

TWC/2015/0843

Land off Peregrine Way, Leegomery, Telford, Shropshire  
Reserved matters application for 100no. dwellings including layout, scale,  
appearance, access and landscaping (pursuant to outline application  
TWC/2011/0541) \*\*\* Revised Scheme \*\*\*

**APPLICANT**

Homes and Communities Agency / Kier

**RECEIVED**

18/09/2015

**PARISH**

Hadley and Leegomery

**WARD**

Apley Castle

**OFFICER** Daniel Owen

**1. Introduction**

1.1 Planning Committee voted to defer the planning application at the meeting on February 22<sup>nd</sup> so that further consideration could be given to a number of issues before the application was determined. Those issues are:

1. The buffer zone between the development and Apley Woods;
2. A construction management plan and whether a separate access for construction traffic could be provided;
3. Whether the traffic lights could be installed before construction commences rather than prior to the first occupation;
4. The design is too regimented and should better reflect local vernacular;  
and
5. The proximity of Plot 23.

1.2 The applicant has now responded to the five matters that were raised. They have reiterated that the Reserved Matters Application seeks approval for the layout, scale, appearance, access and landscaping of the 100 homes that already have the benefit of outline planning permission. A Reserved Matters application is not an opportunity to revisit either the principle of developing this site for housing and neither is it, insofar as the law is concerned, an opportunity to revisit any of the conditions or planning obligations associated with the outline planning permission.

1.3 Whilst it is correct to say that the 100 homes is a maximum rather than a minimum it is also necessary to note that the provision of 100 homes on this site has been accepted in principle at the outline planning stage.

1.4 Being a Reserved Matters Application consideration must be confined to the matters reserved i.e. layout, scale, appearance, access and landscaping. The applicant has stated that as a matter of law there is no opportunity for the Council to revisit the terms of the Outline Planning Permission.

## 2. The buffer zone to Apley Wood.

2.1 The requirement for a buffer zone between the proposed housing and the Apley Wood was established during the Outline planning application (reference W2006/0291). The recommendation for the buffer was made in the Ecological Assessment that was submitted in support of the proposed development. The Ecological Assessment was updated as part of the subsequent application to renew the outline permission (TWC/2011/0541) and that assessment recognised the importance of woodland edge as a habitat for wildflowers, butterflies, birds, mammals and other wildlife. It was a recommendation of that Assessment that a linear strip approximately 20 metres in width was provided between the housing on the southern site and the edge of Apley Wood in order to create a functional woodland edge habitat. This recommendation was agreed with by the Council and was incorporated into the conditions that were attached to the planning permission.

2.2 As such Condition 6 of the outline planning permission requires that the landscape proposals shall make provision for (amongst other things):

*"Protection and enhancement of the woodland edge habitats at Apley Castle Park including a 20m buffer zone along the edges of the woodland in Phase B3."*

2.3 It is important to note that the condition only requires the developer to provide a buffer between the proposed development and Apley Wood to the land to the south of Peregrine Way (that being Phase B3) and that the buffer does not need to exceed 20m in order for it to be acceptable. As stated the requirement for this buffer was established through a detailed Ecological Assessment, the findings of which were assessed and accepted by the Council.

2.4 During the workshops that were held between the applicant, Council Officers, the Ward Councillor, the Friends of Apley Wood and the Apley Preservation Association the applicant was asked to consider whether a larger buffer could be provided and they agreed to provide a 50% increase and the 30m buffer referred to in the main Committee report was incorporated into the plans. It should be noted that there is no planning policy, either locally or nationally, that sets out what scale of buffer zone should be provided.

2.5 Following the decision of the Planning Committee to defer the application the applicant has looked at the details of the width of the proposed buffer and has produced an annotated plan showing the various dimensions of the buffer (Plan 1 - appended to this Committee Update). This demonstrates that the buffer zone as proposed would be a *minimum* of 30m and that all of the proposed houses would be between 31.7 metres and 50.9 metres away from Apley Wood.

2.6 The proposed houses within Phase B1 (to the north of Peregrine Way) would be between 36.7 metres up to 38.0 metres away from Apley Wood. As stated above there is no requirement for a buffer to be provided in this part of the

site. In relation to Phase B3 (the area that has to provide a 20m buffer in accordance with Condition 6 of the outline planning permission) six of the eight dwellings would be in excess of 40m from Apley Wood.

- 2.7 Reference has been made to the approved development at the nearby Maxell site (planning reference TWC/2014/0746) where a 40m buffer between the proposed housing and the western edge of Apley Wood was approved. A smaller buffer, of 20m, was originally proposed and was considered to be acceptable by the Council's Ecologist.
- 2.8 During the consideration of the Maxell application Planning Committee had raised concerns about the overall number of dwellings proposed, the loss of Green Network land and the potential impact of the development on Apley wood. As a result of the combination of those issues the applicant amended the scheme to reduce the number of dwellings to 495 and to retain more of the eastern edge of the site as open space with the dual purpose of allowing a greater standoff to Apley Wood whilst also ensuring that a greater amount of land designated as Green Network was retained as open land.
- 2.9 As the Planning Committee is aware, in this instance Outline planning permission already exists for a development of up to 100 new homes and the proposal would not intrude on the areas of Green Network designated around Apley Wood. Whilst a 40m buffer was provided within the Maxell proposal that should not be regarded as a minimum buffer that has to be provided within any development proposal and as stated above there are no local or national planning policies that explicitly state what distance of buffer should be provided. It should also be noted that in this instance there are existing residential properties within Sparrowhawk Way that are located approximately 5m from Apley Wood.
- 2.10 There is no requirement in the Outline Planning Permission for the buffer to be any wider (or even as wide as the one being proposed). There is no planning policy that dictates that the buffer should be of a certain depth and the Council's ecologist has assessed all of the submitted information and is satisfied that the proposed buffer is acceptable. As such the applicant has advised that no adjustments will be made to the proposed buffer and that what is proposed is considered to be entirely appropriate and Officers agree with this conclusion.

### **3. Construction management plan and whether a separate access for construction traffic could be provided.**

- 3.1 Condition 10 of the Outline planning permission requires the applicant to submit a Site Environmental Management Plan to the Local Planning Authority for approval prior to the commencement of development. The Condition states that it should comply with the Considerate Constructors Scheme and that it should include the following details:

- Location of site compound
- Parking of vehicles of site personnel, operatives and visitors

- Loading and unloading of plant and materials
- Storage of plant and materials in constructing the development
- Storage of oil, fuel and chemicals
- Protection of ecology and archaeology
- Prevention of mud being deposited on highway
- Measure for the control and reduction of noise from construction works
- Measures for control of construction traffic within the site and on the surrounding highway network
- Hours of operation of construction works and others works on the site
- Measures for the monitoring and enforcement of the plans
- The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate

