

TWC/2016/0165

Former Madeley Court School, Land off Parkway, Madeley, Telford, Shropshire
Erection of 53no. dwellings with associated garages, parking and landscaping

APPLICANT

Nuplace

RECEIVED

23/02/2016

PARISH

Madeley

WARD

Madeley and Sutton Hill

OFFICER Steven Drury

1.0 PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 53 dwellings on the site of the former Madeley Court School, Court Street, Madeley. The application includes necessary re-profiling and engineering works, highways works and associated infrastructure works.
- 1.2 The proposal will provide 53, two storey, two and three bedroom houses, to be provided for market rent which will be owned and managed by NuPlace Ltd, a Council owned company established to build, manage and maintain market rental properties.
- 1.3 The proposed development will comprise 36 no. 2 bedroom houses and 17 no. 3 bedroom houses and will be accessed via a new dedicated entrance road from Court Street.
- 1.4 The application has been accompanied by the following documents: -
- Application forms,
 - Full plans and elevational drawings
 - Planning Statement
 - Design and Access Statement
 - Ground Conditions Report
 - Topographical Survey
 - Ecology Update Report
 - Arboricultural Survey
 - Flood Risk and Drainage Assessment
 - Transport Assessment and Travel Plan
 - Viability Assessment

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is located in the Madeley area of Telford and comprises 1.93 hectares of land which previously contained the Madeley Court School and Sports Centre. Both have now been demolished and the site cleared to hardcore base level. The site is located immediately to the north of Madeley district centre and approximately 4.5 kilometres south of Telford Town Centre.

- 2.2 The area is characterised by a mixture of uses including residential properties to the east, commercial properties to the south west, a dry ski slope to the north and a wooded area which includes areas of public open space to the north and west. Land immediately to the south is currently vacant but is the subject of an application (ref. TWC/2016/0387) for a commercial development comprising the erection of 4 retail units and a veterinary practice. The recently erected Madeley Medical Centre is located to the east of the site.
- 2.3 The site contains challenging levels which rise significantly and steeply from north to south. Limited vegetation exists in the form of a row of trees along the south boundary and limited trees and vegetation in the west side of the site. A drainage pond is located in the north east corner which will be incorporated within the development as a drainage feature.
- 2.4 Existing residential development within the vicinity of the site predominantly comprise traditional 2 storey terraced and semi-detached properties constructed of red brick and clay roof tiles. The site is, however, located in close proximity to the northern extremity of the Severn Gorge Conservation Area and Ironbridge Gorge World Heritage Site. Land to the north and west of the site has also been registered as a local wildlife site.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There are no relevant planning permissions on the site although an application (ref. TWC/2012/0657) for the provision of a mixed use scheme which also included the land to the south was withdrawn in October 2014 following continual changes in the commercial market and uncertainty surrounding the design and layout of the commercial element. The scheme sought permission for up to 140 dwellings
- 3.2 The site previously contained the Madeley Academy School and Sports Centre which have now been replaced by facilities at the Abraham Darby Sports Centre to the West (approved under W2009/1005) and the Madeley Academy to the north (reference W2007/0753). Additional education and sports provision has also been delivered at the new Phoenix Academy in nearby Dawley (planning application reference TWC/2010/0036).
- 3.3 Permissions have recently been granted for the erection of a medical centre to the south east of the site (TWC/2014/0395), a food store (now ALDI) (TWC/2013/0102) and a mixed use development (including KFC) (TWC/2012/0498) to the south west of the site.

4.0 PLANNING POLICY CONTEXT

- 4.1 National Guidance:
National Planning Policy Framework (NPPF)
- 4.2 Wrekin Local Plan:
EH7: Contaminated Land
UD2: Design Criteria

UD3: Urban Design Assessments
UD4: Landscape Design
H22: Community Facilities
H23: Affordable Housing
T4: Development Principles
T22: Planning Obligations
OL2: Designated Sites
OL3: Green Network
OL4: Development in the Green Network
OL6: Open Land
OL11: Woodland and Trees
OL13: Maintenance of Open Space
LR6: Developer Contributions to Outdoor recreational Open Space Provision

4.3 Telford & Wrekin Core Strategy:

CS1: Homes
CS3: Telford
CS5: District and Local Centres
CS9: Accessibility and Social Inclusion
CS11: Open Space
CS12: Natural Environment
CS13: Environmental Resources
CS15: Urban Design

