

TWC/2015/0997

Former Malinslee Primary School, Matlock Avenue, Dawley, Telford, Shropshire  
Erection of 92no. dwellings with associated parking, highway works and landscaping

**APPLICANT**

NuPlace

**RECEIVED**

03/11/2015

**PARISH**

Great Dawley

**WARD**

Malinslee and Dawley Bank

**OFFICER** Steven Drury

**1.0 PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a residential development comprising 92 dwellings on the site of the former Malinslee Primary School, Matlock Avenue, Dawley.
- 1.2 The proposal will provide 92 two storey, 2 and 3 bedroom houses, which will be provided for market rent. The properties will be owned and managed by NuPlace Ltd, a Council owned company established to build, manage and maintain market rental properties. The development will comprise 61 no. 2 bed and 31 no. 3 bedroom houses.
- 1.3 The site will be accessed by one access road provided off Matlock Avenue to the west of the site.
- 1.4 The application has been accompanied by the following documents: -
- Full Planning and Architectural Drawings
  - Planning Statement
  - Design and Access Statement
  - Ground Investigation Report
  - Ecology Report
  - Flood Risk Assessment
  - Transport Assessment
  - Residential Travel Plan

**2.0 SITE AND SURROUNDINGS**

- 2.1 The site occupies a fairly central location within the Telford urban area. It comprises 2.66 hectares of land between the north eastern edge of Dawley and the west of Telford Town Park. The site is the former Malinslee Primary School which is now covered by grassland to the north and south and areas of hardstanding in the centre of the site where the school buildings, playgrounds and car parking were previously located.
- 2.2 The site is contained to the north, east and south by areas of woodland. Matlock Avenue is located the west of the site. Residential properties along Matlock Avenue and Melbourne Close extend along the western side of the site. In addition, properties located along Sprout Way are located to the north east of the site. Public footpaths extend alongside the north, south west and eastern boundaries.
- 2.3 The centre of the site is now surrounded by green palisade fencing but the grassland forming the northern half of the site is open land accessible to the public. The site is

fairly level in terms of its topography, however, the land does rise gradually to the north. The site is located within the Green Network (although the former school hardstanding is not included) and land to the east forms part of a local nature reserve.

- 2.4 The former Malinslee Primary School located on the site was constructed in the late 1970s (planning application reference: W77/0764) and was closed in 2007 following its amalgamation with St Leonards Infants School and Langley Junior School. The combined schools became Old Park Primary School (planning application reference: W2007/0316) which is located off Brunel Road to the north of the Site. Old Park Primary School has replaced the former school sites, making them redundant and the site surplus to requirements.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 The site forms part of the wider Dawley Regeneration Masterplan area for which outline permission was granted in 2010 under planning permission reference TWC/2010/0036. This granted permission for the mixed use development of 35.3 hectares of vacant land comprising a new school, associated sports pitches, retail units, residential dwellings, a nature park, a children's playground, BMX track, public open space, landscaping and rights of way and associated works.
- 3.2 The application site had been earmarked for residential development as part of the masterplan therefore the proposal does remain broadly in line with the aspirations for this part of the area. The masterplan did, however, show housing development extending further to the north but this land has not been included within this application.

### **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

## **5.0 SUMMARY OF CONSULTATION RESPONSES**

### **5.1 Parish/Town Council responses**

None received.

### **5.2 Standard consultation responses**

#### **5.2.1 Ecology: Support subject to conditions**

Has read the submitted report and supporting documents. Raises no objections subject to conditions and informatives.

