the layout of the development together with the scale and appearance to ensure there is no significant impact on the living conditions of nearby neighbouring dwellings.
- 6.16 With regards to the living conditions of future occupants of the site, it is necessary to consider the impact of noise from the M54 motorway to the south of the site. A report on existing noise climate has been submitted, produced by Hoare Lea Acoustics, an independent firm specialising in environmental noise and vibration, to assess the suitability of the site for residential development. The report asserts that 'measurements and observations made at this site indicate that the noise climate primarily is determined by road traffic flows on the M54 motorway and to a lesser extent, Garfield Road and Shepherd's Lane'. The survey data indicates that all gardens will achieve the relevant criteria 'if provision is made for screening of those gardens that adjoin adjacent roadways'.
- 6.17 The Council's Environmental Health department have been consulted on the proposals and have raised no objections subject to the inclusion of conditions requiring a noise model to be produced and for details of the proposed noise mitigations (acoustic barrier, glazing ventilation etc) to be agreed to the satisfaction of the Local Planning Authority. The applicant has previously stated that they understand the requirement for certain mitigations by way of acoustic fencing and this can be conditioned accordingly to ensure appropriate living conditions for future occupants of the site.
- 6.18 Taking the above in to account and subject to greater consideration to the reserved matters, officers are satisfied that there will be no significant impact

on the character of the area or on the living conditions of existing and proposed occupants and therefore the proposals are compliant with policy UD2 of the Wrekin Local plan which provides guidance to assess whether or not proposals are of an appropriate design quality and relate positively to their context and policy CS15 of the Core Strategy which encourages designs which will assist in creating and sustaining safe places, strengthening local identity and positively influence the appearance and use of the local environment.

#### Financial Contributions/Affordable Housing

- 6.19 The development will have a number of impacts on the local community and infrastructure. The developer has proposed heads of terms for a S106 agreement covering parks and open space and highway contributions. The heads of terms of this legal agreement are generally consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010. Following consultation on the application, the following infrastructure contributions have been identified:-
- i. £15,000 for enhancement and improvements to the existing bus stops in the vicinity of the site
  - ii. £600 per dwelling towards upgrading existing nearby off-site equipped play areas
- 6.20 Policy H23 of the Wrekin Local Plan would usually require a 38% provision of affordable housing. The applicant has expressed concerns regarding the requirement of affordable housing on this site together with the above financial contributions and the effect this would have on the viability of the proposed development. There are some financial anomalies relating to this site, mainly to do with existing ground conditions and the costs required for remediation. A Viability Appraisal has been submitted which advises that the scheme would become unviable should the above financial contributions be pursued together with the proposed on-site affordable housing. The applicant has engaged in discussions with the Local Planning Authority and following examination in to the feasibility of the project it has been agreed that in order to see this site being brought forward for development that affordable housing will not be requested subject to the above financial contributions being provided.
- 6.21 The negotiation of contributions is consistent with policy T22 of the Wrekin Local Plan and the guidance contained within the NPPF. In all respects, the sums sought are fairly and reasonably related to the scheme.

#### Other Matters

- 6.22 The Local Planning Authority has considered the comments received from the Parish Council as well as a couple of local residents. The issues raised relate primarily to the impact the proposed development would have on highway safety. The Local Highway Authority has been consulted on this application and has raised no objections to the principle of development on this site

subject to appropriate conditions including details of the design and construction of new roads and footways, the provision of adequate visibility splays, provision of a new footway connecting Garfield Road and Shepherd's Lane as well the closing up of the existing access to the site. This outline application does not seek permission for access and therefore further consideration will be given to this at Reserved Matters stage.

## **7.0 CONCLUSIONS**

- 7.1 To summarise, the principle of residential development is considered acceptable in this sustainable location. Indicative layout drawings submitted as part of this planning application demonstrate that residential development can be accommodated without significant impact on adjoining residential amenity, the prevailing character of the area, highway safety or the natural environment. The applicant has engaged in discussions with the Local Planning Authority to ensure that sufficient financial contributions are provided to go towards local recreation and educational facilities.
- 7.2 There are no technical issues relating to drainage, noise contamination or ground conditions that can't be mitigated against by way of conditions and therefore officers consider the proposal complies with the relevant national and local planning policies and recommends the application be approved subject to the inclusion of appropriate conditions.

## **8.0 RECOMMENDATION**

That DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to GRANT OUTLINE PLANNING PERMISSION subject to the following:

- a) The applicant entering into a section 106 legal agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relation to:
- Contribution of £15,000 for the enhancement and improvements to the existing bus stops in the vicinity of the site; and
  - Contribution of £600 per dwelling towards the upgrading of existing nearby off-site equipped play areas
- b) and the following conditions to be attached (any others officers deem appropriate):
1. Time Limit Outline
  2. Standard Outline – all matters reserved
  3. General details required
  4. Sample of materials
  5. Details of design & construction of new roads/footways
  6. Visibility splays – 2.4m x 43m
  7. Restrictions on access to the site
  8. Provision of new footway along Garfield Road

9. Scheme of foul and surface water drainage
10. Run off rates
11. Scheme for surface water treatment
12. SUDS Management Plan
13. Ground works in accordance with Mining Risk Assessment report
14. Site Environmental Management Plan
15. Submission of a Noise Model
16. Details of proposed noise mitigations
17. Tree Survey
18. Landscape Design
19. Tree Protection
20. Soil Levels
21. Erection of artificial nesting/roosting boxes
22. External Lighting Plan
23. No approval of indicative layout

### Informatives

S106

Highways informative

Ecology informatives