4.4 Telford & Wrekin Local Plan (Publication Version) 2011-2031

SP1: Telford
SP4: Presumption in Favour of Sustainable Development
HO5: Affordable Housing
NE1: Biodiversity and Geodiversity
C3: Impact of development on Highways
C5: Design of parking
BE1: Design Criteria

4.5 Madeley Neighbourhood Plan:

H1: Affordable Housing
GS6: Contribution towards Green Spaces & Recreation
LC5: Local Distinctiveness
TR1: Enhancing Accessibility

5.0 SUMMARY OF CONSULTATION RESPONSES

5.1 Parish/Town Council responses:

5.1.1 Madeley Town Council: Support subject to conditions

- Need to ensure adequacy of pedestrian links to & through the commercial/retail site (no separation), to the Silkin Way & PROW network.
- Needs to conform to the requirements of Madeley Neighbourhood Plan Policy H1 (Affordable Housing)

- Play provision – no onsite provision. Contribution required to offsite provision. Local Plan Policy NE4 states that developments will be required to address deficiencies in the provision of play and recreation open spaces and/or sports facilities where a local deficiency has been identified.
- Northern boundary is a declared Local Nature Reserve - submitted Ecology Report is an update only and is very site specific – there is no mention of impact on the local natural environment
- Traffic Assessment for the junction between Court Street/Parkway has stated that adequate capacity exists. Road Traffic Orders will need to be re-examined to account for current residents on-street parking. It is stated that the number of on-site off-street car parking places for the residential development will be 97; forecast future traffic movements show significant growth and take into account access to the leisure facilities and playing fields and GP Practice Local Plan
- No landscape plan is presented with the application but it is noted that boundary treatment for the chosen house designs will be close-boarded fencing yet the Design & Access Statement promotes a landscape design that ‘pulls the green spaces into the development.

5.2 Standard consultation responses:

5.2.1 Arboricultural: Support subject to conditions

Requires trees to be retained to be protected by Heras fencing. No service runs to breach fenced area. Landscape trees to be planted must not be directly south of new dwellings and are required to consider the hard landscaping features and services within their respective areas. Maintenance access to the rear of proposed dwellings requires consideration.

5.2.2 Ecology: Support subject to conditions

No objection subject to conditions relating to Ecological Method Statement and Mitigation Strategy, artificial nesting boxes, landscaping design and lighting plan and informatives concerning nesting birds.

5.2.3 Environmental Health (Pollution Control): Support subject to conditions

Requires mitigation be put in place to minimise the impact of light on the new residents plus installation of ensure acoustic glazing and ventilation is installed

5.2.4 Affordable Housing: Comment

Notes that the Planning Statement states that a ‘Local Lettings Plan is already’ in place. The approval of this by Council (in advance of the allocation and occupation of the homes) should be linked to any planning consent, if appropriate.

5.2.5 Environmental Health (Contaminated Land): Support subject to conditions

No objection subject to a condition requiring any unexpected contamination to be reported to the Local Authority. Would support planning officer in adding a suitably worded condition requiring gas mitigation measures. Has raised

concerns that part of the site (south west corner) is known to contain pre-1974 mining activity.

5.2.6 Drainage: No objection

Initially raised objection to the proposed drainage layout which included 80m³ of below ground storage located under private parking areas. This has now been amended following discussions with the Council's Drainage Officer who has now confirmed he is satisfied in principle with the proposed drainage scheme, subject to conditions requiring drainage details to be submitted prior to commencement of works.

5.2.7 Parks and Open Spaces:

Notes that the proposal meets the trigger for provision of children's play facilities but none are proposed. Initially raised concerns regarding maintenance of large areas of POS and a large pool serving a wider drainage scheme, however, the applicant has now confirmed that this will be privately maintained by a management company

5.2.8 Highways: Comment

Detailed comments not received at time of writing and will be reported as an update prior to the committee meeting on 29th June 2016.

5.2.9 Initial comments received confirmed the signalised junction at Court Street and Parkway has capacity to accommodate the proposed development, however, did raise concerns regarding a number of technical issues in the proposed layout. These have subsequently been addressed by the applicant in an amended layout which the Highways Officer has confirmed is acceptable. No objection is raised in principle to the proposal subject to a financial contribution of £6,000 towards streetlighting upgrades in Court Street.