#### **5.2.2 Parks and Open Spaces: Comment**

Comment that it is essential that all new developments make full provision for the infrastructure/amenities and services which they create. New residents to the area will increase demand upon the existing play area / recreational / sporting resource. The development will contain a number of properties which will contribute to the need of recreational facilities for the area. This proposed number of dwellings is likely to trigger the need for an onsite LEAP (Local Equipped Area for Play), yet no play facilities are being provided on site; nor is there any proposed offsite contributions being made to facilitate the needs arising out of this development for children's play. It may be possible to upgrade the nearby LAP to LEAP status to enable the standard to be met. An appropriate sum to request to achieve this would be £600 per dwelling. However, may be able to negotiate a lower offsite capital sum of £40k in order to achieve this if this is provided early in the development. No commuted sum would be required as the facility is already in existence. Makes further comments in respect of SUDS features, public open space, footpath links, sports facilities and road layout.

#### **5.2.3 Public Protection (Contaminated Land): Support subject to conditions**

No objection subject to informatives relating to possible contamination of land. Any visibly contaminated or odorous material must be investigated during the construction period using appropriate contamination tests. Whilst soil contamination test results for this development show that whilst there will be no adverse effect on human health there may be an issue with elevated levels of phytotoxic chemicals. The report indicated that clean topsoil may be needed to be imported specifically for planting. Should this be the case results of the analysis of the soil must be sent to the Local Planning Authority to demonstrate it is "clean".

#### **5.2.4 Arboricultural: No objection**

#### **5.2.5 Shropshire Archaeology: No Comment**

#### **5.2.6 Development Delivery Group Specialist: Comment**

Confirms that the viability appraisal reflects the location of the site in terms of sales values and the brownfield status in terms of development costs. Accordingly the outcome whilst allowing for some Section 106 contributions (£211,092) is a development which would be unviable with the affordable housing policy obligation and is only able to deliver all the dwellings for market rent with a commercial return within acceptable levels.

#### **5.2.7 Education: Comment**

Confirm that the proposal meets the trigger for a financial contribution towards education provision. The number of homes proposed generates the requirement for a primary school contribution of £165,916. There is no requirement for a secondary school contribution and no discount has been applied for affordable housing.

5.2.8 Highways: No objection

Raise no objection in principle subject to conditions and a financial contribution of £44,234 the Telford Town Centre Connectivity Package which forms part of the Telford Transport Growth Agenda.

5.2.9 Rights of Way Officer: Comment

Re-iterate comments made by Local Access Forum and add that any closure or temporary obstruction of any part of the right of way can only be undertaken following the appropriate legal process and with regard to providing suitable alternative access.

5.2.10 Sport England: No objection

The application site includes playing fields which have not been used for more than five years. Note that the application site formed part of a larger area that was granted Outline Planning Permission in 2010 under TWC/2010/0036. This involved the amalgamation of Malinslee Primary School with St Leonards Infants and Langley Junior Schools on a new site adjacent St Leonards. Sport England are satisfied that that development involved the sufficient replacement of playing fields and therefore met exception Policy E4. In the absence of further information to the contrary, Sport England retain their earlier position and consider that the loss resulting from the proposed development has been sufficiently replaced thereby meeting the relevant part of para 74 of the NPPF. Sport England does not wish to raise an objection to this application.

5.2.11 Place Partnership Ltd (on behalf of West Mercia Police): Comment

Crime and Incident Model predicts an additional 14 crimes, 11 anti-social behaviour incidents and 21 public safety/welfare incidents per year that will require a police response (Appendix 1) arising from the proposed development. Information provided confirming the infrastructure requirements associated with a development for 92 dwellings, against a backdrop of planned savings in West Mercia Police Force budget until 2020. A financial contribution of £15,777 is sought to mitigate the additional impacts of the development. A full justification and breakdown of this figure has been provided which includes recruitment and equipping of staff, police vehicles and office accommodation.

5.2.12 Shropshire Fire Service:

Consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications"

5.2.13 Shropshire Wildlife Trust: Object

The majority of the site is located within the green network and there do not appear to be any exceptional circumstances, contribution to the aims of the network or environmental/community benefits provided; the scheme would therefore appear to be contrary to saved policies OL3 and OL4 of the Local Plan. Development would also place more pressure upon adjacent local nature reserve and wildlife site.