- 3.2 Following the deferral of the application from the Planning Committee the applicant has correctly advised that there is no procedural requirement for this matter to be dealt with now as part of the reserved matters process. They are required to submit the construction management details listed above as part of a discharge of condition application that will be submitted to the Local Planning Authority for approval if reserved matters approval is granted.
- 3.3 It has been suggested during the Planning process, that a new temporary construction access be constructed from the A442, to negate construction vehicles using Peregrine and Sparrow hawk Way to access the site – both of which are Public Highway. Paragraph 6.19 of the original Committee report relates to this matter and confirms that there is no planning requirement for such an access to be provided and also sets out some of the reasons why this may not be feasible.
- 3.4 The applicant has produced a plan (reference DRW NO: APLEY 001 Rev A – attached to this Committee Update (Plan 2)) that shows a potential access onto the A442 and the constraints on its provision. The plan shows a left in / left out junction that would force traffic to those turns. The access would require a visibility splay of 160m to the east in accordance with Design Manual for Roads and Bridges. The plan shows that the construction of an access would result in the loss of a significant amount of the existing stone wall that runs along the northern boundary of the site as well as a significant number of trees / vegetation (see Plan 2 appended to this Committee Update).
- 3.5 The construction of this access would require planning permission in its own right and it would need to be adopted, particularly as it requires Traffic Regulation Orders for the banned right turns and prohibition of parking. It should also be noted that areas of land that are not within the red line boundary and that are not in the ownership of the developer would be required to facilitate the access and required visibility splays.
- 3.6 The applicant has stated that they consider this to be unnecessary and wholly disproportionate to the perceived benefits it may achieve.

3.7 It should also be noted that the proposed LEAP (which has been moved to the northern part of the site at the request of key stakeholders – including local residents) now means that the creation of a construction access from the A442 would not be feasible because Condition 11 of the Outline Planning Permission requires the groundworks for the LEAP and its buffer zones to be complete within 12 months of the commencement of development, which will be before the construction period ends.

3.8 There is no requirement to provide a separate access into the site for construction traffic. There are two existing access points and the site is served by the public highway. It is acknowledged that local residents would prefer construction traffic not to use the existing estate roads this is a situation that regularly occurs across the Borough and it is not necessary for an alternative access to be provided.

#### **4. Installation of the traffic lights prior to construction commencing rather than prior to the first occupation.**

4.1 Condition 4 of the Outline planning permission requires that details of the proposed traffic lights to be installed at the junction of Peregrine Way and Queensway (A442) are submitted and approved by the Local Planning Authority and that the traffic lights shall be implemented in full before the first occupation of any of the dwellings.

4.2 There is no highway safety requirement for the traffic lights to be installed in advance of the commencement of construction rather than in advance of the first occupation of the development. Planning Committee approved the Outline planning application subject to Condition 4 and had it been considered necessary for the traffic lights to be installed prior to the commencement of construction then it would have been necessary for the wording of Condition 4 to address that.

4.3 In this instance the applicant has advised that they will commission the Local Highway Authority to undertake the work to install the traffic lights and it may therefore be possible for the installation of the traffic lights to be brought forward. However this cannot be controlled through an additional planning condition as Condition 4 of the outline approval deals with the matter and there is no material planning reason for the traffic lights to be installed earlier. No changes are therefore proposed to the existing situation in this regard.

#### **5. The design is too regimented and should better reflect local vernacular.**

5.1 This Reserved Matters application has been brought forward in compliance with the principles of development set out in the outline planning permission and is supported by an extensive suite of information following thorough investigation of numerous legislative design guidance and technical matters.

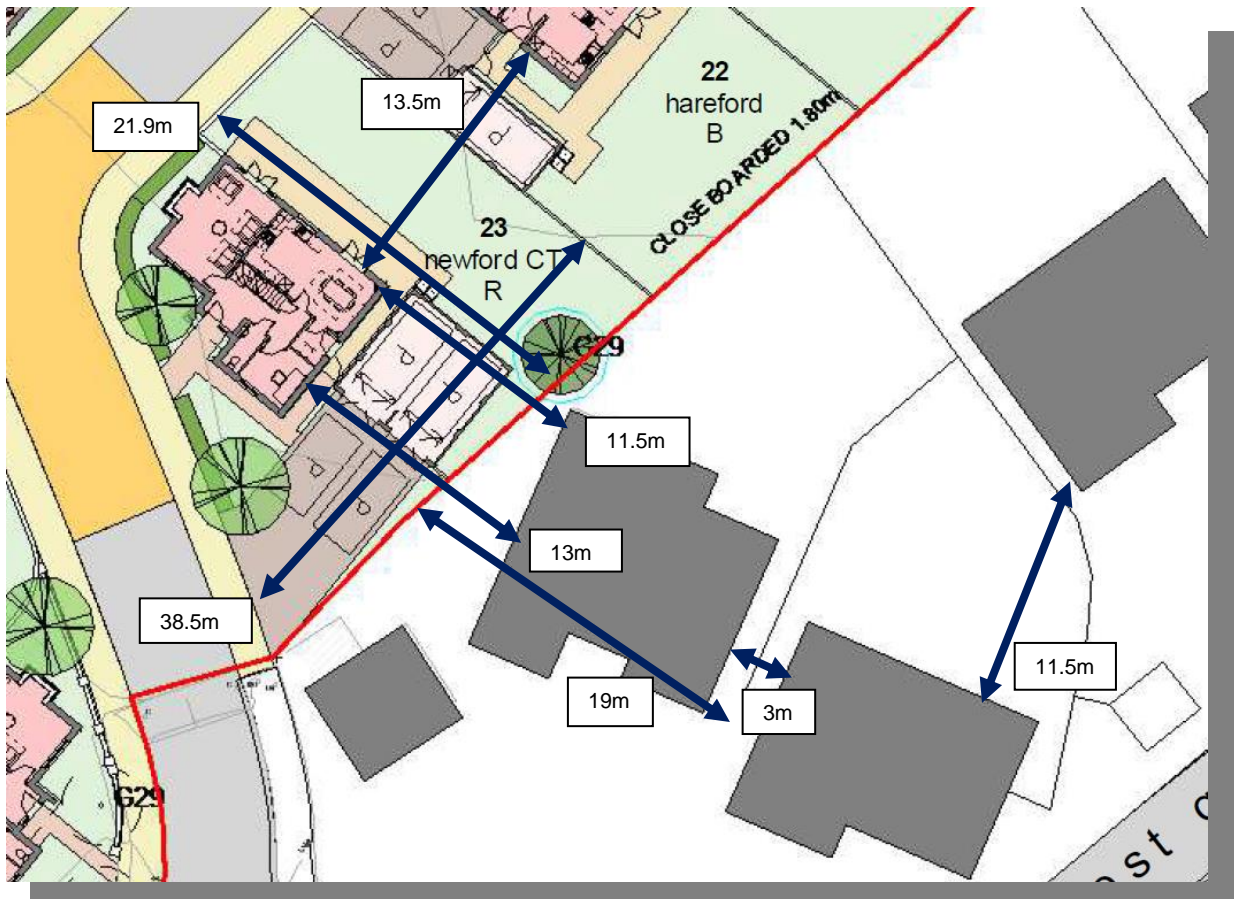
5.2 The applicants consider that the design of the scheme is wholly appropriate and justified, reflecting local vernacular where appropriate (in that respect please refer to the attached images below (Images 1 to 4) illustrating the

relationship between proposed and existing dwellings in the area). They note also that the scheme has the full support of the Council's Urban Design and Planning Officers, who have rightly subjected the proposals to a comprehensive assessment process. It should also be noted that the scheme has evolved in general accordance with the principles of the John Rowlands masterplan at the request of key local stakeholders (attached – Plan 3).