5.2.10 Education: Comment

Confirms no requirement for education contribution.

5.2.11 Sport England: No objection

Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception Policy E4 of Sport England's policy to protect playing fields, 'A Sporting Future for the Playing Fields of England'.

5.2.12 West Mercia Police: Comment

Requests that a condition is attached to any planning approval requiring the development to achieve Secured by Design award status.

5.3 Neighbour consultation responses

5.3.1 Seven comments received from four local residents, two in objection. Key points summarised as follows but available in full on the planning file: -

5.3.2 Consultation:

- The proposal is not what residents were consulted on or agreed to
- No consultation on this proposal or commercial development to the south

- Residents were advised there would only be emergency access to Court Street.

5.3.3 Development Principle:

- Will provide much needed housing in the area

5.3.4 Highways:

- Increase in traffic movements along Court Street which is not wide enough and is impractical for cars to pass each other.
- Already chaotic at peak times
- Could create problems for emergency vehicles
- Access should be provided off Parkway
- Residents of Court Street could lose on street parking

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:

- Principle of development
- Design and Layout:
- Highways and Access
- Drainage and Flood Issues
- Open Space and Ecology
- Trees and Landscaping
- Ground Conditions and Contamination
- Other Matters
- Planning Obligations

6.2 **Principle of Development**

6.2.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In this instance, the development plan consists of the Telford & Wrekin Core Strategy, saved policies within the Wrekin Local Plan and the Madeley Neighbourhood Plan. The emerging Telford & Wrekin Local Plan has been published in accordance with Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012, has reached an advanced state of preparation based on recent evidence and should also be given some weight in the determination process. The National Planning Policy Framework (NPPF) is not part of the development plan but is a material consideration in planning decisions.

6.2.2 Local Development Plan: The development plan sets out a strategic approach to the delivery of housing in the Borough with Core Strategy Policy CS3 and draft Local Plan Policy SP1 identifying the Telford urban area as the primary focus for housing and employment development over the plan period. Core Strategy Policy CS5 directs development to one of six specified district

centres within the borough, of which Madeley is one. These areas will be the focus for new development serving the needs of their respective communities and shall include housing development in locations highly accessible to these centres. Whilst the site is not located wholly within the Madeley district centre (as identified on the Local Plan Policies Map), the southern site boundary abuts the site boundary and the site is located in close proximity to and within walking distance of the district centre. Madeley centre has a regular bus service connecting it with Telford Town Centre and other district centres in south Telford. In this respect, officers are satisfied that the location of the site can be considered sustainable and meets the requirements of the local development plan.

- 6.2.3 In addition, the emerging Local Plan sets out in Policy HO1 the housing requirement it considers necessary to meet the development needs of Telford & Wrekin over the period until 2031 and in Policy HO2, it proposes a number of site allocations where development will be specifically promoted to meet the targets set out in HO1. The site concerned has been identified as an allocated site and is listed within Appendix D to the emerging Local Plan. The principle of the provision of residential development on the site is therefore supported by the emerging Local Plan.
- 6.2.4 National Guidance: The NPPF, which contains a presumption in favour of sustainable development, is a material consideration which must be taken into account in the determination of planning applications. The NPPF defines three dimensions to sustainable development (economic, social and environmental dimensions) which cannot be considered in isolation and are mutually independent. The framework requires a balance to be made, weighing up the benefits and dis-benefits of the proposed development, in the context of above three dimensions.
- 6.2.5 Economic Issues: The proposal will bring about economic benefits through the creation of jobs during the construction period and by attracting new residents to the area who will be likely to use local goods, services and businesses. The proposal will also provide financial revenues through Council tax income, the new Homes Bonus and increased business rates, which will support the delivery of housing and new infrastructure. Thus the proposal will assist the economic growth and job creation within the borough.
- 6.2.6 Social Issues: In terms of the Social dimension, the proposal will provide a much needed resource in the form of market rented properties, in a mixture of housing types and sizes, thus contributing positively towards the borough's housing supply. The development will also be subject to a Local Lettings Plan, with a commitment to providing good quality rental properties, managed by a responsible and responsive landlord which will prioritise key workers, households with local connections and those who provide essential services to a successfully functioning community. This is in line with paragraphs 5.40 and 5.41 of the draft Local Plan, which as per Paragraph 50 of the NPPF aims to support the delivery of sustainable communities.