5.2.14 Local Access Forum: Object subject to condition

Comment that definitive public rights of way run either side of the site. One is a Bridleway and the other a Restricted Byway. It is important that they are not used for vehicular access to the site during or after construction.

### 5.3 **Neighbour consultation responses**

5.3.1 One objection received from a neighbouring resident at 55 Matlock Avenue.

Concerns summarised as follows:-

- Development will be served by only one access road
- Matlock Avenue is already heavily used
- Insufficient off-street parking for residents of Matlock Avenue and George Chetwood Court
- Matlock Avenue and Church Road have seen an increase in through traffic since opening of Duce Drive,
- A further 92 residences will further add to this busy traffic on roads not built to accommodate such traffic.

## 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
- Flood Risk and Drainage
- Open Space and Landscaping
- Trees and Ecology
- 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, together with saved policies within the Wrekin Local Plan. The National Planning Policy Framework (NPPF) is a material planning consideration but is not development plan policy. The emerging Telford & Wrekin Local Plan is also a material consideration which has now been through Regulation 18 consultation and can be given some weight in the determination process.

6.2.2 The NPPF contains at its heart a presumption in favour of sustainable development. If a local authority cannot demonstrate a five year supply of deliverable housing sites, its planning policies in respect of housing development must be considered out of date, and applications considered in the context of sustainable development. Telford and Wrekin can now demonstrate a housing land supply in excess of 10 years, as published in October 2015. This means that relevant housing supply policies within the local development plan can be applied in the consideration of this application.

6.2.3 **Local Development Plan:** The proposed development site is located within the Telford urban area where the principle of residential development is supported by the Core Strategy. The Core Strategy sets out the strategic approach to the delivery of

new homes in the Borough over the plan period through Policy CS1 and as part of this approach; Core Strategy Policy CS3 directs the majority of housing towards the urban area of Telford. The draft Local Plan follows a similar approach in Policy SP1. More specifically, Core Strategy Policy CS5 advises that district centres will be the focus for new development serving the needs of their respective communities. New housing development will be located both within these centres and in locations highly accessible to these centres. The development site is located within Dawley which is one of the district centres specified in the policy. Whilst the site does occupy a fairly peripheral location within Dawley, it is within walking distance of the High Street and is also close to Eyton Road and Mount Road where bus services provide links to Dawley centre, Telford Town Centre and other district centres in south Telford. In this respect, officers are satisfied that the location of the site meets the requirements of the local development 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.
- 6.2.5 The proposal will bring about economic benefits through the creation of jobs during the construction period and through bringing additional 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 In terms of the Social dimension, the proposal will provide a mixture of housing types and sizes which will be through a market rented tenure, thus contributing positively towards the boroughs 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 MOD personnel to ensure there are suitable properties available in the area for employees 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 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 where large areas of hardstanding remain within the centre of the site. 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, greenspace and landscaping within the scheme, which offer the opportunity to incorporate increased levels of biodiversity.