- 5.3 The applicant has advised that they have met collaboratively with the Friends of Apley Woods and the Apley Preservation Association on several occasions, and have made every effort to accommodate as many of their concerns and requirements as possible whilst ensuring that the proposals remain true to the governing parameters established in the existing Outline Planning Permission.
- 5.4 The applicant has advised that no further amendments will be made to the scheme with regard to design, density or the overall number of dwellings. No objections have been raised by statutory consultees or Planning Officers, primarily as a result of the nature of the application and the fact that there is no proposed change to quantum, density or the 'principle' of development approved at the Outline Planning Permission stage.

## **6. The proximity of Plot 23.**

- 6.1 The issue of separation distances is referred to in Paragraphs 6.12 to 6.15 of the original Planning Committee report where it is concluded that the proposal is acceptable in this regard and that it would not result in a detrimental impact on the amenities of the occupiers of existing or proposed houses. The only windows that would be present in the south east facing side elevation of Plot 23 would be for a utility room at ground floor and a bathroom at first floor level and a condition can be attached to ensure that the bathroom window is obscure glazed.
- 6.2 No further amendments are proposed in this regard to this issue. The following drawing shows some of the main measurements associated with proposed Plot 23 and the neighbouring houses.



## 7. Other matters

- 7.1 During the discussions at the previous Planning Committee a question was asked regarding the date when the applicant could lodge an appeal against the non-determination of the application. The applicant had previously agreed an extension of time for the determination of the application until February 28<sup>th</sup> 2017. The applicant has now agreed to a further extension to March 17<sup>th</sup> 2017 which means that they would be able to lodge an appeal against non-determination on March 18<sup>th</sup>.
- 7.2 The applicant has advised that their preference is always to work with Councils and their communities but if this scheme is refused on any of the grounds outlined above an appeal will be lodged and the applicants will also not hesitate to submit an application for costs where the behaviour of the Council is considered to have been unreasonable having regard to the provisions of the Government's Planning Practice Guidance.
- 7.3 As stated in the original Planning Committee report Officers consider this to be a positive and high quality development and that there are no justifiable reasons to refuse the application.

## 8. Conclusion

- 8.1 At the previous Planning Committee Members raised five points of concern and asked officers to take these back to the applicant. Officers have carried

out the instructions of the Committee and the applicant has considered the issues raised and have confirmed that they do not consider that the proposals need to be amended. Officers have also considered the issues raised by Committee and for the reasons set out above, and in the original Planning Committee report, and consider that the proposal is wholly acceptable in its current form.

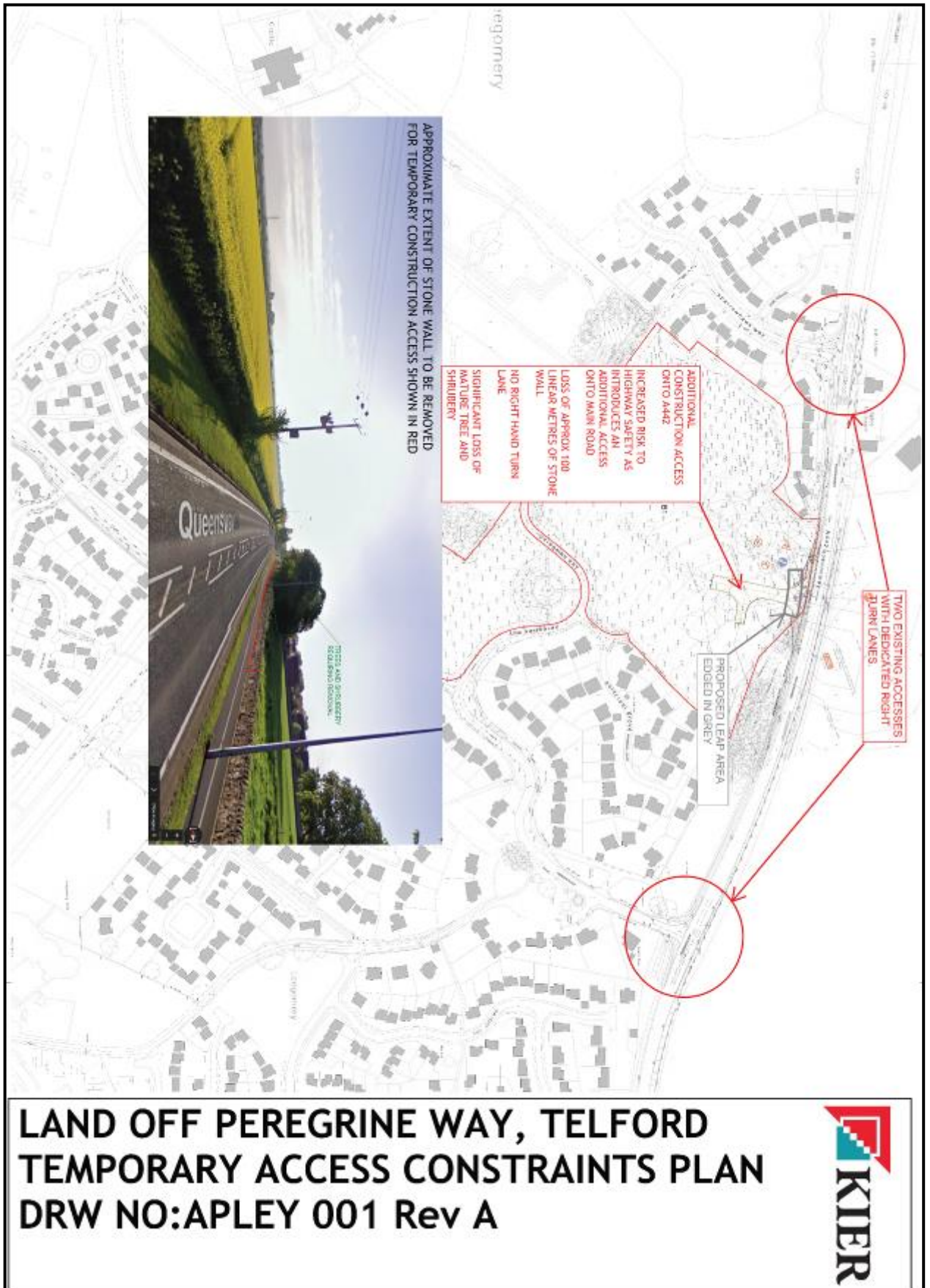
- 8.2 The applicant strongly contends that the proposed layout is entirely commensurate with the design principles established at the Outline Planning Permission stage and trust that the clarifications and supplementary information provided above fully addresses the concerns of Members on these matters.
- 8.3 The principle of residential development in this location has been accepted through the grant of outline planning permission W2006/0291 and its subsequent renewal under application TWC/2011/0541. The design and layout of the proposed houses is acceptable and will not result in a detrimental impact on the character of the area or the living conditions of the occupiers of neighbouring properties. The proposal is also acceptable in regard to the impact on the existing and proposed highway network and in terms of the amount of parking that would be provided. The proposal would not have a detrimental impact on any protected species or on the Apley Wood and the financial contributions secured would result in an improvement to that asset.