- 6.2.7 Environmental Issues: The site concerned is previously developed land which has in terms of the Environmental dimension, the proposal provides significant visual and community benefits through the redevelopment of previously developed land. Paragraph 111 of the NPPF states that planning decisions should encourage the effective use of land by re-using previously developed land, provided that it is not of high environmental value. The principle of developing brownfield land and bringing vacant sites back into use is also supported by Paragraph 17 of the NPPF and Policy CS8 of the Core Strategy, particularly where it results in improvements to the existing housing supply. The site has remained vacant for a number of years and has become something of an eyesore within the local area. The development therefore presents the opportunity for significant visual enhancements within the area whilst boosting the local housing supply. The proposal has been accompanied by ecological surveys which demonstrate that there would be no detrimental impact to existing habitats. The proposals would also deliver new open space, green space and landscaping within the scheme, which offer the opportunity to incorporate increased levels of biodiversity.
- 6.2.8 Site Location: The site is located at the edge of Madeley district centre but does enjoy good vehicular and pedestrian connectivity with Madeley centre and the surrounding area. The site is located within walking distance of a range of facilities in Madeley centre including retail, restaurants, public houses, library churches, medical centre and Madeley Academy school is located 550m to the north west of the site. Public footpaths connect the site with Parkway and Madeley centre to the south and bus services connect with Telford Town Centre via Dawley which run every 20 minutes. Further services link Madeley with Ironbridge and Much Wenlock. The Silkin Way National Route provides a cycle route to Telford Town Centre, Oakengates, Leegomery and Coalport. As such, officers consider that the site constitutes a sustainable site location for residential development where alternatives to private car travel are available and a heavy reliance on car use can be avoided.
- 6.2.9 Loss of Playing Fields: Reference has been made in the application to the loss of playing fields at the site and includes supporting information in the form of consultation comments from Sport England relating to a previous permission reference TWC/2012/0498. In that application, Sport England confirmed its satisfaction that suitable replacement provision of playing fields had been provided at Madeley Academy and Phoenix Academy and therefore raised no objection to the proposal. That application, however, only related to land within the south west corner of the former school site where sports pitches were previously located. This application relates to the northern half of the site which previously contained the buildings, car parking and hard surfacing at the school and leisure centre. Although this included hard surfaced tennis and basketball courts and indoor leisure facilities, no playing fields were located within the development site.
- 6.2.10 Sport England have commented in respect of the proposed development in which it acknowledges that sports facilities lost at the site have largely been replaced at various sites including Madeley and Phoenix Academies. As such,

Sport England confirms its satisfaction that exception E4 has been demonstrated and the proposal is considered consistent with Sport England and national policies relating to sports facility provision. Accordingly, no objection is raised on this basis.

6.3 Design and Layout:

- 6.3.1 The proposed development comprises a mix of two and three bedroom, two storey properties including a mixture of detached, semi-detached and terraced properties. A number of properties also contain attached garages. Parking spaces are mostly provided in front of dwellings, however, where possible, driveways have been provided to the side, allowing landscaped gardens to be provided in front of properties.
- 6.3.2 The development contains a number of areas of open space and has been generously spaced across the site, containing a housing density of 27.4 dwellings per hectare. This, however, is partly due to the challenging levels on site which have meant that certain areas are not developable and have instead been provided as Public Open Space or larger private gardens. The levels of green space and landscaping to be provided do, however, reflect the character of the surrounding area and particularly relate to the areas of woodland to the north and west.
- 6.3.3 Design: The proposal will comprise five property types, each designed in a simple, contemporary style which includes full height glazing, facing brickwork and open, flat roof porch canopies above the front doors. They will incorporate a simple palette of materials comprising brickwork (to be agreed with the LPA), Russell Lothian roof tiles and grey UPVC windows and fascia boards. First floor window openings have been repositioned to align with those below at ground floor level.
- 6.3.4 Scale: The use of two storey dwellings will respect the size and scale of properties within the surrounding area which are two storey, red brick properties located along Court Street to the east of the site. Given the level changes on site, the use of two storey properties will also ensure that the relationship between properties within the development is acceptable, avoiding any unacceptable overbearing impacts.
- 6.3.4 Layout: The proposed layout has been extensively redesigned following concerns raised by officers and now involves a more appropriate treatment of open space and landscaping. Corner plots contain dual frontages and key elevations now contain active and sympathetic frontages including the main entrance road into the site. A landscaped buffer will be provided along the east side of the site along the boundary with the medical centre.
- 6.3.5 Hard surfacing within the development will be in the form of black top tarmacadam for public roads and parking spaces and communal areas will be finished in block paving. Paving slabs will provide the pathways within each individual plot curtilage. Precise material details will be agreed by condition.