- 6.2.8 The site is located at the edge of Dawley centre but does enjoy good vehicular and pedestrian connectivity with Dawley and the surrounding area. The site is located within walking distance of facilities such as a public house, primary school, church, doctors surgery and hairdressers. Old Park Primary School and also a doctor's surgery are located off Brunel Road, approximately 1 mile to the north of the Site. Phoenix Academy Secondary School is 650m (0.4 miles) to the south west. Dawley District Centre is 965m (0.6 miles) away and comprises a range of local centre facilities. To the north, St Leonard's Church, The Church Wickets public house and a hairdresser are located on Church Road, approximately 805m (0.5 miles) from the Site. Public footpaths are located around the site which connect with Telford Town Park to the east and cycle routes also run alongside the north and east side boundaries. Arriva Bus service No's 1 and 2 run between Telford Town Centre, Dawley and Madeley and are accessible from bus stops located on Eyton Road, around 400m (0.25 miles) to the west, operating every 10 minutes (3 in each direction). Arriva Bus service No.16 operates between Telford and High Ercall, with the nearest bus stop off Church Road, 475m (0.3miles) from the Site. Arriva Bus service No.9 runs every 20 minutes and stops on King Street, 750m (0.46 miles) to the west. This service links Telford Town Centre with Dawley, Coalbrookdale, Ironbridge, Bridgnorth and Wolverhampton. Telford Central Railway Station is located approximately 2.5km (1.6 miles) to the north of the site and is accessible via foot and cycle off Hinkshay Road to the east, which forms a dedicated pedestrian and cycle route to Telford Town Centre and the station beyond. 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 Green Network: The site does, however, fall within the Green Network as identified within the Wrekin Local Plan. With the exception of the areas of hardstanding where the former school buildings were previously located, the remainder of the site is classed as Green Network and whilst this does not prevent residential development, Saved Policy OL4 of the Wrekin Local Plan does requires that any proposed development contributes or is complementary to the aims of the Green Network. Alternatively, development in the green network would need to involve exceptional circumstances or environmental or community benefits as an integral part of the proposal. In this instance, officers are mindful that the site forms part of the Dawley Regeneration Masterplan area which was granted outline permission in 2010 under TWC/2010/0036 for a mixed use development comprising a new school, associated sports pitches, retail units, residential dwellings, a nature park, a children's playground, BMX track, public open space, landscaping and rights of way and associated works. The approved scheme earmarked the development site for residential development and the proposal therefore aligns with the aspirations of the masterplan in respect of this part of the site. Whilst it is considered that the principle of residential development on the site has already been established, the application still needs to demonstrate compliance with Policy OL4.
- 6.2.10 The applicant's agent has set out the ways by which it is considered that the development complements the aims of the green network. Given that the site is brownfield with a landscaped 'green edge' on its eastern side, it is suggested that the proposal provides an opportunity to enhance the appearance of the site and to improve connectivity through the provision of new footpaths and cycle ways. An area of landscaped open space will be provided along the eastern side of the site which will deliver visual and ecological enhancements to the site and for the benefit of the local area. Officers are minded to agree that the proposal will complement the aims of the green network and are also mindful that the landscaping and ecological

enhancements proposed will provide both environmental and community benefits as required by Policy OL4. Furthermore, it is noted that the scheme will provide additional housing stock in the area in the form of market rented properties which are a much needed resource and therefore also of community benefit.

- 6.2.11 **Loss of Playing Fields:** The proposed development will technically involve the loss of playing fields previously belonging to Malinslee Primary School. In total, 12,000 square metres of playing field and outdoor courts were provided at the school. Sport England aims to protect the supply and quality of playing fields in order to satisfy current and estimated demand. In this instance, the closure of the school resulted from the amalgamation of three local schools on a new site adjacent St Leonards Infants school (which has now become Old Park Primary School). New playing fields and outdoor courts were created as part of the development which Sport England confirmed were a sufficient replacement of playing fields at the former Malinslee Primary School site.
- 6.2.12 As noted in Paragraph 6.2.9 above, an application was subsequently submitted for the wider regeneration of the Dawley area which included the residential development of the application site. Whilst no objection was raised by Sport England to the principle of that development, this took into account the fact that significant additional sports facilities were to be provided within the masterplan which were felt to be proportionate to the additional residential accommodation being created.
- 6.2.13 As this application is a standalone development which does not proposed any replacement sports facilities, Sport England have considered the proposal on its own merits. Sport England note that the pitches concerned have now not be used for over 5 years but confirm that this does not mean that as a planning unit, they do not constitute a playing field. The proposal has therefore been assessed against relevant exception policy. Accordingly, Sport England have reconfirmed their satisfaction that works to amalgamate the three schools did involve the provision of sufficient replacement sports facilities to offset those lost at the former Malinslee Primary school site. As such, accordance with exception E4 of the above policy has been demonstrated and Sport England raise no objection.