## **9. RECOMMENDATION**

Based on the conclusions above it is recommended that consent is GRANTED for this reserved matters application subject to the conditions set out in the original committee report.



## Plan 2: Temporary Access Constraints Plan





# Image 1



Proposed house - Ellesworth cottage render. 5 bed 7 person 1765 sq ft. street 10



existing house - Gold Crest Grove

**A3** Original Sheet Size  
(over)

50mm

Responsibility is not assumed for the use of any other information not shown. All measurements are to be taken from the square dimensions only.



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STATUS

planning issue

PROJECT  
 Sites B1 and B3 Apley Telford

DRAWING TITLE  
 Housing comparison 01  
 Housetype - Ellesworth cottage render

SCALE	DATE	DRAWN	CHK	PROJECT NO	DRAWING NO	REVISION
nil	06/05/2017	JLo	ref	22677	PA0_013	-

06/05/2017 17:00:00  
DATE TIME

# Image 2



proposed housetype - Kenilworth CT cottage render - 5 bed 7 person 1903 sq ft. Peregrine Way



existing house - Peregrine Way

**A3** Original Sheet Size

50mm

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planning issue

PROJECT  
 Sites B1 and B3 Apley Telford

DRAWING TITLE  
 Housing comparison 02  
 Housetype Kenilworth CT cottage render

SCALE	DATE	DRAWN	CHK	PROJECT NO.	DRAWING NO.	REVISION
M5	05/03/2017	J.L.	M	22977	P01_074	-

DATE	BY	NAME	CHK	ROLE
17				

# Image 3



proposed housetype - Ludworth traditional brick version - 5 bed 8 person 2012 sq ft - Eider Drive



existing house - Peregrine Way

**A3** Original Sheet Size  
 0mm 50mm

Responsibility is not accepted for errors made by others in making from this drawing. All construction is to be made in accordance with the relevant Building Regulations only.

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<p>STATUS                  planning issue</p>		<p>DRAWING TITLE                  Housing comparison 03                  housetype Ludworth traditional brick</p>	
<p>VERSION                  17</p>	<p>DATE                  06/03/2017</p>	<p>DRAWN                  JLL</p>	<p>CHECKED                  ml</p>
<p>PROJECT NO                  22077</p>	<p>DRAWING NO                  P/D_075</p>	<p>REVISIONS</p>	

# Image 4



proposed housetype, Newford CT cottage render 4 bed 5 person 1407 sq ft street 1



existing house - Gold Crest Grove

**A3** Original Sheet  
Size  
0mm 50mm

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in scaling from this drawing. All work shown information  
should be taken from figured dimensions on



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PROJECT  
Sites B1 and B3 Apley Telford.

DRAWING TITLE  
Housing comparison D4  
housetype Newford CT cottage render

SCALE	DATE	DRAWN	CHK	PROJECT NO.	DRAWING NO.	REVISION
1/8	06/05/2017	JL	ml	22877	P10_L078	-

06/05/2017 17  
JL ML

planning issue

## PREVIOUS COMMITTEE REPORT OF 22 FEBRUARY 2017

### **1. PROPOSAL**

- 1.1 This is a reserved matters application (for access, appearance, layout, scale and landscape) for the erection of 100 houses and landscaping on land off Peregrine Way, Apley. Telford. The development would consist of 28 two-bedroom houses, 24 three-bedroom houses, 27 four-bedroom houses and 21 five-bedroom houses. In accordance with the requirements of the existing outline consent 20% of the houses will be affordable. The proposal also includes the retention of the existing avenue of protected Lime Trees, the creation of a Locally Equipped Area for Play (LEAP) large areas of open space, including a 30m buffer zone to the edge of Apley Wood, the creation of parking areas for visitors to the wood and footpaths through the site.
- 1.2 The proposal has been made following the grant of outline planning permission TWC/2011/0541, dated 21<sup>st</sup> September 2012, which renewed planning permission W2006/0291, dated 2<sup>nd</sup> September 2008, for the residential development of the land. The number of dwellings permitted by the Outline planning permission was limited to no more than 100.

### **2. SITE AND SURROUNDINGS:**

- 2.1 The site is located within the built up area of Telford. Leegomery Local Centre is located approximately 700m to the south east of the site, Wellington Town Centre lies approximately 2km away to the south and Telford Town Centre lies approximately 6km away to the south east. The site has previously been used as agricultural land but has no current formal use.
- 2.2 To the west, east and south of the application site are existing residential properties along Sparrowhawk Way, Peregrine Way, Pitnall Drive, Eider Drive and Shoveller Drive. The houses along Sparrowhawk Way and Peregrine Way are all relatively large detached houses set in relatively generous plots. The housing to the south of the site, off Shoveller Drive, is less spacious and contains a wider variety of housing types and sizes. The A442 runs across the northern boundary of the site and the Silkin Way runs across the southern boundary.
- 2.3 The site comprises two main parcels of land. One immediately to the south of the A442 and to the east of Sparrowhawk Way and the other to the south west of Peregrine way and to the east of Apley Woods. An avenue of Lime trees is situated within the north western site which was the historic approach to the original 'Apley Castle'.

### **3. RELEVANT PLANNING HISTORY:**

#### **3.1 Planning Applications:**

- TWC/2011/0541: Renewal of planning permission W2006/0291 for residential development: Granted 21/09/2012

- W2006/0291: Renewal of planning permission w2006/0291 for residential development: Granted 02/09/2008
- New Towns Act 1981 – Section 7(1): Apley Castle residential development. Granted February 1988.

#### **4. PLANNING POLICY CONTEXT:**

4.1 National Planning Policy Framework (the NPPF) – the NPPF is not the development plan for Telford and Wrekin but it is a material consideration in this case because all of the borough’s development plan policies have to be viewed in the light of this more recent national guidance. The application should be assessed against the whole of the NPPF however the following sections are particularly relevant:

- Paragraph 14: The presumption in favour of sustainable development,
- Paragraph 17: Core Planning Principles,
- Section 6: Delivering a wide choice of high quality homes,
- Section 7: Requiring good design,
- Section 11: Conserving and enhancing the natural environment.