- 6.3.6 In summary, the proposal represents a sympathetic and appropriate development which relates to its surroundings and will respect the character and appearance of the area. The proposal is therefore considered to comply with Saved Wrekin Local Plan Policies UD2, UD3, UD4, Core Strategy Policy CS15, draft Local Plan Policy BE1 and requirements of the NPPF with specific regard to Paragraph 17 and Chapter 7 (Requiring Good Design).
- 6.3.7 Residential Amenity: In terms of the relationship with the nearest properties, there are only properties along the east side of the site where separation distances are generally good. It is noted that concerns have been raised by local residents regarding the use of Court Street to access the site and the associated impacts that would result. Officers are mindful that until recently, Court Street served as the access to the secondary school and sports centre previously located on the site and as such, would have experienced greater volumes of traffic than at present. Court Street also serves as the access to the Ski Slope and Madeley Medical Centre and is not a particularly quiet road. Whilst the provision of 53 dwellings will inevitably increase traffic levels using Court Street, taking into account existing levels of background noise and activity, on balance, officers do not consider that the increase in traffic noise and activity would result in a significant adverse impact upon the quality of life of local residents. A consideration of the impact upon the local highway network will take place in the following section.
- 6.3.8 The proposal is therefore considered to comply with Saved Wrekin Local Plan Policies UD2, UD3, UD4, Core Strategy Policy CS15, draft Local Plan Policy BE1 and requirements of the NPPF with specific regard to Paragraph 17 and Chapter 7 (Requiring Good Design).

6.4 Highways and Access

- 6.4.1 Use of Court Street: Access to the development will be provided onto Court Street via a new access road which will serve all 53 proposed dwellings. A number of concerns have been raised by neighbouring residents regarding the suitability of Court Street and the surrounding highway network to accommodate traffic movements generated by the proposed development. A Transport Assessment has been submitted with the application which includes forecasts of likely traffic generation and modelling of key junctions including the signalised junction of Court Street and Parkway. The report concludes that the Parkway/Court Street junction would continue to function within the normal design threshold for capacity. Highways Officers have reviewed the assessment and raise no objection in principle to the use of Court Street to access the development.
- 6.4.2 Separately to this application, discussions are on-going to provide double yellow lines along Court Street under a Traffic Regulation Order (TRO) in order to improve traffic flows along the highway. Residents have raised concerns regarding the loss of parking that would result, however, as it is considered that Court Street could accommodate traffic movements without the requirement to remove on-street parking, Highways Officers are not requesting a TRO. Therefore, the TRO will be reviewed as part of a separate

review process to be carried out by the Traffic and Street Works Team. By law the process of considering where to install double yellow lines has to include consultation with the police, the Town Council and the wider public through the posting of notices in the local newspaper and on-street, therefore residents will have the opportunity to raise any concerns during the consultation period for the TRO review.

- 6.4.3 The application also includes a Travel Plan which aims to reduce the number of residents travelling to and from the development by car, thus helping to improve air quality, reduce congestion and promotes exercise. A condition will be attached to any approval requiring the development to be carried out in accordance with the submitted plan.
- 6.4.4 Parking: All dwellings contain dedicated off-street parking and the development will provide a total of 94 off-street spaces equating to an average of 1.77 spaces per dwelling. This accords with the requirements of the emerging Telford and Wrekin Local Plan; standards within the current Wrekin local Plan are not saved and thus cannot be applied. The site is within walking distance of Madeley district centre and bus stops on Parkway and benefits from good connectivity to the local public right of way network. As such, the site is considered to provide viable alternatives to private car travel and ownership.
- 6.4.5 Footpath Connectivity: The proposal includes good connectivity to existing footpath routes within the vicinity of the site. An enhanced connection will be provided to the south east of the site where an existing footpath links Court Street to Parkway via the vacant land to the south of the site, and a link will also be provided to an existing PROW extending along the western edge of the site. The land to the south of the site is currently the subject of an application for commercial development, therefore if approved, the ramped footway will provided an enhanced pedestrian link between the two sites.
- 6.4.6 Refuse Vehicles: The report also includes a swept path analysis which confirms that refuse vehicles used by the Council are able to access and manoeuvre within the site.