### **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. Some of the three bedroom properties contain garages. The development has been provided at a density of 34.5 dwellings per hectare which is considered to be an appropriate density and will be in keeping with the density and character of the residential areas to the west of the site.
- 6.3.2 The use of two storey dwellings will respect the size and scale of properties within the surrounding area and will avoid potential overbearing impacts upon the nearest existing properties to the edge of the site.
- 6.3.3 The proposal will utilise a simple panel of materials comprising facing brickwork, contrasting sections of detailed brickwork, grey UPVC windows and fascia boards and a Russell Lothian roof tile. Five different property types are proposed which are each designed in a simple, contemporary style which includes full height glazing, contrasting brick panels and open, flat roof porch canopies above the front doors. The properties are similar to the designs used at the existing NuPlace development at currently taking place at the former Woodlands Primary School site in Woodside

(approved under planning permission ref. TWC/2014/1124) which officers have visited during the determination of this application.

- 6.3.4 The proposed layout involves the provision of dwellings fronting onto Matlock Avenue, thus providing an active and sympathetic frontage to the development. The layout also involves appropriate treatment of corners within the site through the provision of active frontages on front and side elevations on corner plots. The proposal involves appropriate spacing between properties and gardens and plot sizes which are proportionate to the size of the dwelling.
- 6.3.5 The proposal involves the provision of a landscaped buffer along the eastern side of the site which separates the site from residential properties to the north east.
- 6.3.6 Residential Amenity: The proposal involves acceptable separation distances and relationships with existing neighbouring properties. Proposed dwellings in the south west corner of the site are located closest to existing properties with plots 77 and 68 located 16 metres and 18 metres respectively from the rear of properties along Melbourne Close. A number of trees are located along the south west boundary which will need to be removed to accommodate the development. First floor windows in the side elevation of both properties will be obscure glazed and none opening to prevent overlooking of the rear gardens along Melbourne Close. The separation distances between the properties are considered acceptable and will not result in an unacceptable loss of light or overbearing impact upon those properties.
- 6.3.7 Plots 1 to 9 will face onto Matlock Avenue, however, a suitable separation distance has been achieved between existing properties along Matlock Avenue and it is not considered that the occupants of those properties would experience harm to their quality of life.
- 6.3.8 To the north east of the site, Plot 34 has been turned 90 degrees to face north west to avoid overlooking the rear gardens of properties along Spout Way. The landscaped buffer along the side of the site has increased the separation between the development and existing properties abutting the north east side boundary, thus avoiding thus avoiding any unacceptable overlooking or loss of privacy.
- 6.3.9 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 The proposal will be accessed from Matlock Avenue via a new access road to be provided in the location of the existing school entrance. In addition, 9 dwellings will also take their access directly off Matlock Avenue. As the access road is on the outside of a bend in the carriageway, visibility is good in both directions and 59 metre visibility splays can be achieved in both directions which exceed the requirements for a 30mph road.
- 6.4.2 The proposal has been accompanied by a transport assessment which considers the potential impact upon the surrounding highway. The assessment acknowledges that a development comprising 92 dwellings will involve a significant increase in vehicle movements along Matlock Avenue and the nearby network. It is noted that the site previously contained the former Malinslee Primary School, which would also have generated a certain level of vehicle movements. However, as the catchment for the

school was extremely localised, many journeys to and from the school could have taken place on foot, although the school car park did contain 27 spaces. Nevertheless, the assessment suggests that a development comprising 92 dwellings would involve significantly greater trip generation than previously occurred at the primary school.