4.2 Core Strategy policies

- CS3: Telford
- CS12: Natural Environment
- CS15: Urban Design

4.3 Saved Wrekin Local Plan policies

- UD2: Design Criteria
- OL2: Designated Sites
- OL3: Green Network
- OL4: Development in the Green Network
- OL11: Woodland and Trees

4.4 Telford & Wrekin Local Plan (Submission Version)

- BE1: Design Criteria

#### **5. SUMMARY OF CONSULTATION RESPONSES:**

5.1 This Reserved Matters application was submitted in September 2015 and a full period of consultation was undertaken at that time. Following a number of concerns that were identified by the Local Planning Authority, the Ward Member, the Parish Council, local interest groups and residents the applicant reconsidered the proposals. A number of meetings were held between the developer, the Local Planning Authority, the Ward Member and representatives of the local interest groups throughout 2016 and a revised proposal was submitted in January 2017. A further period of consultation was then undertaken with all interested parties.

## 5.2 Standard consultation responses

5.2.1 Hadley and Leegomery Parish Council: Object to the initial and revised proposals on the following grounds :

- Accessibility and social inclusion – the site is not close to existing public transport routes, the development will, along with the Maxell development and the Okehampton Road development, add to traffic congestion, air pollution and noise contrary to Policy CS9.
- Natural Environment – the site is adjacent to Apley Woods which is a proposed Local Nature Reserve and a 40m buffer should be provided to mitigate the impact of the development,
- Cultural, Historic and Built Environment – the development should respect and preserve the wider context of both Apley Woods and Apley Castle.

The following additional grounds of objection were made by the Parish Council to the revised scheme:

- Impact on neighbouring sites – the proposed development will have a disproportionate impact on neighbouring sites and existing development, particularly in respect of its scale, massing, form, density, orientation and layout, landscape elements, access and spatial quality,
- Design Assessment – the proposals do not adequately integrate the proposed development into the existing streetscenes. There are serious concerns about the impact on the long-term sustainability of Apley Woods,
- Drainage and SuDs – concerns about the proposed drainage scheme and the reliance on underground features. The Parish Council requests that details of permanent ownership and management of the SuDs is defined prior to the commencement of development,
- Apley Woods LNR – concern over the impact on any species which rely on the open land. Details over future management of the areas of open space should be requested before development commences,
- Locally Equipped Area for Play (LEAP) – concerns over the proximity of the LEAP to the A442,
- Construction Access – no details have been provided of an alternative access for construction traffic.

5.2.2 Shropshire Fire Service: No objection subject to the attachment of an Informative.

5.2.3 Shropshire Council: No objection.

5.2.4 West Mercia Police: No objection and general design advice is provided.

5.2.5 Environmental Services (Arboricultural): No objection subject to conditions to ensure the submission of an Arboricultural method statement, an updated tree protection plan, to ensure that the paths within the root protection areas of trees are constructed appropriately and that a suitable contractor is appointed with regard to the proposed tree works.

5.2.6 Environmental Services (Drainage): No objection subject to conditions.

- 5.2.7 Environmental Services (Highways): No objection subject to conditions.
- 5.2.8 Parks & Open Space: No objections to the revised proposals.
- 5.2.9 Public Protection (Contaminated Land): No objection.
- 5.2.10 Affordable Housing: No objection.
- 5.2.11 Urban Design: No objection. Following various meetings and discussions with the applicant the scheme has improved is now acceptable.
- 5.2.12 Ecology: An initial objection was raised as insufficient information was initially submitted in respect of great crested newts, bats and Section 41 Habitats of Principle Importance for Conservation. Following the submission of additional survey work, other information and the revised proposals there is no objection to the proposal subject to conditions.

## **5.2 Neighbour consultation responses**

- 5.2.1 A total of 344 consultation letters were sent to the occupiers of neighbouring properties and the application was advertised in the local press and with site notices.
- 5.2.2 As a result 27 letters of objection were received to the application as it was initially submitted in 2015 raising the following issues:
- The infrastructure (schools, dentists, doctors etc) in the local area cannot cope,
  - The additional housing is not required,
  - Additional traffic will be dangerous,
  - Increase in pollution,
  - The houses are not in line with the existing houses,
  - Loss of green fields,
  - Impact on wildlife and wider ecological issues,
  - Traffic calming measures should be provided near the woods,
  - The LEAP is badly positioned adjacent to the wood,
  - The LEAP should be removed as it will create anti-social behaviour,
  - Planting should be done in consultation with the Friends of Apley Wood,
  - The proposed road layout is not in keeping with the area,
  - A footpath should be provided along Peregrine Way,
  - Confusion over whether the land is allocated as Green Network or not,
  - The cumulative impact along with the Maxell development will be significant,
  - The level of affordable housing is too high,
  - The affordable housing should not be provided on-site,
  - Impact on Apley Wood,
  - A 40m buffer zone should be provided to the wood,
  - The houses could be built elsewhere,
  - Lack of public transport,

- Loss of trees and hedgerows,
- There will be a sea of cars along some of the proposed streets,
- The proposals have changed since they were first proposed in 2008,
- Impact on residential amenity,
- The visitor car parking is within the buffer zone,
- Additional tree planting should be undertaken,
- Additional footpaths should be provided,
- The plans do not accord with a previous drawing prepared by HCA.

5.2.3 Friends of Apley Wood - A letter of objection has been received. The land is Green Network and the proposal is contrary to policies OL2, OL3 and OL4 as there are no exceptional circumstances to allow it. The proposal would have an unacceptable impact on Apley Woods, a designated Wildlife site and proposed Local Nature Reserve. Development on the fringes of woodland is the most severe threat to wildlife and its habitat. A 40m buffer should be provided to the Wood. Concerns are also raised regarding infrastructure, including roads and schools. The emerging local plan identifies housing land to 2031 and there is no justification to build on Green Network that borders a wildlife site.

5.2.4 Apley Preservation Association (APA) - A letter of objection has been received raising an objection on two main grounds. The proposal would have an environmental impact. The fields bordering Apley Wood form an integral part of the designated nature reserve, creating both a foraging area and ecological corridor for wildlife and the woods and environs. The proposal would be contrary to the Green Network designation and it would be contrary to Policies OL2, OL4 and OL12.

5.2.5 2 letters have been received making comments and suggestions rather than offering support or objection to the proposal. These include suggestions to improve the existing highway network and a request for some retail development to be included in the plans. The LEAP is badly positioned and should be moved. The proposed footpaths should link into the existing. Planting should be done in consultation with the Friends of Apley Woods. Improvements should be made to the exit onto the A442. The roads should meander rather than run in a straight line.

5.2.6 1 letter of support has been received stating that Telford needs to grow and expand.

5.2.7 Consultation on amended scheme

As stated above a revised scheme was submitted in January 2017 following several meetings between the developer, the Local Planning Authority, the Ward Member, local interest groups and residents. Following the submission of those revised plans all 344 letters were re-sent to neighbouring properties. As a result 32 additional letters of objection have been received raising the following issues:

5.2.8 As a result 36 letters of objection have been received raising the following additional issues:

- Impact on Apley Woods and ecology,
- Question over the purpose of the buffer zone,
- Filters to drainage tanks may become blocked,
- Highway impact,
- There are no proposed bungalows,
- The affordable housing must remain affordable,
- The proposed Apley Wood parking area is within the buffer zone,
- Impact on amenity,
- The LEAP should be located closer to the Silkin Way,
- Some of the streets would appear as a sea of cars.