6.5 Flood Risk and Drainage

- 6.5.1 The application has been inspected by the Council's Flood Risk Officer who initially raised an objection on the grounds that the proposal contained approximately 80m³ of below ground storage located under private parking areas. However, following discussions with the applicant's drainage engineer, a revised design has been agreed in principal which removes all surface water storage from within private ownership and has instead placed it in areas of shared space to be maintained by Nu-Place. The existing pond on site (also to be maintained by Nu-Place) will also be utilised to provide surface water attenuation. Officers therefore raise no objection in principal to the revised drainage scheme, subject to the addition of a condition requiring detailed drainage designs to be submitted prior to the commencement of works on site.

6.6 Open Space and Landscaping

- 6.6.1 The site contains challenging levels which will prevent a number of areas from being developed. As a result, the scheme includes the generous provision of open space and soft landscaping which will enhance its appearance and reflect the character of the adjacent land to the north and west. A landscaped buffer will also be provided along the east of the site to screen the development from the medical centre. A small number of existing trees will be felled in order to accommodate the development, however, these are not considered to be of any significant amenity value and no objection is raised to their loss on the understanding that significant tree planting will take place which will more than compensate for their loss.
- 6.6.2 A landscaping scheme has not been provided at this stage but can be requested as a condition of any planning approval requiring details prior to commencement.
- 6.6.3 In terms of the management of open space on site, the applicant has confirmed that where possible, this will be conveyed to individual properties, however, any additional land will be managed privately by a maintenance team set up by the applicant, NuPlace Ltd. There is therefore no requirement for a financial contribution towards landscape maintenance.

6.7 Trees and Ecology

- 6.7.1 Trees Issues: The site is largely clear of any significant trees and the majority of trees are situated on adjoining land to the north west of the site. A small group of trees is located on steeply sloping land within the western part of the site and these will be retained within the scheme. None of the trees within or adjacent the site are protected by Tree Protection Orders. The scheme will include substantial areas of open space and landscaping which will be controlled by condition. No objection is raised by the Councils Trees Officer.
- 6.7.2 Ecological Issues: An Ecology Update Report has been submitted with the application which considers the potential impact upon wildlife habitats and European Protect Species. The report notes that the site has now been cleared but still contains piles of rubble resulting from the demolition of the school buildings. The report found no evidence of any protected species on site but does set out recommendations in respect of site clearance in order to avoid impacting upon reptiles and amphibians.
- 6.7.3 The Council's Planning Ecologist agrees with the conclusions of the report and raises no objections subject to the use of conditions and informatives. It is also considered that there will be no direct impact upon the designated Madeley Pitmounds Local Nature Reserve and Madeley Court Local Wildlife Sites to the north west of the site, particularly given that activity and external lighting take place at the adjacent dry ski slope.