- 6.4.3 The assessment has considered the potential impact upon key junctions in the area. This included the Mount Road/Church Road/Brunel Road junction and the Dawley Bank Roundabout. The assessment found that two way traffic movements are forecast to increase by up to 35 vehicles per hour along Brunel Road and up to 20 per hour along Church Road and through Dawley Bank Roundabout, the latter equating to a percentage increase of 1% or less. The report concludes that such increases would have no material impact upon the operation or environment of the local highway network and officers would agree with the recommendations of this report.
- 6.4.4 The application also includes a Travel Plan which aims to reduce and/or sustain at a low level, the number of residents travelling to and from the development by car. This helps to achieve improved air quality, reduces congestion on roads and promotes exercise to maintain healthy lifestyles for residents. The Travel Plan sets out initiatives and measures which will allow this to be achieved.
- 6.4.5 Parking: All dwellings contain dedicated off-street parking and the development will provide a total of 172 off-street spaces equating to an average of 1.87 spaces per dwelling. The site is within walking distance of Dawley centre and bus stops on Mount Road and Eyton Road and includes good connectivity to the local public right of way network including footpath and cycle links to the town centre, therefore the site promotes viable alternatives to private car travel. As such, the requirements in terms of dedicated off street parking could be less than similar developments elsewhere in the borough. Notwithstanding this point, officers are satisfied with the level of off-street parking provided which is considered to be appropriate.
- 6.4.6 Connectivity: The proposal provides good connectivity with the local highway network through the provision of five links to footpaths surrounding the site. The new pedestrian links will improve accessibility and permeability through the site to existing open space and residential properties in the surrounding area including links to Spout Way to the north east of the site. The Rights of Way Officer has inspected the proposal and raises no objection subject to public footpaths adjacent the site being kept free from obstruction and open for use at all times.
- 6.4.7 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 A Flood Risk Assessment has been included with the application which has been considered by the Council's Drainage Engineers who raise no objection in principle to the proposal.
- 6.5.2 There are no watercourses within the site but an existing pool and ditch are located immediately to the east. No records of known flooding events on the site exist either from watercourses or highway drainage. The site is located entirely in Flood Zone 1 where the principle of residential development is considered acceptable.

- 6.5.3 The development proposes to discharge surface water into the existing natural pool located to the east of the site. The Council's Drainage Engineers have agreed to this approach which means that surface water can be stored in this feature as opposed to a bespoke feature being constructed on site, however, at the time of writing, the exact point of discharge from this pond is unknown. Drainage Engineers have requested that further investigative works are carried out and officers are therefore seeking a resolution to resolve the outstanding drainage issues under delegated powers following consideration of the application at committee. This will need to involve either the identification of a suitable discharge point from the existing pond or an alternative drainage scheme which involves suitable surface water attenuation measures contained within the development site.
- 6.5.4 Foul drainage will connect to the existing mains sewer system on site.

## **6.6 Open Space and Landscaping**

- 6.6.1 The scheme will include soft landscaping to enhance its appearance and to fit in with the character of the surrounding area which includes areas of woodland to the north and east. A 30 metre wide landscaped buffer will also be provided along the east of the site to separate the site from the adjacent Green Network and the local nature reserve. 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.
- 6.6.2 In terms of the management of open space on site, the applicant has advised 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.

## **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 around the edge of the site, particularly along the east and south boundaries. None of the trees are protected by Tree Protection Orders but some are of amenity value. The proposal will not require significant tree clearance, however, precise details of trees to be removed have not been submitted. Whilst no objection is raised by the Council's Trees Officer in principle, confirmation of trees to be removed and retained can be requested as a condition of any approval which will sit in conjunction with a landscaping scheme to be submitted. All trees to be retained will need to be protected by suitable protective fencing.
- 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 majority of the site is surrounded by a secure palisade fence and the former school playing fields have now become overgrown with poor grassland. The report found a single juvenile grass snake and a single common lizard but found no other evidence of protected species was found on site. As a result, the report sets out recommendations for the development process including methods and time periods for site clearance to avoid impacting upon reptiles. Any works affecting the hedge and dense vegetation at the south of the site must take into consideration the potential of nesting birds. The report concludes that provided the recommendations are followed, it is unlikely that the proposed works will have any impact on any protected species in the area. 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, however, requested that a pre-

commencement ecological site inspection shall be undertaken by an experienced ecologist, two months prior to the commencement of the development.