5.2.9 Friends of Apley Woods - An additional letter of objection has been received. The initial concerns still prevail although it is acknowledged that both Council Officers and the developer have listened to the concerns raised, responding to them in a positive way, particularly with regard to the buffer zones and visitor car parking provision. The status of Apley Woods has changed since outline permission was granted and the development of the site will place the woods at risk. The number of houses should be reduced to preserve a wildlife corridor. Local infrastructure is stretched beyond capacity with schools, roads, doctors etc unable to cope. The development has not been designed to reflect a plan prepared by HCA in 2008.

5.2.10 Apley Preservation Association - An additional letter of objection has also been received stating that their original objections still apply. A borough wide forum or referendum should be held to assess whether the citizens of the borough still want to build on the land. Objections are also raised to the proximity of the development to the nature reserve, the number of dwellings should be reduced and the affordable housing should not be provided on the site.

## **6. PLANNING CONSIDERATIONS:**

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

- The principle of the development,
- The design and appearance of the proposal,
- The impact on the living conditions of neighbours and future occupiers
- Highway matters
- Landscaping and ecological matters
- LEAP
- Other issues

### The principle of the development

- 6.2 Outline planning permission was granted for the residential development of this site in 2008 (application reference W2006/0291) subject to conditions and a S106 agreement that limits the scale of the development to 100 dwellings.
- 6.3 As such the principle of the development is established and cannot be revisited under a reserved matters application. The matters for consideration as part of this application relate to the means of access to the site, the layout and appearance of the houses and the landscaping of the site only and matters relating to the principle of the development cannot be taken into account.
- 6.4 Reference has been made in the representations to the designation of the Apley Woods as a Local Nature Reserve and the potential allocation of the site as Green Network in the emerging Telford & Wrekin Local Plan as being sufficient matters for the principle of the development to be revisited.
- 6.5 Apley Wood remains a proposed Local Nature Reserve at the present time and the impact it is considered in more detail below. The existing avenue of Lime trees, a small section of the site adjacent to the A442 and another section adjacent to the Silkin Way are designated as Green Network within the adopted Wrekin Local Plan. The remainder of the site is allocated as a housing commitment. The site is not proposed to be designated as Green Network in the Submission Version of the T&WLP that has been submitted to the Planning Inspectorate. Whilst the proposed LNR designation is a material planning consideration that should be taken into account in the assessment of the matters referred to above (layout, access, landscaping etc) the principle of the residential development of the land cannot be reconsidered.

### The design and appearance of the development

- 6.6 Reference has been made within the representations to the density of the proposed development and how it relates to the density of the existing development in close proximity to the application site. The density of the proposed development is approximately 14 dwellings per hectare. The density of the surrounding development ranges from approximately 12 dwellings per hectare for the houses located to the west of the site around Sparrowhawk Way and Goshawk Drive, 13 dwellings per hectare to the east of the site around Peregrine Way and Goldcrest Grove and 22 dwellings per hectare around Shoveller Drive. If the area land associated with the avenue of Lime Trees and the existing circular open space to the south of Peregrine Way is removed from that calculation the density of the development increases to approximately 17 dwellings per hectare. This is a comparatively low density of development but it is important to note that the number of dwellings that could be accommodated on the site was given detailed consideration at the outline planning application stage and it was agreed at that time that an upper limit of 100 dwellings would be an appropriate level of density for this particular site. The proposed development is in accordance with that limit and as such the proposal is acceptable in this regard.

- 6.7 The layout of the site has been informed by a number of existing site constraints and opportunities including the presence of a number of protected trees, existing underground service easements, the provision of a 30m buffer zone to Apley Wood, the retention of the existing circular landscape feature, the existing highway network and the provision of a LEAP.
- 6.8 The site has been split into three separate zones as can be seen on the submitted site plan. Each zone would follow a similar design strategy with the larger detached houses around the perimeter of the blocks facing the primary streets, with the semi-detached houses fronting the secondary streets. The taller two and a half storey buildings would be located in key positions along Peregrine Way.
- 6.9 Architecturally, the proposed scheme is relatively traditional which would be broadly in keeping with the local context. The use of pitched roofs, gables and chimneys would reinforce this traditional approach together with a limited palette of materials which includes brick, render and boarding. The dominant material throughout the scheme would be red brick which would blend in with the existing houses in the area and the local context. Storey heights range from two to two and a half floors which again reflects the existing surrounding houses.
- 6.10 In order to create different character areas the proposal includes a mixture of two house type styles and a further variation with each style having a number of variations of materials. For reference the two house type styles are 'cottage' and 'traditional' and each has one of three finish options, these are brick, render and boarded. The 'cottage style' houses have the feel of being more rural, with simple cills of tile, wet verge gables, projecting rafters to eaves, with no barge boards to gables, chimneys, arched brick soldier course lintels, traditional looking front doors with a small central window, simple flat porches. The 'traditional style' was created to blend in with the existing surrounding development house types. It has boxed eaves and gables (these to be of a dark grey colour), mostly reconstituted stone cills and heads & simple window fenestration.
- 6.11 The council's Urban Design Officer has been involved in discussions with the applicant and their architect following the submission of the application. Following those meetings the scheme has significantly improved and subject to conditions relating to materials and boundary treatments there are no urban design objections to these amended proposals. As such the proposal complies with the requirements of Core Strategy Policy CS15 and Saved Wrekin Local Plan Policy UD2.

#### The impact on the living conditions of neighbours and future occupiers

- 6.12 There are existing houses that directly adjoin the site and a number of other houses that are sited on the opposite side of a road from the proposed houses. It is necessary to ensure that the separation distances between the existing and proposed houses would ensure that living standards are not significantly affected. The properties to the north west of the site, within

Sparrowhawk Way, back onto an area of the site that would contain eight houses. The separation distances between the existing and proposed houses would be a minimum of 20 metres and the houses have been designed to ensure that there are no habitable room windows directly facing the existing houses.

- 6.13 There are also existing properties to the east of the site, within Gold Crest grove, that adjoin the site. The houses proposed for Plots 20 to 22 would back onto two of the existing houses to the east. The separation distances would between those houses would be between 22 and 24 metres which is considered to be sufficient. The house shown for Plot 23 has been designed to ensure that there are no habitable room windows facing the existing neighbouring property to the east.
- 6.14 The other existing houses that would be most affected by the development are situated along Peregrine Way, Pitnall Drive and Eider Drive but would be separated from the proposed houses by the estate road. The layout has been designed to ensure that the separation distances between the existing and proposed dwellings is a minimum of 21 metres between habitable room windows. Where the distance is below that there are no habitable room first floor windows.
- 6.15 The layout has also been designed to ensure that all of the proposed houses have an acceptable level of private amenity space (with all of the back gardens having a depth of at least 10 metres) and that the separation distances between the proposed houses are acceptable. The proposal has been carefully designed to ensure that there would not be a detrimental impact on the living conditions of the occupiers of the existing or proposed houses as a result of the development. In this regard the proposal complies with the requirements of policies UD2 and CS15.