6.8 Ground Conditions and Contamination:

- 6.8.1 Paragraph 121 of the NPPF seeks to ensure that sites are suitable for their new use taking account of ground conditions and land stability. This is a particular issue for sites within Telford and Wrekin. Wrekin Local Plan Policy EH7 requires that all development on land affected by contamination must assess the nature and degree of contamination, together with any remedial measures required. Policy EH14 requires that applications for development in areas of land instability or which involve made-up ground demonstrate that structural integrity will not be compromised and the development can tolerate ground conditions.
- 6.8.2 A Geotechnical Desk Study has been submitted which identifies the ground conditions and any potential sources of contamination within the site. The study identifies ground colliery spoil materials across the majority of the site. A gas membrane beneath each dwelling is recommended to address potential soil gases from the colliery spoil on the site. The report has been assessed by the Council's Public Protection Officer who is satisfied with its conclusions and recommendations but requests a condition relating to gas membranes and analysis of any imported soil. Officers are therefore satisfied that subject to mitigation measures proposed, contamination of the site would not present a pollution risk to future occupants and the proposal satisfies the requirements of Policy EH7.
- 6.8.3 The Council's Public Protection Officer has raised concern that parts of the site have been known to contain pre-1974 mining activity. Evidence submitted shows this to be within the south west corner of the site. A Ground Conditions Report has been submitted with the application which does not identify any mine entries within 20m of the site although it is noted that 8 mineshafts are located on the adjacent Madeley Court Spoil Mound, however, these are all beyond influencing distance of the proposed development site. The report recommends that caution should be exercised when stripping and excavating the site as there is the possibility that unrecorded mineshafts could be present, however, historic mine workings are not considered to be a development constraint. The report also concludes that there are no slope stability issues on site. A slope stability declaration form has been submitted by the applicant which has been signed by a competent person and confirms that the development will not be compromised by land stability issues. The Coal Authority have confirmed that the site falls within a low risk development area and does not require a coal mining risk assessment. Officers are therefore satisfied that the development meets the requirements of Wrekin Local Plan Saved Policy EH14.

6.9 Other Matters

- 6.9.1 Education: Wrekin Local Plan Policy H22 recognises that major new housing development will generate additional demands upon existing levels of education provision. The application meets the trigger to provide a financial contribution towards education provision within the area, however, the Council's Schools Organisation Specialist has confirmed that although there

are no places at the catchment school (John Fletcher Primary), there is sufficient surplus within a reasonable radius to be able to accommodate the pupils from this development therefore no education contribution is sought.

6.9.2 Affordable Housing:

Wrekin Local Plan Policy H23 requires the provision of 38% affordable housing on developments of 15 dwellings or more within the Telford Urban Area. The applicant has advised that it would not be viable to provide affordable housing as part of the development, in addition to meeting the other financial contribution requests. A viability appraisal has been submitted which has been assessed by the Council's Development Delivery Group Specialist, who is satisfied that the appraisal reflects the location of the site in terms of sales values and the brownfield status in terms of development costs. The report demonstrates that whilst allowing for some contributions, the development would be unviable if required to meet the affordable housing policy delivery obligation.

6.9.3 Officers are mindful that the Council's affordable housing policy is difficult to achieve and the emerging Local Plan Policy HO5 does set a lower target of 25% in the Telford area, however, the applicants advise that there is simply no flexibility to provide any affordable housing as part of the development. In this instance, the viability of the site is compromised by higher than anticipated abnormal costs including piling of all units and the provision of retaining walls and higher than average maintenance and management costs, combined with low GDV values therefore make viability of the site borderline. Any further financial pressures will render the development unviable and will not be deliverable

6.9.4 The provision of market rental properties does not meet the NPPF definition of affordable housing, however, the proposal will nevertheless provide a tenure of housing which is needed in the area, addressing a shortfall in quality rental property supply, with a letting policy that supports key workers with local connections. These are considered to be significant benefits in the context of providing a mixed housing supply and meeting local need, as required by the Paragraph 50 of the NPPF. Officers are also mindful that the applicant will be bringing forward additional developments in the future as part of the wider Housing Improvement scheme, which will include sites with affordable housing provision. With this in mind, officers are prepared in this instance to accept that in the interests of allowing the development to proceed, no affordable housing will be provided.

6.9.5 Landscape Maintenance: As discussed in paragraph 6.6.3, the applicant has confirmed that where possible, maintenance responsibilities will be conveyed to individual properties, however, any additional land will be managed privately by a maintenance team set up by the applicant, NuPlace Ltd. There is therefore no requirement for a financial contribution towards landscape maintenance.

6.9.6 Childrens Play Areas: Given the number of units proposed, the proposal meets the trigger for providing children's play facilities in the form of a L.E.A.P

(Locally Equipped Play Area) as required by saved Policy LR6 of the Wrekin Local Plan. The applicant has confirmed that there is no scope to provide this contribution. Again, officers note the contents of the submitted viability appraisal and taking into account the wider community benefits as discussed in paragraph 6.9.3, are prepared to forego any play area contribution in the interests of allowing the development to proceed.