## **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 undertaken to establish the ground conditions and any potential sources of contamination at 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 an pollution risk to future occupants and the proposal satisfies the requirements of Policy EH7.
- 6.8.3 A Ground Conditions Report has also been submitted to consider the land stability and ground conditions at the site. The report does not identify any mine entries within 20m of the site and historic mine workings are not considered to be a development constraint. The report also concludes that there are no slope stability issues on site. The applicant has, however, advised that retaining walls are required due to varying levels on site. As a result, 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. 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 and the Schools Organisation Service Delivery Manager has requested that a contribution of £165,916 is provided towards the provision of an additional classroom at Old Park School. There are no requirements to contribute towards secondary school provision. The applicant has agreed to this request.

### **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. In this instance, 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 with the application 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 The applicant has also submitted further information clarifying this position. In this instance, the viability of the development is compromised by a combination of low property values within the area, build costs and a requirement to provide piled foundations on much of the site. There is also a need to provide retaining walls due to level changes. The applicant has discussed these requirements at length with the Council's Geotechnical Engineer. In summary, it is advised that abnormal development costs and higher than average maintenance and management costs, combined with low GDV values make viability of the site borderline. Any further financial pressures will render the development unviable and will not be deliverable.
- 6.9.4 In such locations, the Council's affordable housing policy is difficult to achieve and whilst draft Local Plan Policy HO5 does set a lower target of 25% in the Telford area, the applicants advise that there is simply no flexibility to provide any affordable housing as part of the development. Officers are mindful that whilst the proposal to provide market rental properties does not meet the NPPF definition of affordable housing, it 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 i.e. MOD workers and NHS staff. 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.
- 6.9.5 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. Furthermore, officers have been involved in pre-application discussions with Wrekin Housing Trust for a development comprising approximately 20 retirement bungalows at a site at Duce Drive in the centre of Dawley, which previously formed part of the Dawley Masterplan scheme. It is understood that an application for this development is to be submitted within the next few months. Whilst not connected to the proposed scheme, this does nevertheless demonstrate a commitment from the disposal of Council owned land to deliver affordable housing within Dawley. 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 in this instance.
- 6.9.6 Children's Play Areas:  
As required by Saved Wrekin Local Plan Policy LR6, the proposed development meets the trigger for requiring the provision of a Local Equipped Play Area (L.E.A.P) (as it exceeds 75 dwellings). The Council's Parks and Open Spaces Officer who has advised that as there is no space on site to provide the LEAP, a nearby Local Area of Play (LAP) at Spout Way could be upgraded, therefore a contribution of £40,000 has been requested, however, the applicant has also advised that there is no scope to provide this contribution. Again, officers note the contents of the submitted viability appraisal and the applicants additional comments as explained in paragraph 6.9.3 above. In this instance, officers are prepared to forego any play area contribution in the interests of allowing the development to proceed, taking into account the wider community benefits of providing additional housing in a tenure which is needed in the area.
- 6.9.7 Open Space Maintenance:  
The applicant has confirmed that where possible, areas of open space will be conveyed to individual properties, however, where this is not possible, or for areas of

public open space, this will be managed privately by a maintenance team set up by the applicant, NuPlace Ltd. There is therefore no requirement to provide financial contributions for maintenance of public open space.

#### 6.9.8 Policing Issues:

A request has also been received from Place Partnerships Ltd on behalf of West Mercia Police Force for a financial contribution of £15,777 towards additional Police infrastructure. Whilst officers note this request, Wrekin Local Plan Saved Policy H22 sets out the community facilities towards which financial contributions will be requested as part of major residential development which does not include policing facilities. Therefore it is not considered to be reasonable or justifiable to request this contribution from the applicant, although the Council may wish to reconsider this position as part of the emerging local plan.