#### Highway matters

- 6.16 The site will be accessed from Peregrine Way and Sparrowhawk Way with new internal estate roads being provided off the existing highway network. New access roads would run along either side of the retained Lime tree avenue with the more eastern of the two roads then looping around to re-join Peregrine Way. The southern half of the site would be accessed from a new road at the junction of Eider Drive and Pitnall Drive.
- 6.17 Each of the proposed houses would have two off-street parking spaces within the curtilage of the house. The detached houses, as well as some of the semi-detached houses, would also have access to a single or double garage. The proposed level of car parking is considered to be acceptable.
- 6.18 It is a condition of the Outline planning application that traffic lights are provided at the junction of Peregrine Way and the A442 before any of the proposed houses are first occupier. Details of those works have been submitted alongside this application and have been assessed by the Council's Highways Engineers. In addition to the traffic lights, the S106 agreement that

was entered into as part of the outline planning application has secured the provision of £35,000 towards the widening of Leegomery roundabout and £100,000 towards the upgrading of local bus services in the vicinity of the land.

- 6.19 Representations have been received requesting that a temporary construction access is provided directly off the A442 into the site so that construction traffic does not have to utilise the existing estate roads. There is no planning requirement in either the S016 agreement or the conditions attached to the outline planning permission for such an access to be provided. It is acknowledged that existing residents would prefer construction traffic not to use the estate roads but the existing highway network would be able to accommodate construction traffic and the situation would not be any different to the majority of housing development sites. In addition the creation of a new access directly onto the A442 would necessitate the removal of a significant amount of vegetation and the existing stone wall. It is also not clear whether a new access in this location would be acceptable in terms of highway safety.

#### Landscaping and ecological matters

- 6.20 This application has been supported by the submission of an Ecological Assessment, a National Vegetation Classification (NVC) Survey Report, a Bat Survey Report, an Amphibian Survey Report and a Habitat and Biodiversity Management Plan. These documents, along with the proposed development, have all been assessed by the Council's Ecologist.
- 6.21 The relationship between the proposed development and the neighbouring Apley Wood has been taken into account in the preparation of the amended proposals. Apley Wood is a designated Wildlife Site and is also a proposed Local Nature Reserve. The LNR designation has not yet been confirmed but the Council's Ecologist has assessed the proposal as if that designation has been made.

#### **Habitats**

- 6.22 The northern site comprises a field previously used for arable and sheep grazing that is divided by the avenue of Lime trees. There are mature trees within the arable field and an area of modified grassland beneath the tree avenue. There is a band of plantation woodland along the western boundary of the compartment. The southern site comprises an area of managed grassland with occasional mature trees. There is an intensively managed species poor hedge on the south east boundary and an area of ornamental planting within the site. The submitted report is clear that the lime trees and their associated grassland habitats are considered of moderate value but are not a Section 41 habitat type and as such there are no concerns over the loss of this area of species poor semi-improved grassland to development.
- 6.23 The mature trees including the lime avenue have the greatest ecological value of any habitat present on the site. The grazed field and arable land have some ecological value and the amenity grassland area is considered of lowest value

but is closest to the sensitive Local Wildlife Site/ pLNR boundary. The proposed plans show the retention of the lime tree avenue along with the 12m grassland buffer either side which is recommended to protect this habitat. The proposed plans also show landscaped buffers to the Local Wildlife Site boundaries of 30m and indicate areas of species rich grassland planting and native species tree and shrub planting. The boundary treatment plans show this area as being largely surrounded by estate railings with limited access points and this approach is supported.

### **Designated Sites**

- 6.24 Apley Woods is designated as a Local Wildlife Site (LWS) and proposed Local Nature Reserve (pLNR) and does include areas of S41 broadleaved woodland habitat but these are outside of the development site and buffered by 30m of public open space within the site design. The site layout with its 30m buffer of public open space and then highways closest to the LWS/pLNR is considered to be acceptable.

### **Financial Contributions and Management**

- 6.25 The S106 agreement which was signed as part of the outline consent secures the following contributions:
- £81,000 for the provision of disabled angling facilities at Apley Pool and/or other improvements to leisure and recreational facilities in the vicinity of the land;
  - £25,000 towards the maintenance of the woodland within Apley Wood Local Wildlife Site and pLNR.
  - £51,800 towards the maintenance of the lime avenue area of public open space which will be transferred to the local authority for management.
- 6.26 These financial contributions will assist in ensuring that Apley Woods LWS/pLNR can adapt to any small increase in recreational pressure which result from the additional houses within this development. It should be noted that the Apley Woods site is a popular recreational asset with people travelling some distance to use the site and that the provision of additional car parking proposed within the development, which the applicant has agreed to provide, despite there being no requirement to do so, will be a positive enhancement to that facility.
- 6.27 The submitted Habitat and Biodiversity Management Plan sets out the proposed management for the lime avenue and associated grassland and will ensure that the trees and grassland are managed for increased diversity.

### **Bats**

- 6.28 There are several mature trees with bat roosting potential and the applicant has carried out bat activity surveys on the trees with roosting potential which are to be lost as a result of the development and have also carried out a range of bat activity transect surveys and static bat recording surveys across

the site. None of the trees with bat roosting potential current show evidence of active bat roosting.

- 6.29 Transect surveys show low levels of bat foraging and commuting activity across the site with activity focussed around the lime avenue and with small amounts of activity around the four chestnut trees and other vegetated site boundaries.

### **Great Crested Newts**

- 6.30 There are 5 ponds within 500m of the proposed development site and some of the ponds have potential for great crested newts to be present. The great crested newt survey found no evidence of the species in those ponds.

### **Nesting Wild Birds**

- 6.31 The vegetation on the site has potential for nesting wild birds including birds of conservation concern. The landscaping drawings for the site show areas of native species planting which will provide a foraging resource for wild birds along with the vegetation which is to be retained. In addition bird and bat boxes will also be erected across the site.
- 6.32 The landscape and ecological impact of the proposal has been considered in detail due to the sensitivity and importance of the site itself and the neighbouring Apley Wood. The Council's Ecologist has assessed the proposal and the detailed supporting documentation and has confirmed that they have no objections to the proposal. The proposal is considered to be acceptable in terms of Policies CS12, OL2 and OL12.

### Local Equipped Area for Play (LEAP)

- 6.33 There is a requirement within the S106 of the outline planning permission for the provision of a LEAP within the site. As part of the outline application this was shown as being located towards the south of the site close to the boundary with Apley Wood. Following concerns that were raised by local residents regarding the proposed location of the LEAP the applicant has agreed to propose a new location, to the north of the site. The Parish Council has raised an objection to this alternative location but as the change was only made at the request of residents, and as the Council's Healthy Spaces Officer has advised that the new location is acceptable, it is not considered to be reasonable to request that it is relocated again. The existing stone wall will separate the site from the A442 and the play area itself will have a perimeter fence which would ensure its safety.