6.9.7 Lack of Consultation: It is noted that local residents have raised concerns regarding a lack of consultation with the local community about the proposal. Residents have suggested that the last consultation in 2012 proposed a mixed use development comprising commercial and residential uses. The applicants have confirmed, however, that a consultation event did take place on 18th January 2016 which was advertised on social media, posters at various key locations and e-mails to 14,000 residents and businesses. Approximately 30 people attended the event where the applicants were able to answer questions about the proposal.

6.10 Planning Obligations

6.10.1 The applicant has therefore agreed to provide the following financial contributions as part of the development: -

- (i) Highways contribution = £6,000 (towards street lighting improvements along Court Street)

6.10.2 In identifying the required planning obligations on this application the following three tests as set out in the CIL Regulations (April 2010), in particular Regulation 122, have been applied (in addition to saved Wrekin Local Plan Policy T22) to ensure that the application is treated on its own merits:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

6.10.3 As the Council is the landowner it is not possible for the financial contributions to be secured through a S106 Agreement as the Council cannot enter into such an agreement with itself. Therefore a Memorandum of Understanding will need to be signed between the heads of the relevant council departments to secure the contribution being made.

7.0 CONCLUSIONS

7.1 This proposal involves the redevelopment of a previously developed site within the Telford urban area. The site is located in a highly sustainable location, within walking distance of Madeley district centre with good connectivity to local footpath and cycleway networks. The site previously contained playing fields associated with Madeley Court School and Sports Centre, however, Sport England have confirmed their satisfaction that sufficient replacement playing fields and facilities have been provided at Madeley and Phoenix Academies.

- 7.2 The proposed development involves a layout, density, scale and property design which will respect the character of the existing area and topography of the site. The density of 27.4 dwellings per hectare is considered appropriate, the proposal involves generous open space provision and landscaping details will be requested as a condition. The proposal will not adversely affect the living conditions of existing residents surrounding the site.
- 7.3 The application has demonstrated that the development can be accommodated by the existing highway network and Highways Officers do not expect any capacity issues at the junction of Court Street and Parkway. Concerns regarding technical issues have now been addressed following the submission of amended plans and the proposal is considered satisfactory from a highways perspective, subject to a financial contribution of £6,000 towards the upgrade of street lighting along Court Street. Drainage proposals for the site are considered suitable in principle subject to conditions requiring submission of a detailed drainage scheme prior to commencement.
- 7.4 The proposal will involve some tree clearance but will involve extensive replanting and landscaping which will offset this loss. There will be no adverse impact upon European Protected Species or wildlife habitats, subject to the recommendations of the Ecology Update Report being followed and there are no significant issues with regard to ground contamination or land stability on the site that cannot be controlled through condition.
- 7.5 In summary, there are no technical issues that would prevent the development from proceeding and no issues that cannot be mitigated against through the use of conditions. Accordingly it is considered that the proposal represents a sustainable form of development which complies with the National Planning Policy Framework, together with Core Strategy Policies CS3, CS5, CS9, CS11, CS12, CS13, CS15, Wrekin Local Plan saved Policies UD2, UD3, UD4, H22, T4, T22, OL2, OL3, OL4, OL6 and OL11, emerging Local Plan Policies SP1, SP4, NE1, C3, C5 and BE1 and the Madeley Neighbourhood Plan Policies LC5 and TR1.

8.0 RECOMMENDATION

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **Grant Planning Permission** subject to the following:
- A) The applicant submitting a signed Memorandum of Understanding relating to:
- i) Highways contribution of £6,000 (towards street lighting upgrade along Court Street)
- B) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):-

1. A04 Time limit - Full
2. B011 Samples of materials
3. B056 Soil Gas
4. B061 Foul and Surface Water Drainage
5. B076 SUDS Management Plan
6. B083 Protection of New Dwellings from Noise
7. B121 Landscaping Design
8. B126 Landscape Management Plan
9. B149cust Ecological Mitigation Strategy
10. B150 Site Environmental Management Plan
11. C013 Parking, Loading, Unloading and Turning
12. C014 Visibility Splays
13. C020cust Devpt in accordance with Travel Plan
14. C074 Tree Protection
15. C100 Artificial Nesting Boxes
16. C109cust External Lighting plan
17. C38 Approved plans
18. Dcust Restriction on tenure

Informatives

- I06 Memo of understanding
- I08 Highways Licence
- I25b Nesting Birds
- I40 Conditions
- I41 Reasons
- RANPPF1 Approval - National Planning Policy Framework.