### 6.10 Planning Obligations

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

- (i) Education Contribution = £165,916 (Primary School contribution allocated towards the expansion of Old Park school)
- (ii) Highways contribution = £44,234 (towards the Telford Town Centre Connectivity Package which forms part of the Telford Transport Growth Agenda)

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 commit to those contributions being made.

## 7.0 **CONCLUSIONS**

7.1 This proposal involves the redevelopment of a previously developed site in the Telford urban area. The site is located within the Green Network but has demonstrated that there are exceptional circumstances, through both the amalgamations of three primary schools, leaving a vacant site, the creation of additional facilities in the wider Dawley Regeneration Area, and the approach to the proposal, which will complement the aims of the green network through sensitive design, layout and spacing, appropriate landscaping and a 30 meter buffer along the east side boundary.

7.2 The site is located in a sustainable location, within walking distance of Dawley and Telford centres, is close to bus stops and contains good connections with local footpath and cycleway networks.

7.3 The site previously contained playing fields associated with the former primary school, however, Sport England have confirmed their satisfaction that sufficient playing field provision has been provided at the new school site at Old Park Primary

School and no objection is therefore raised to the loss of playing fields at the development site.

- 7.4 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 34.5 dwellings per hectare is considered appropriate. Landscaping will be controlled as a condition. The proposal will not adversely affect the living conditions of existing residents surrounding the site.
- 7.5 Whilst the proposal will result in the provision of a significant number of dwellings, the proposal has demonstrated that it can be accommodated by the existing highway network without detriment to highway safety, subject to a financial contribution of £44,234 towards the Telford Town Centre Connectivity Package. The disposal of surface water from the site is still the subject of discussions with the local drainage authority and officers are seeking a resolution to continue to discuss this after the committee meeting.
- 7.6 The proposal will not involve extensive tree clearance on site and will not have an adverse impact upon European Protected Species or wildlife habitats, subject to the recommendations of the Ecology Update Report being followed. There are no significant issues with regard to ground contamination or land stability on the site that cannot be controlled through condition.
- 7.7 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 Policies UD2, UD3, UD4, H22, T4, T22, OL2, OL3, OL4, OL6 and OL11 of the Wrekin Local Plan.

## **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 Outline Planning Permission** (with authority to finalise conditions and reasons for approval) subject to the following:
- A) Delegated authority for officers to continue discussions with the applicant to achieve an acceptable surface water drainage scheme.
  - B) The applicant submitting a signed Memorandum of Understanding relating to:
    - (i) Education Contribution of £165,916 (towards the expansion of Old Park School)
    - (ii) Highways contribution of £44,234 (towards the Telford Town Centre Connectivity Package)
  - C) 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. B061 Foul and Surface Water Drainage
4. B061 Drainage – Point of Discharge
5. B076 SUDS Management Plan
6. B122 Tree Retention Details
7. B121 Landscaping Design
8. B126 Landscape Management Plan
9. B149cust Pre-commencement Wildlife
10. B150 Site Environmental Management Plan
11. B056 Soil Gas
12. C023 Analysis of Imported Soil
13. C013 Parking, Loading, Unloading and Turning
14. C014 Visibility Splays
15. C020cust Construction detail
16. C020cust Devpt in accordance with Travel Plan
17. C091 Devpt in accordance with Ecology Report
18. C109cust External Lighting plan
19. C038 Approved plans
20. D08 Windows – Obscure Glazing/Non-opening to plots 77 & 68

#### Informatives

1. I06 Memorandum of Understanding
2. I08 Highways Licence
3. I10 Public Right of Way
4. I20 Contaminated Land
5. I25b Nesting Birds
6. I35cust Ecology- Site Clearance
7. I40 Conditions
8. I41 Reasons
9. RANPPF NPPF Approval