### Other matters

- 6.34 Reference has been made in the representations to the impact on local infrastructure of the proposed development. This would relate to the principle of the development and would have been considered at the outline application stage. In addition to the matters referred to above relating to highway

improvements a bus subsidy, contributions to the maintenance of the avenue of Lime Trees, improvements to Apley Wood and to the disabled fishing facilities as Apley Pool, and a contribution towards primary education facilities of £96,000 has also been secured.

- 6.35 Reference has also been made in the representations to a plan that was produced in November 2008 entitled “sketch showing integration of historic landscape with new housing”. This drawing was prepared on behalf of English Partnerships (now the HCA) two months after the outline planning permission was granted in 2008. It formed no part of that application and there is no reference to it within the conditions or S106 agreement related to the outline consent. As such there is no requirement for the developer to base their proposals on it and no weight can be given to the contents of that plan as a material consideration in the determination of this reserved matters application. In addition the plan shows the houses being located in closer proximity to the wood than is now being proposed which encroach into the buffer zone that is now being provided and the plan also shows other items such as an obelisk that is not considered as necessary or appropriate within the current design. A number of other items that are shown on the plan relate to works within the woods that are outside of the application site boundary. As the S106 agreement includes financial contributions towards improvements within Apley Wood it is considered that those works identified could be secured from that funding if necessary and appropriate.
- 6.36 The applicant has agreed to gift the existing estate railings to the Friends of Apley Woods. This is not something that the applicant is required to do but this matter was raised during the meetings held between the applicant and local residents and would be an additional benefit to Apley Wood.

## **7. CONCLUSIONS**

- 7.1 The principle of residential development in this location has been accepted through the grant of outline planning permission W2006/0291 and its subsequent renewal under application TWC/2011/0541. The design and layout of the proposed houses is acceptable and will not result in a detrimental impact on the character of the area or the living conditions of the occupiers of neighbouring properties. The proposal is also acceptable in regard to the impact on the existing and proposed highway network and in terms of the amount of parking that would be provided. The proposal would not have a detrimental impact on any protected species or on the Apley Wood and the financial contributions secured would result in an improvement to that asset.

## **8. RECOMMENDATION**

Based on the conclusions above, it is recommended that consent is GRANTED for this reserved matters application subject to the following conditions, and that delegated authority is given to the Development Manager to add to and/or amend the conditions as necessary:

1. Time Limit (reserved matters)
2. Details of materials
3. Reserved matters – insert TWC/2011/0541
4. Hedge protection
5. Tree protection
6. Highway construction details
7. Highway sections
8. Details of surface water drainage
9. Details of footway / cycleway connection to the Silkin Way
10. Provision of visibility splays and no obstruction
11. Parking to be made available before occupation
12. Travel plan
13. Site management plan
14. Habitat management plan
15. Provision of parking areas for the woods
16. Approved plans

### Informatives

- |            |   |
|------------|---|
| 1. I40     | Conditions                                    |
| 2. Fire    | Fire Authority Informative                    |
| 3. I41     | Reason for grant of permission                |
| 4. RANPPF1 | Approval – National Planning Policy Framework |

## COMMITTEE REPORT UPDATE TO PLANNING REPORT OF 22 FEBRUARY 2017

Since the report was prepared the following information has been received.

**Councillor Blundell** did not email her concerns on the initial layout to the planning officer, so they have been omitted from the report. However, her emailed comments are now set out below:-

- I object to this development on a number of points, including the increased strain on the infrastructure, the A442 will become more difficult for residents to access/egress, which will particularly affect Peregrine Way and Sparrowhawk Way.
- I have concerns about adequate provision of education, especially in view of the recent approval to build 495 homes further along the same road.
- As Telford & Wrekin council has already approved enough homes to meet its planning requirements, this is an ideal opportunity for the council to reinforce its commitment to protect and enhance the green network and to save the green fields for the benefit of the whole area, whilst increasing the buffer zone around Apley woods.

**TWC Drainage** - now confirmed they have no objection, subject to the following conditions:-

1. Development shall not take place until a scheme for both foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The details of the proposed surface water drainage scheme will be based on sustainable drainage (SuDS) principles and shall include:
  - (If soakaway drainage is proposed):
    - a) The results of soakaway tests carried out 3 times in accordance with BRE Digest 365.
    - b) Soakaway calculations, based on the worst case result from the on-site tests.
    - c) A detailed drainage design including a plan showing the location of any soakaway. Soakaways should be located no less than 5m from any building or boundary.
  - (If drainage to a watercourse, sewer or other waterbody is proposed):
    - a) A detailed drainage design restricting surface water discharge to 5 litres per second per hectare and attenuating all flows up to and including the 1 in 100 year event + 30% for climate change.
    - b) A drainage layout showing the location of any attenuation and flow control features. Any attenuation or flow control features serving more than one should be located in an area of shared space or POS.

The approved details shall be implemented in full prior to the first occupation of the development.

Reason: To ensure that the site can be adequately drained and avoid flooding.

2. Development shall not take place until a SUDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SUDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. Any SUDS feature should be located in appropriate POS and the approved SUDS management plan shall be implemented in full in accordance with the agreed terms and conditions.  
Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

### **Consultations on amended scheme**

In para 5.2.7 on page 22 of the officer report, reference is made to the comments received from the 32 additional letters on the consultation on the amended scheme. There have now been 40 letters and the comments were omitted in error, but are SUDS management plan summarised below as follow, although many raise the same issues as before:-

- so many homes would impact both the bio-diversity of the area and the tranquillity of the area.
- Local amenities like schools, doctors etc can't cope and need time absorb the influx of our expanding community.
- road network can't deal with more traffic especially with more houses planned in the future at the former Maxell factory site.
- not in keeping with the entire estate.
- being built very close to a nature reserve (Apley woods), which together with the adjacent field attract dog walkers and families from other areas as well as local residents - this resource will be greatly affected.
- welcome the new location for the dedicated parking for Apley Woods, but a new access into the woods from the new parking area is needed as there are parking issues.
- The new location of the LEAP seems totally disconnected from existing pedestrian access - would be better located between Street 11 and Apley Woods.
- detrimental impact upon the natural environment, particularly the species within Apley Wood which has been recently declared a Nature Reserve.
- The 30m ecological buffer zone should be extended to 40m and a hedgerow should be planted between this zone and any roads as barrier to vehicular pollution.
- this housing is not currently necessary
- The road layout has been improved with fewer access points onto Peregrine Way, but the new streets are still very straight and the overall design very unimaginative.
- With more traffic on Peregrine Way, a pedestrian crossing should be provided to allow access from Field B1
- there are no bungalows, and concerned affordable housing can't be achieved.
- deferred until the detailed design plan illustrating the integration of the historic landscape of Apley is incorporated within the proposed housing.
- negative effect on property prices especially if some of the houses will be allocated for social housing (NOTE: property prices is not a planning matter and should not be taken into account).

**RECOMMEDNATION**

In light of the above information, there is no change to the officer recommendation to approve reserved matters, but add the drainage conditions.